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THE

AMERICAN

ANNUAL CYCLOPÆDIA

AND

REGISTER OF IMPORTANT EVENTS

OF THE YEAR

1863.

EMBRACING POLITICAL, CIVIL, MILITARY, AND SOCIAL AFFAIRS; PUBLIC DOCUMENTS; BIOGRAPHY, STATISTICS, COMMERCE, FINANCE, LITERATURE, SCIENCE, AGRICULTURE, AND MECHANICAL INDUSTRY.

VOLUME III.

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PREFACE.

In presenting to the public another volume of the Annual Cyclopædia, containing the record of the most turbulent year which the country has witnessed, the publishers trust that it will be found truthful and impartial. No efforts have been spared to secure its completeness and accuracy, and to preserve it free from every mark of partisanship.

The year 1863 was a remarkable one. Principles adopted in the previous years had gone into effect, and now manifested their results. Many new and important questions thus came up, and were discussed in Congress, by the press, and before civil tribunals. In Europe, also, similar developments were manifested, and although the conflict of arms was not so extensive or violent as in this country, the agitation of men's minds was no less deep and earnest. In these pages the effort has been made to present the facts of this seething condition, so that the reader may see what steps have been taken in public and social affairs, and how far forward they lead toward any amelioration of mankind.

Among the numerous questions discussed were those relating to confiscation, emancipation, indemnity official and pecuniary, the relations of the insurrectionary States to the Union, personal liberty, martial law, prize, the liability of Great Britain for damages done by the Alabama, the reconstruction of the map of Europe, and the reorganization of Germany.

A detailed statement of the vast military and naval operations in this country is given, which presents the movements of the armies day by day, and step by step, with the objects of those movements, and their consequences; also the efforts of the Government to improve the condition of the freedmen who came within their control, and to organize the able-bodied as soldiers; also the plans and arrangements of its immense hospitals for the sick and wounded. The military operations are illustrated with complete topographical maps of the country.

The details of the internal affairs of the country embrace the organization of the armies, North and South; the number and condition of the troops; the important measures and debates in Congress; the acts of State Legislatures,

and resolutions of political organizations, and the results of elections; the finances of the Federal Government, and of that of the insurrectionary States, and the important public measures of the latter; the commerce of the country, and the regulations adopted for commercial intercourse with parts of the Southern States within the lines of the army; the correspondence with foreign States; the enrolment and draft, and the exchange of prisoners; the unusual popular disturbances, and all those important occurrences comprised in the history of the nation.

The interesting events relating to foreign nations in all parts of the world are presented, and more especially the conflict in Poland, the movements in Germany, the emancipation in Russia, the propositions of France, and her efforts to obtain a congress to settle the vexed complications of Europe.

The mechanical industry manifested in the construction of iron-clad ships has been severely tested during the year. These results, with the opinions of their commanders, are not overlooked. The improvements in heavy ordnance are also described.

The progress of science in its application to useful purposes has been brought up in some branches, and the views and discussions of scientific men in others, are presented.

The geographical explorations which have been actively pursued in all quarters, have resulted in some discoveries which have long been sought by brave and enterprising men.

The history of the financial operations of the Federal Government from the beginning of the civil war to the close of the year, are described. It embraces the condition of the treasury, the system of finance adopted by the Secretary, the measures recommended by him to Congress, the action of that body and the results, together with tables from the Department which have not before appeared in print.

A most thorough and complete classification of the books published during the year, shows that the record of literature is not less important than in any previous year.

The notice of the principal religious denominations of the country, states their branches, membership, views on civil affairs, and the spread of their distinctive opinions.

The number of distinguished men who closed their career during the year, has been unusually large. A brief tribute has been paid to their characters and services.

All important documents, messages, orders, and letters from official persons, are inserted entire.

THE

ANNUAL CYCLOPÆDIA.

A

AFRICA. The most important of the countries of this continent which have native governments, are Egypt, Abyssinia, Liberia, Morocco, Tunis, Tripoli, and Madagascar. Egypt, under the enlightened rule of Said Pasha, who died on Jan. 18th, 1863, and his successor, the actual Pasha Ismail, has been, and is still, making great progress in civilization. Its population is rapidly increasing, and had, in 1859, risen to 5,125,000. The canal of Suez, which is rapidly approaching completion (*see* SUEZ, CANAL OF), will give to Egypt a large interest in the commerce of the world, and greatly elevate its position among civilized nations. Its principal city, Cairo, with 254,000 inhabitants, and Alexandria, with 150,000 inhabitants, will soon claim a place among the great and important emporiums of the world.

The Emperor of Abyssinia has been for some years engaged in war against the neighboring tribes, for the purpose of enlarging the boundaries of his empire. The details of these wars, which continued during the year 1863, are of little interest, although the public was shocked toward the close of the year by a report of unparalleled barbarities committed by him. On the other hand, the emperor is highly praised as friendly to civilization by some lay missionaries of the Missionary Society of Basle, Switzerland, who have been permitted to settle in Abyssinia and establish schools. The Republic of Liberia continues to advance in prosperity. On February 17th the ratifications of a treaty of commerce and navigation, concluded at London between Liberia and the United States of America, were exchanged. In the island of Madagascar a revolution broke out on May 12th, at the capital of Tanarivo. King Radama II. and his ministers were assassinated. The widow of the king was proclaimed queen under the name of Rasoaheri-Manjoka, and signed a constitution, drawn up by the anti-foreign party of the Hovas. The treaties concluded by King Radama with the European Powers were suspended, but assurance was given that religious liberty would be respected, and that the labors of the missionaries would not be interfered with.

Among the English possessions in Africa, the islands of Mauritius and Seychelles are rapidly increasing in population. The total population of Mauritius, according to the census of April, 1861, was 313,462, no less than 129,956 more than in 1851. The Indian-born population numbered 172,425, and the children of Indian parents were 20,029, so that the Indian element now numbers 192,604, or more than three fifths of the whole. In 1862 there were 9,893 additional immigrants landed in Mauritius, and 190 liberated Africans on the Seychelles. No one of the European Powers is making so great progress on the African continent as France. This is especially the case on the western coast. In Senegal and its dependencies she has already annexed a territory of 25,357,525 hectares with 252,000 inhabitants, while fully 1,000,000 of natives are exclusively trading with her. On Feb. 27th, 1863, the commander of the French fleet stationed upon the western coast accepted, in the name of his government, the protectorate of Porto Novo, the coast west of Lagos. In Algeria France now rules over an area of 39,000,000 hectares, and a population of 2,999,124. Of these 2,806,378 are natives, and 192,746 Europeans.

The number of Roman Catholics in Africa may be estimated at about 1,100,000, of whom about 10,000 live in the Cape Colony, 2,500 in Natal, 120,000 in Mauritius, 6,000 in the Seychelles, 10,000 in Senegambia, 120,000 in Reunion, 439,000 in the Portuguese and 12,000 in the Spanish possessions, 185,000 in Algeria,

27,000 in Egypt, 30,000 in Abyssinia, 10,000 in Tunis and Tripolis.

Protestantism prevails in Liberia, in the Cape Colony, and other English possessions. In Madagascar, where the missionaries have been able to gather again the dispersed native congregations, the number of Protestants is supposed to reach fully 10,000. Altogether the number of the population connected with or at least under the influence of Protestant denominations is estimated at about 730,000.

Of other Christian bodies, there are in Africa the Abyssinian Church with a population of 3,000,000; the Copts in Egypt, whose number is estimated by some at 150,000, by others at 250,000; Syrian Christians (in Egypt), 5,000; Greeks (in Egypt), 5,000; Armenians, 2,000.

The negro tribes in the interior of Africa have, since the beginning of the present century, adopted to a large extent the Mohammedan creed. More recently it has been reported that Islamism is making some inroads in regions which have been hitherto regarded as secured to Christianity. On the west coast of Africa it has proselyted many of the liberated Africans, and is now extending southerly on the coast. In the Cape Colony the Mohammedan working people are accounted among the most orderly part of the population, and many of them find wives among the English girls, who do not scruple to adopt the religion of their husbands.

AGRICULTURE. The crops of the year 1863 were not generally equal to those of 1862. The wheat crop exceeded that of 1862, in the quantity produced, about one million of bushels; but this was owing to the considerably greater breadth sown, and not to the number of bushels grown to the acre. The quality of the grain was somewhat inferior. The amount of rye produced was nearly half a million of bushels less than in 1862, and of barley about a million bushels less; while the production of oats (though the grain itself was lighter) was about two and one third million bushels more. The great falling off, however, was in the fall crops—corn, buckwheat, and potatoes, and was due to two severe frosts: one occurring on the 28th, 29th, and 30th of August; the other on the 18th of September. These frosts were most severe in a tract extending from Lake Superior southward as far as Tennessee, and, perhaps, five hundred miles in width. In the northeast, the second frost did not appear till the 22d of September, and in New York not until the 24th, and was much less severe than in the Mississippi valley. The corn, at the time of the first frost, was not sufficiently forward to have formed much of its starch principle, and as the sap flowed but little after the first frost, and not at all after the second, it was prevented from any complete development, and dried up in a shrivelled condition. The falling off in the amount of the crop, notwithstanding the much greater breadth planted, was over 134 millions of bushels, about one fourth of the crop of the previous year, and the quality of much of that gathered was very poor, possessing no fattening properties. As a result of this, the number of hogs fattened was very much smaller than the previous year, and the larger part of those slaughtered were not in such condition as to furnish the best grades of mess pork. The same frost materially diminished the potato crop, which, in consequence, was 13 millions of bushels less than the previous year, and the buckwheat crop, which fell off nearly three millions of bushels, or about one sixth of the crop.

The grain crops of England and France were much better than they had been for two years previous, and hence the export demand was not as heavy; but the large demand for the army and navy, and the short crop of corn, enhanced the price of all descriptions of bread stuff, and at the close of the year, they were from twenty to twenty-five per cent. higher than in 1862. Provisions of the higher grades had advanced, mainly from the falling off of the corn crop, about 30 per cent.; but the exports of these, owing in part, perhaps, to the higher rates of exchange, had increased during the year over any previous year. The accompanying tables will exhibit the estimated amount of the principal crops in each of the Northern States in 1862 and 1863, and the exports of agricultural produce.

The following crops and products are estimated in the aggregate by the Agricultural Department from the monthly returns of their correspondents, as follows, in 1862 and 1863:

Crop or Product.	1862.	1863.
Hay.....tons.....	21,500,000	20,000,000
Flax seed.....bushels...	825,684	1,155,953
Clover seed.....bushels...	1,034,790	806,448
Sorghum molasses...gallons....	10,203,728	6,970,882
Louisiana sugar.....hogsheads.		50,000

Exports of Breadstuffs and Provisions in 1862 *and* 1863 *from New York.*

Breadstuffs and Provisions.	1862.	1863.
Flour .....barrels	2,989,619	2,434,736
Wheat.....bushels	24,890,341	14,867,056
Corn..... "	11,531,819	7,526,149
Rye..... "	1,099,656	416,369
Oats ..... "	172,922	125,806
Beef, from all ports.....tierces.	55,961	69,163
Do. " " .....barrels.	44,250	52,498
Pork " " .....tierces.	3,822	2,189
Do. " " .....barrels.	243,854	252,536
Hams and bacon.....100 lbs.	1,659,976	2,028,620
Lard.....100 lbs.	1,459,040	1,328,315

The culture of the grape, both as a table fruit and for the purpose of producing wine, has received a new impulse the past year. The comparative merits of different varieties have been very thoroughly ascertained. For table purposes it seems to be settled that, in the northern tier of States, the Delaware, Concord, and Hartford Prolific are the most desirable, ripening earlier than others, and producing fruit of a good quality. For the region lying south of 40° N. latitude, the Catawba, Diana, Union Village, Isabella, and Allen's Hybrid are re-

AMOUNT OF THE PRINCIPAL CROPS IN EACH OF THE NORTHERN STATES AND TERRITORIES IN 1862 AND 1863.

Compiled from the Reports of the U. S. Agricultural Department.

STATES.	Wheat.		Rye.		Barley.		Oats.		Corn.		Tobacco.		Buckwheat.		Potatoes.	
	1862.	1863.	1862.	1863.	1862.	1863.	1862.	1863.	1862.	1863.	1862.	1863.	1862.	1863.	1862.	1863.
	bushels.	bushels.	bushels.	bushels.	bushels.	bushels.	bushels.	bushels.	bushels.	bushels.	pounds.	pounds.	bushels.	bushels.	bushels.	bushels.
Maine	350,815	215,734	184,389	165,951	1,002,636	1,002,636	3,738,423	3,364,581	1,855,285	1,855,285		7,000	452,693	407,424	7,437,053	6,693,348
N. Hampshire	318,954	255,163	162,033	145,830	141,287	127,159	1,495,365	1,345,829	1,668,285	1,835,113		50,000	98,995	98,995	4,137,704	3,310,163
Vermont	502,981	452,683	130,976	130,976	94,102	94,102	4,389,506	3,950,556	1,585,020	1,743,522		40,000	233,906	233,906	5,148,531	3,603,972
*Massachusetts	129,765	129,765	388,085	388,085	168,613	151,752	1,475,094	1,327,585	2,465,215	2,465,215		5,200,000	123,302	123,302	3,201,901	2,881,711
*Rhode Island	1,413	1,413	33,911	33,911	51,241	46,117	253,990	203,192	458,912	413,021		1,680	3,871	3,871	543,855	435,084
*Connecticut	59,901	59,901	618,762	618,762	20,813	20,813	1,603,936	1,764,329	2,059,835	2,059,835		7,500,166	334,072	300,629	1,833,148	2,016,462
*New York	13,021,650	13,021,650	5,385,268	5,385,268	4,882,778	4,882,778	43,968,916	43,968,916	24,073,257	24,073,257		10,088,017	5,976,305	5,378,675	33,059,235	29,753,393
*New Jersey	1,808,128	1,808,128	1,499,497	1,499,497	33,220	29,098	5,446,958	4,902,263	10,023,336	11,025,669		194,330	1,052,863	947,577	4,693,151	4,693,151
*Pennsylvania	15,654,255	15,654,255	6,843,427	6,843,427	636,859	573,174	34,233,936	34,233,936	30,721,821	30,721,821		5,567,774	6,686,431	5,794,907	14,609,335	14,609,335
Maryland	6,553,480	7,208,828	608,901	548,011	21,887	19,699	4,524,912	4,072,421	14,444,922	14,444,922		48,721,415	242,672	218,405	1,517,134	1,213,707
*Delaware	1,217,254	1,217,254	34,011	37,412	4,254	5,105	1,308,637	1,570,364	3,892,337	3,892,337		15,618	18,399	18,399	377,931	302,345
*Kentucky	5,546,108	5,546,108	791,447	791,447	203,014	302,014	3,562,772	3,562,772	48,032,725	52,835,997		113,912,938	14,187	14,187	131,739	1,449,138
Ohio	30,776,032	28,742,963	1,079,040	863,232	1,512,525	1,399,086	10,930,935	12,024,028	71,792,253	57,433,802		28,081,869	1,181,947	827,364	5,128,756	4,103,005
Michigan	14,963,735	13,966,153	494,197	494,197	407,885	407,885	5,430,797	5,430,797	15,190,137	10,633,097		207,061	900,652	630,457	5,264,733	4,738,260
*Indiana	20,292,160	20,292,160	444,695	411,343	345,767	311,191	5,028,755	5,531,630	92,855,454	54,602,273		10,416,314	367,797	183,898	4,357,271	3,485,617
Illinois	32,213,500	31,408,163	981,322	883,190	1,175,651	1,205,042	17,892,200	19,681,420	138,356,135	83,013,681		20,397,537	431,336	258,802	6,444,404	5,155,523
Missouri	3,170,690	2,853,621	393,262	219,947	171,377	171,377	2,660,653	2,128,522	54,679,118	43,743,295		26,340,505	136,719	95,703	1,493,519	1,493,519
Wisconsin	20,765,781	20,842,359	1,066,241	1,012,929	905,322	950,589	13,271,124	14,598,236	10,087,053	8,069,642		153,189	84,527	59,170	4,840,631	4,356,568
Iowa	10,541,506	12,649,807	111,266	122,392	544,939	599,432	7,055,583	7,701,141	49,340,393	34,538,276		300,402	276,524	155,914	3,600,686	2,880,549
Minnesota	2,927,749	2,634,975	151,323	179,791	156,412	156,412	2,934,067	2,053,848	3,983,426	2,756,898		43,324	34,596	20,758	2,703,926	2,433,534
Kansas	202,232	262,953	4,713	5,184	4,953	5,448	96,892	116,270	6,814,601	8,518,251		26,881	44,158	27,966	354,960	425,952
Nebraska Ter.	150,000	180,000	2,000	2,000	2,486	5,446	159,954	267,939	1,846,785	1,292,750		1,900	12,329	6,146	169,762	124,334
California	8,805,411	11,664,203	15,505	15,505	5,293,442	5,293,442	1,057,592	1,057,592	478,169	478,169		34,850	14,850	14,850	1,298,474	1,298,474
Total	119,993,500	191,068,239	21,254,956	20,798,287	17,781,464	16,760,597	172,520,997	174,858,167	586,704,474	452,446,128	208,807,078	267,302,770	18,722,995	15,821,305	114,533,118	101,457,144
Increase, 1863		71,074,739						2,337,170				58,495,692				
Decrease, 1863			456,669		1,020,867				134,258,346				2,901,690		13,075,974	

* The returns of the Crops in these States showing very little variation in the two years, the returns of 1862, which were made with great care, have been adopted for 1863.

garded as best. The To Kalon, Creveling, Adirondac and Ionia, new varieties, have also a fair reputation. The Clinton, a small grape, but prolific and of fair quality, has some good fruits. Loomis's honey grape, a remarkably sweet, large, black fruit, has begun to attract attention. The establishment of vineyards for wine making is increasing with extraordinary rapidity. For some years past the vineyards on the Ohio, in the vicinity of Cincinnati, have furnished considerable quantities of wine of fair quality, though not well calculated to replace foreign wines. The production of this wine, which was made mostly from the Catawba grape, has been constantly increasing. Within the past year or two, large quantities of wine from California have been brought into the Eastern markets. This was at first produced from the Los Angeles and Savanna, both called the mission grape, varieties cultivated by the Jesuit Fathers at their missions on the coast; but as the wine from these grapes was somewhat objectionable on account of an earthiness of taste, the Catawba, Isabella, and many European varieties have been introduced, and are now used in the making of wines. The interest in the subject in California is so great, that an agent (Col. A. Haraszthy) was sent to Europe to investigate the methods of cultivating the grape for wine, and the process of wine making, and has published, during the last year, an elaborate and very interesting report, entitled "Grape Culture and Wine Making" (N. Y., Harper and Brothers). The California wines are gaining a good reputation. Recently, also, Missouri has become largely engaged in the production of native wines. The vine-growers in that State are for the most part, though not wholly, Germans, and the grapes most cultivated are Norton's Virginia, the Catawba, Concord, Herbemont, and Delaware. The cost of the investment for a first-class vineyard (aside from the value of land), including trenching, larger root planting, stakes, posts, &c., is about $400 per acre, and there are no returns till the third year, when the crop should be sufficient to pay the expenses of that year's cultivation, and after the third year, the average annual value of the crop should not be less than $500 per acre, and, in favorable years, will be nearly or quite double this.

Another region, in which the grape culture for wine has already attained a considerable prominence, is on the Lake shore and the islands of Lake Erie, where the soil is admirably adapted to its cultivation. A large proportion of the vine-growers are Canadians, and the grapes principally grown are the Delaware and Concord. At Croton Point, on the Hudson, and at Georgetown, D. C., are extensive vineyards, from which, of late years, wine of good quality has been made.

The scarcity of cotton led to the attempt to raise it in Southern Illinois, Indiana, and Missouri, as well as in Kentucky. The frosts, already noticed, affected this crop severely, and the yield was not more than one half an average one. Lower down on the Mississippi, as well as on the coast of South Carolina and Florida, the abandoned plantations of persons who had joined their fortunes to the Confederates, were taken up, and cotton raised with considerable success. The desire to substitute some other textile material for cotton, led also to the greatly increased production of flax, and the introduction of machines for dressing it with greater facility and less labor, and for reducing it to a condition analogous to that of cotton. The Sanford and Mallory flax-dressing machine, invented the year before, but not introduced into market to any considerable extent till 1863, has already wrought a great revolution in the formerly difficult and laborious business of flax breaking, accomplishing as much in one day, with the aid of two boys, as could be done with far greater labor by four men in five days. The attempt to produce a flax cotton, suitable for use on cotton-spinning machinery, though greatly multiplied during the year, can hardly be regarded as successful on a large scale, probably from an erroneous view of the nature of the flax fibre.

The lack of cotton has stimulated the growth of wool, and the production of that staple has greatly increased, while its quality is somewhat improved. There are now nearly eight hundred woollen factories in the United States, employing 3,000 sets of cards. The heavier broadcloths, satinets, and cassimeres, and most varieties of woollen goods for female wear, shawls, blankets, under clothing, &c., are manufactured from American wool in American factories. The finest broadcloths are still imported, but the manufacture of woollen goods has received such an impulse from the great demand of the Government, that it cannot be long before the American goods will equal the foreign in the beauty and perfection of their manufacture. The great excellence attained in the breeding of sheep in this country received a striking illustration at the International Agricultural Fair, held at Hamburg, July 14th, 1863, where a flock of twelve merino sheep from the estate of George Campbell, Esq., of Vermont, took three of the highest prizes, viz.: the first prize for the buck of the best quality; the first prize for the buck yielding the greatest quantity of wool; and the second prize for the best ewe, considering both quantity and quality. These prizes were obtained in competition with 1,761 other sheep from all parts of Europe, sixty of them being from the flock of the Emperor of the French. At the close of the Exhibition, the twelve sheep were purchased by Count Sher Thoss for $5,000. At the same fair, eleven other American inventors or manufacturers received gold, silver, or bronze medals for agricultural implements, including McCormick's and other mowers and reapers, ploughs, harrows, cultivators, seed sowers, fanning mills, root cutters, horse powers, &c.

The Agricultural Fairs, National, State, Coun-

ty, and Town, throughout the Northern States during the autumn of 1863, were largely attended, and gave, to some extent, an additional stimulus to the development of agriculture.

The grants of land, by the Government, under the Agricultural College Act of 1862, have been accepted by all the Northern States, and arrangements made by most of them either to organize Agricultural Colleges, or to add an Agricultural Department to colleges already established. In New Hampshire, Dartmouth College receives the endowment, and is to organize an Agricultural School in connection with the Chandler Scientific School; in Massachusetts there is a vigorous competition between the prominent towns of the commonwealth, for the location of the Agricultural College; Rhode Island bestows the lands upon Brown University, which is to have an Agricultural Department; Connecticut donates them to the Agricultural Department of Yale College, connected with the Sheffield Scientific School; New York divides hers between the Agricultural College at Ovid, New York, and the People's College, at Havana. Pennsylvania has handed over her share to her excellent Agricultural College in Central County, the most efficient institution of its class in the United States, and which, by this grant, will be placed in a condition of still greater efficiency. In most of the Western States, where Agricultural Colleges have been already chartered, the grant has been bestowed upon them, and will, in most instances, secure their speedy organization, or if already organized, aid in their rapid development.

Foreign agriculture offers but little of special interest at the present time. The crops of cereals in 1863, in Great Britain and on the continent, were generally good, and were for the most part successfully harvested. The price of wheat, in England, which, in September, 1860, had been $1.62 per American bushel, in 1861, $1.45, and, in 1862, $1.40, was in September, 1863, $1.16—a very marked reduction; and the potato crop was generally good in Great Britain, though almost a failure in Ireland. In France, the crop, though injured in some quarters by the drought, was on the whole a fair average. The practice of holding regional agricultural expositions in the different departments of France, annually, is coming rapidly into favor. For the most part these have been confined thus far to the exhibition of horses, cattle and sheep, and agricultural implements, but in some, lately, fruits have been exhibited with advantage. A few particulars concerning the agricultural products of Sweden, a country which has furnished so large a body of farmers to the Northwestern States, may be of interest to the readers of the Cyclopædia. They were collected by the United States consul at Gottenburg.

The crop of 1863, which at one time promised to be unusually large, was damaged by rainy weather during harvest time, and thus reduced to an average amount, of which the figures in the table below may be taken as a fair statement.

About 1,500,000 Swedish acres, equal to 48,600,000 English acres, are devoted to growing grain, and 100,000 Swedish acres, or 3,200,000 English acres, to potatoes; yet the yield of potatoes is so large, that it stands in the ratio of 3 to 5. The potato can be raised in the short summer of these high latitudes, when no grain, save barley, can live, and thus becomes the "staff of life" to the Swedish peasants. Fine crops of potatoes, and occasionally of barley, are raised far within the arctic circle, and even above 70° north latitude, the highest cultivated land in the world.

The Alsike clover is the most productive clover in Sweden; cuts about five tons to the Swedish acre, can be made to yield two crops in the short Swedish summer, and has been introduced into Scotland to great advantage.

There is a kind of egg plant called "Gula Plummon," which is produced in the middle and southern districts of Sweden in considerable quantities. This plant is of a light straw color, firm, juicy, and of a peachy flavor. It is thought it would flourish in the northern counties of New England and New York.

This table is the average yearly product of Sweden, taking the figures for five years to 1861:

Amount after deducting seed.		Seed.	Total.
Wheat, tunn*	509,148	66,829	576,077
Rye, tunn	3,763,766	568,891	4,332,657
Barley, tunn	2,668,419	474,722	3,143,141
Oats, tunn	4,677,204	979,124	5,656,329
Mixed Oats and Barley, tunn	1,208,944	216,663	1,424,897
Peas and Beans, tunn	391,350	....	....
Potatoes, tunn	7,985,607	1,271,143	9,258,752
Other edible roots, tunn	826,301	....	....
Flax and Hemp, centner†	46,249	....	....
Rape, tunn	14,537	....	....

The following table shows the exports and imports of grain for seven years:

	WHEAT.			RYE.		
	Imports.	Exports.	Difference.	Imports.	Exports.	Difference.
1855	2,470	36,147	33,677	40,622	744,428	703,806
1856	99,844	30,663	69,176	497,886	294,431	203,455
1857	71,311	17,416	53,895	391,942	34,862	357,080
1858	37,765	39,769	2,004	53,079	139,192	36,113
1859	20,488	84,319	63,831	41,954	143,607	101,659
1860	24,315	98,444	73,129	70,787	235,572	164,785
1861	39,914	74,302	37,888	620,403	20,926	599,477
	Overplus of exports		137,458	Overplus of exports		312,311

* One tunn equals four bushels English.

† One centner equals 93 pounds English.

	BARLEY.			OATS.		
	Imports.	Exports.	Difference.	Imports.	Exports.	Difference.
1855	3,676	247,195	243,519	352	649,432	649,080
1856	53,131	113,704	60,573	7,213	407,672	400,459
1857	73,548	187,459	113,911	9,433	622,111	612,678
1858	3,379	236,472	233,093	1.357	957,555	956,198
1859	9,397	322,079	312,682	1,523	1,039,543	1,038,026
1860	4,908	429,900	424,992	1,980	1,000,959	998,979
1861	21,903	254,372	232,469	3,737	1,174,342	1,170,605
	Overplus of exports		1,621,239	Overplus of exports		5,826,019

	PEAS.			OATS AND BARLEY MIXED.		
	Imports.	Exports.	Difference.	Imports.	Exports.	Difference.
1855	90	25,971	25,811	.....	.....	.....
1856	19,918	7,305	12,613	.....	.....	.....
1857	15,760	8,115	7,645	.....	.....	.....
1858	701	9,294	8,593	.....	.....	.....
1859	179	37,649	37,470	.....	.....	.....
1860	120	25,630	25,510	.....	6,039	6,039
1861	4,439	12,353	7,914	.....	434	434
	Overplus of exports		85,210	Overplus of exports		6,473

The table is made out in tunns—1 tunn = 4 bushels.

ALABAMA.—The details of the Census of 1860, additional to these published in previous volumes, have not yet been issued by the Government.

The changes which took place in the State of Alabama during 1863 present no new aspect. Immediately after the occupation of the peninsula, opposite Vicksburg, by General Grant's army, in January, measures were taken to cut off the communication between the inhabitants in the east and west sides of the Mississippi through Red River. From that stream the inhabitants on the east side of the Mississippi had access to vast supplies, particularly of salt, sugar, and molasses. A large portion of the Confederate army was supplied from the same source. This communication was destroyed by the gunboats of Admiral Porter, which were below the batteries at Vicksburg, and by vessels of Admiral Farragut's fleet at New Orleans. In April a scarcity of provisions prevailed in the southern part of the State, which created an advance in prices. This was attended with a depreciation of the currency, and food soon advanced almost beyond the reach of the poor. About the 15th of April a scene occurred in Mobile, which was thus described :

" A number of ladies, perhaps a dozen, composed of the wives and daughters of soldiers' families, who represented themselves and their families to have been deprived of anything to eat in the last few days, save a small portion of corn bread, were seen perambulating our streets until they came up to a provision store on Whitehall street. They all entered it, being preceded by a tall lady, on whose countenance rested care and determination. She asked the merchant the price of bacon. He replied, stating that it was $1.10 per pound. She remonstrated with him as to the impossibility of females in their condition paying such prices for the necessaries of life. He remaining inexorable in his demand, the tall lady proceeded to draw from her bosom a long navy repeater, and at the same time ordered the others in the crowd to help themselves to what they liked, which they did accordingly, giving preference to the bacon, until they had taken about $200 worth. They went out, and on being questioned by some gentlemen as to what they meant, they related their suffering condition.

" Seeing what was going on, and feeling a deep sympathy for these ladies, a number of gentlemen, of very moderate means, who themselves have families to support, set to work to raise a subscription in their behalf."

This was one of several instances of distress which occurred at Mobile. The famine existed chiefly in the families of absent soldiers.

The scarcity of provisions was such as to induce all the authorities to wisely prepare for the ensuing winter. The Confederate Congress urged the people to plant less cotton and more corn; and the Governors of the States repeated the request.

Governor Shorter issued an appeal to the planters of the State at this time, urging the importance of raising articles necessary to keep the people from starving. He said:—" Failing to accomplish our subjugation by the force of arms and the power of numbers, the enemy has called to his aid the terrible appliances of want and starvation, and is carrying out this savage and inhuman policy by the wholesale larceny of slaves, the seizure of provisions, and even the destruction of agricultural implements. Are you, the planters of Alabama, prepared to aid in this policy by pursuing a course which may tend to its accomplishment? Look around you this moment, when the crop upon which the poor must mainly depend is not yet planted, and behold the want and destitution which, notwithstanding the munificent provision made by public and private benevolence, are to be found at the hearthstones of many whose legitimate protectors have fallen in battle, or are now fighting in defence of your homes and property. Let us not deceive ourselves. The failure to raise the largest possible quantity of supplies in the present year may bring disaster

and ruin upon our cause. The soldier must be fed and his family provided for, and our home population, white and black, must be supported. The experience of the past and the necessities of the present give serious and solemn warning as to the future. Let not our armies, which have hitherto, by the blessing of God, proved invincible, be conquered or disbanded by the want of subsistence in their camps, or be demoralized by the presence of famine in their homes. These results can and will be prevented if the planting community realize their heavy responsibility, and discharge their full duty to the country. The Legislature of Georgia is called to reassemble to reconsider its late action upon this important subject; and the Confederate Congress, perceiving the danger, have given timely notice of its approach by an earnest appeal to the whole country. The indications of a continuance of the war are so unmistakable, and the necessity of providing the means indispensable to its prosecution so urgent, that I have thought it not improper to unite in the appeal to that class of our population through whose active energies and foresight alone these means can be supplied." An address was also made to the people by the Senators and Representatives of the State in Congress, urging them to plant corn and raise hogs and cattle. At this time bands of deserters from the Southern army and Union men were organized in the northern part of the State. In Wayne and the adjoining counties they were quite numerous.

After the losses at Gettysburg and the retreat of General Lee from Pennsylvania, extraordinary efforts were made to recruit the Southern armies. On the 20th of July, Governor Shorter issued a call for an extra session of the State Legislature to be convened Aug. 17th. The reason for this session was to provide for the better defence of the State.

In his message to the Legislature the Governor confined his remarks to the subject of military defence. He examined the question relative to the classes exempt under the State and Confederate enactments, and being without means of ascertaining the number of exempts, he supposed there were several thousand. He recommended that all persons between the ages of sixteen and sixty, including those having substitutes, those of foreign birth domiciled within the State, and all who had evaded the full requirements of the Confederate Government, should be embraced in an amendment to the militia laws as liable to military duty; also that the officers of the State should be charged with the duty of arresting stragglers and deserters, and that the judicial officers should be held to a rigid enforcement of the penalties against their abettors. He concluded as follows:

Alabama has and will cheerfully respond to every demand upon her, so long as the unnatural foe perseveres in his unholy crusade. May the invaded people not give way to alarm and false security, but nerve themselves to an undying resistance to the despotism which has decreed the emancipation of our slaves, the confiscation of our lands, and the subjugation of a free people. God in his providence will not permit such a calamity.

The Senate adopted the following resolution:

Resolved, That the people of Alabama and the State hereby pledge the entire resources of the State, to the last dollar and the last man, to a successful prosecution of the war now being waged by the North for the subjugation of the people of the Confederate States, and that we will never yield the contest until the achievement of the acknowledgment of our independence as a separate people.

A joint resolution relative to the employment of slaves was adopted as follows:

Resolved, That it is the duty of Congress to provide by law for the employment in the service of the Confederate States of America, in such situations and in such numbers as may be found absolutely necessary, of the able bodied slaves of the country, whether as pioneers, sappers and miners, cooks, nurses or teamsters.

On the 22d of August, Robert Jemison, jr., was elected to fill the unexpired term of William Yancey, deceased, in the Senate of the Confederate Congress. He was a member of the convention which passed the ordinance of Secession, and at that time a "coöperationist" (*see* ANNUAL CYCLOPÆDIA, 1861. ALABAMA), but became "a firm and uncompromising supporter of the war." For many years he had been a member of the State Legislature from Tuscaloosa county.

At the election for State officers in August, 1863, Governor John G. Shorter and Thomas H. Watts were the candidates for the office of governor. The result in fifty-two counties was: Watts, 22,223 votes; Shorter, 6,342 votes. The former was elected by a large majority.

Governor Watts had been one of the electors named on the Bell and Everett ticket at the presidential election in 1860. Soon after his election it was stated that he was in favor of a reconstruction of the Union. A letter was addressed to him on this subject, to which he made the following reply:

CONFEDERATE STATES OF AMERICA,
DEPARTMENT OF JUSTICE, RICHMOND, *Sept. 12th.*

Hon. Ira Foster, Quartermaster-General of Georgia, Atlanta, Georgia:

DEAR SIR: I have to-day received your letter of the 1st inst., forwarded to me from Montgomery, Alabama, and hasten to reply. You say that my name, since the Alabama election, has been freely used by many in connection with "*reconstruction*," meaning thereby that some people in Georgia suppose I am in favor of *re-union* with the Yankee Government of the North. I am surprised and mortified that any body in the South should so interpret the Alabama election. If those who claim my election as indicating any such feeling in Alabama had read my letter of the 21st March to Gen. Lawler, and my short address to the people of Alabama, dated 6th June last, they would never have entertained such false notions. It is due to the gallant people of my State to call attention to the resolutions of the recent called session of the Legislature, passed unanimously, pledging all the men and resources of the State to prosecute the war until the independence of the Confederate States is fully established. For myself, I will not forfeit my self-respect by arguing the question of "reconstruction." He who is now, deliberately or otherwise, in favor of "reconstruction" with

the States under Lincoln's dominion, is a traitor in his heart to the State of his residence and deserves a traitor's doom. If I had the power, I would build up a wall of fire between Yankeedom and the Confederate States, there to burn, for ages, as a monument of the folly, wickedness, and vandalism of the Puritanic race! No, sir! rather than reunite with such a people, I would see the Confederate States desolated with fire and sword. When the men of the South become such base cowards as to wish for such reunion, let us call on the women of the South to march to the battle field, and in the name of God and justice, bid them fight under the banner of Southern liberty! The call would not be made in vain. Let the patriotic sires, whose children have bared their breasts to Yankee bullets and welcomed glorious deaths in this struggle for self-government, rebuke the foul spirit which even whispers "reconstruction." Let the noble mothers, whose sons have made sacred with their blood so many fields consecrated to freedom, rebuke the fell heresy! Let our blood-stained banners, now unfurled "to the battle and the breeze," rebuke the cowardice and cupidity which suggest "reconstruction." The spirits of our heroic dead, the martyrs to our sacred cause, rebuke, a thousand times rebuke, "reconstruction"! We have little cause for despondency, none for despair! Let us now nerve ourselves afresh for the contest, and let us not forget that

"Freedom's battle, once begun,
Bequeathed from bleeding sire to son,
Though baffled oft, is ever won!"

If we are true to ourselves, true to the memories of the past, true to our homes and our firesides, and true to our God, we *can not*, we will not be conquered! In any and in every event, let us prefer death to a life of cowardly shame! Your obedient servant,

T. H. WATTS.

In October, Mobile was visited by the President of the Confederacy, Jefferson Davis. After a review of the local troops, he was called out by the people and made a brief speech, which was thus reported:

He congratulated the people upon the fact—which he assured them he felt to be the fact—that our cause is now in a better condition than it was a year ago. Having just come from the scene of the great battle of Chickamauga, it was impossible that he should not refer to that, and though it could not be expected that he should allude to contemplated movements, yet he was happy to say that the brave victors of that bloody field stood ready and anxious to strike the blow which should secure the complete fruits of their glorious victory. He could say more—that he believed they would strike the blow, and that Rosecrans' unwieldy legions would be destroyed, or driven for refuge to the Ohio. The same spirit animated our armies elsewhere, and all they needed was to be properly seconded by the people at home to send the hordes of Yankees back to their beloved Boston, or any other place from which their return might be more difficult.

The citizen soldiery, also, he believed, were emulous of the reputation of their brethren in camp. He had been much moved, as he rode along the lines, at seeing among them young boys, some very young, and men whose heads were silvered with the frosts of many winters.

He could remind all these, regulars and others, that they are not common soldiers. They present a spectacle which the world has never witnessed—the best population of the country poured into the army. Such men may be appealed to from other incentives than that of rigid military discipline. The time, the cause, all considerations, require efforts which may be demanded of an army of heroes, for such they are.

Besides these, there are some too old to bear arms, but they, too, can do something. Let them contribute their means to the support and relief of those who are contributing their blood; and let those who are too poor for this contribute their influence. There is something that all can do. Self must be entirely forgotten; and let those who are deaf to any other appeal, remember that he who is hoarding up wealth, in such a time as this, is hoarding up infamy, the mark of which he and his posterity must bear who shall have grown rich by this war.

The number of troops contributed to the Confederacy by the State is at present unknown. The military operations of the year touched the northern part of the State; but no important actions took place.

The foreign commerce of the State was confined to the cargoes of two or three steamers which reached Mobile through the blockade, and the export of some cotton which escaped in small vessels.

AMERICA. The political subdivisions of America in 1863 were as follows:

I. AMERICAN STATES UNDER AMERICAN GOVERNMENTS.

	Census of	Population.
The United States of America	1860	31,445,080
Mexico	1862	*8,295,553
Guatemala		*850,000
San Salvador		*600,000
Nicaragua		*400,000
Honduras		*350,000
Costa Rica	1860	126,750
United States of Colombia (New Granada)	1851	2,223,837
Ecuador	1858	1,040,371
Venezuela	1858	1,565,000
Bolivia	1858	1,987,352
Peru	1859	2,500,000
Chili	1857	1,558,319
Brazil	1856	7,677,800
Argentine Republic	1857	1,100,000
Uruguay	1862	*350,000
Paraguay	1857	1,337,431
Hayti		572,000

II. AMERICAN TERRITORY SUBJECT TO EUROPEAN POWERS.

Russian Possessions	57,000	Danish	47,029
British Possessions	4,422,261	Swedish	8,500
French	300,162	Spanish	2,032,062
Dutch	196,016		

The most important events in the history of the American continent, during the year 1863, are the continuance of the civil war in the United States, and the progress of the French invasion in Mexico. Both are fully treated elsewhere in these pages. At the conclusion of the year these wars were unended. In Central America the president of Guatemala, Gen. Carrera, declared on January 23d war against President Barrios of San Salvador. All the Central American States, with the exception of Costa Rica, were drawn into this war, which terminated with the victory of Gen. Carrera, and the expulsion of Gen. Barrios from the country. (*See* CENTRAL AMERICA.) In the latter part of the year a war broke out between the United States of Colombia and Ecuador. (*See* COLOMBIA, UNITED STATES OF.) In Venezuela, the Federalists, who had been at war with the Government, concluded a treaty of peace with the latter, at Coche, near Caraccas, upon the following conditions: an armistice;

*Estimated.

a convocation of four representatives of each province (two of each party), in the hands of whom the reins of government were to be placed, and who should elect a new president. The acting president, General Paez, was to remain, until the election, at the head of the civil administration, and General Falcon, the chief of the Federalists, was appointed commander-in-chief of all the troops. In consequence of this convention General Paez (chief of the Unitarian party) resigned the presidency. The representatives of the nation thus elected assembled on June 17th at Vittoria, and appointed General Juan E. Falcon (chief of the Federalist party) provisional president, and General Antonio Guzman Blanco provisional vice-president. General Leon de Febres Cordero, at the head of the garrison of Porto Cabello, protested against the transfer of the supreme power to the assembly of Vittoria, and organized another government at Porto Cabello. General Falcon, the provisional president, entered Caraccas on July 24th, and convoked a constituent assembly for December 10th, in order to establish a legal government. In Uruguay a civil war broke out in consequence of an invasion of the country by the former president, Flores, who was supposed to be encouraged by the Government of the Argentine Republic. The war had not ended at the close of the year. Between Chili and Bolivia a war threatened to break out in consequence of long pending difculties concerning the regulation of the frontier. It was, however, averted by negotiations, and a peaceable solution of the dispute was expected. In December, 1863, a revolution broke out in the United States of Colombia against President Mosquera. In the State of Antioquia about four thousand men of the revolutionary party were under arms. The Government of the State raised a large militia force to suppress the revolution.

The encroachments of European powers upon the rights of American States, which were encouraged by the existence of civil war in the United States, became more conspicuous and numerous during the year 1863. France continued vigorously the war for the overthrow of the Mexican republic, and under the protection of French bayonets a small number of Mexican notables abolished the republican form of government, declared Mexico to be an empire, and elected Archduke Maximilian of Austria, the first emperor. (*See* Mexico.) The natives of Santo Domingo, which republic was a few years ago treacherously sold by its last president, Santana, to Spain, rose again in insurrection for the recovery of their independence, and by the end of the year the Spaniards, notwithstanding their overwhelming numbers, had not succeeded in suppressing the insurrection. (*See* Spain.) The insolent conduct of England toward Brazil led to a diplomatic rupture between these two powers. (*See* Brazil.)

No one of the European Powers is more eager to extend her influence upon this continent than France. Louis Napoleon, in 1862, in his celebrated letter to Marshal Forey, avowed his intention to gain a controlling influence over the Latin race. French agents are known to be active in a number of the South American republics to create and encourage a monarchical party. In some, these attempts have met with considerable success. In the republic of Ecuador, in particular, a number of the leading statesmen, including the president of the republic, were reported to be favorable to the establishment of a French protectorate. Some of the papers of this republic openly denounced the republican form of government, and recommended a return to monarchy, as the only salvation from general anarchy. General Pezet, who by the unexpected death of General San Roman, April 3d, was called to the presidency of Peru, the most populous of the South American republics, manifested likewise some sympathy with monarchical tendencies, by appointing avowed partisans of a monarchical party to important diplomatic positions.

These anti-republican schemes of European Powers awakened, in many of the States of South America a desire to form an American Continental Alliance between all the republics on the continent. Formal propositions to this effect were made, in 1862, by several of them to the Government of the United States, but they were declined by the latter, on the ground of their involving a deviation from its traditional policy of neutrality. Another proposition to the same effect was, after the fall of the city of Mexico, made to the republics of Central and South America, by President Juarez, of Mexico, but it likewise led to no result. The people of Santo Domingo addressed, in December, 1863, an appeal to the governments and people of Spanish America, to aid them in their unequal struggle against Spain. A great interest was particularly manifested in the idea of an American Continental Alliance in Chili and New Granada.

The year 1863 is also marked in the history of the American Continent by the great changes which took place with regard to slavery. By a proclamation of the President of the United States, of January 1st, 1863, slavery was declared abolished in the States of Virginia, North and South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, and Arkansas, with the exception of a few districts of Louisiana and Virginia, which were at the time of the issuing of the proclamation within the Federal lines. In an amnesty proclamation, issued on December 8th, the President proclaimed that in each of the above named States one tenth of the number of voters at the presidential election of 1860, who would take the oath to abide by and support the acts of Congress passed during the existing war, with reference to slaves and the presidential proclamations on the subject, should be authorized to reëstablish a State government. The new State of West

Virginia, in April, adopted by 28,321 votes against 572 an amendment to its State constitution, abolishing slavery. The Legislature of the State of Missouri, on July 5th, passed an ordinance of prospective emancipation. The State of Maryland, at the State election in November, elected to the General Assembly forty-seven members pledged to emancipation against twenty-seven not pledged. On July 1st, the abolition of slavery was proclaimed in the Dutch possessions, in accordance with a law adopted by the Chambers of Holland in 1862. The number of slaves freed by this law amounted to about 11,300 in the Dutch West India islands, and 37,001 in Surinam. In December, 1863, a treaty was concluded between the United States and Holland Governments, by which it was arranged that the colonial authorities of Surinam should receive such of the emancipated American slaves as may be willing to work on their plantations.

ARCHÆOLOGY. (*See* ETHNOLOGY.)

ANGLICAN CHURCHES.—This is the collective name given to the Protestant Episcopal Church of the United States, the Established Church of England, the Episcopal Church of Scotland, and the branches of these bodies. The Churchman's Calendar, for 1864 (New York, 1864), gives the following synoptical view of these churches:

England	Archbishops, 2	Bishops, 26
Ireland	" 2	" 10
Scotland		" 8
America—United States		" 40
" British America		" 10
" West Indies		" 6
Asia		" 10
Africa		" 7
Oceanica		" 16
Bishops, demissionary		" 3
Total		" 136

Most of the bishops in Asia, Africa, and Oceanica have their sees in British territory, but some are missionary bishops for countries not under British rule. Thus the Protestant Episcopal Church of the United States sustains missionary bishops for Liberia and China, and the Church of England the Bishop of St. James at Jerusalem, the Bishops of Zambezi and Orange River in Africa, and the Bishop of Milanesia in Oceanica, also the Bishop of Honolulu, in the Sandwich Islands.

Only the Churches of England and Ireland have as yet archbishops; the British Colonies have, instead, metropolitans, who enjoy substantially the same prerogatives as the archbishops. Thus British America has a metropolitan at Montreal, India at Calcutta, Africa at Capetown, Australia at Sydney. The province of New Zealand has a metropolitan in the Bishop of New Zealand. There is a growing tendency in the Church, especially in the United States, to introduce the provincial or metropolitan system (the union of several Episcopal sees under a metropolitan) where it does not yet exist, or to promote its development where it already has a legal existence.

The Anglican Churches have had thus far an independent national organization, only, 1st. In Great Britain and its dependencies; 2d. In the United States; 3d, in the Sandwich Islands. To these may be added, 4th, the Church of Liberia, which has made all the necessary preparations for an independent organization. This church has been hitherto under a missionary bishop, sent out by the Protestant Episcopal Church of the United States, and therefore in organic connection with the American Church. By the canons of the American Church, six presbyters canonically resident within certain prescribed limits can, with the laity, constitute a new diocese, and can frame canons, etc. The missionary bishop ceases, *ipso facto*, to have jurisdiction within the new diocese so formed. The convention of the new diocese can either elect a bishop, or ask, *pro tempore*, the missionary bishop to continue to officiate as their bishop. But they can, whenever they like, choose a bishop, and when one is so chosen, the missionary bishop ceases to have any connection with them. The convention *may* choose the missionary bishop as their diocesan, though he must still continue to act as missionary bishop over the country or district *not* included within the new diocese. The Liberians have now constituted themselves into a diocese. In April, 1862, Bishop Payne, the American missionary bishop in Liberia, called the clergy to meet at Cape Palmas for the purpose of organizing the church. His wish, however, to effect such an organization as would place the Liberian Church under the general convention of the United States of America, was deemed to be impracticable, and the result of the meeting was simply the formation of a General Missionary Convocation. An entirely independent church organization was effected in February, 1863, by a unanimous vote of the Liberian clergy and lay delegates assembled in general council at Monrovia. By this act the American missionary bishop ceased to have any jurisdiction within the newly formed diocese; but continued to be "Missionary Bishop to Cape Palmas (where he resides) and parts adjacent." The Liberian convention requested him "to continue his episcopal supervision of the church in Liberia, and to perform episcopal offices where they may be needed throughout the country." Bishop Payne consented to this request. The most important points of the new church constitution of Liberia are as follows: The constitution divides Liberia, *prospectively*, into four sees, as the republic has four counties. When four presbyters reside in a county, they can, *i. e.* a majority, organize a diocesan synod. But six resident presbyters in a diocese are requisite to elect a bishop. The clergy in one or more counties can unite and form a diocese. The committee of convocation adopted the American prayer book as a whole. At the annual meeting of the Board of Missions of the American Church, a special report on the new church organization in Liberia was submitted by Bishop Burgess. In this

report, which was unanimously adopted, the desire was expressed that the attempt to form an independent communion in Liberia should be postponed until a fuller opportunity was obtained for consultation. The report regretted that the steps for the formation of an independent church had been so hastily taken, and expressed the opinion that clergymen, forming such independent church, must necessarily cease to become missionaries of the Foreign Committee.

The foundation of the Protestant Episcopal Church in Hayti was laid in 1862 by Rev. J. S. Holly, a colored minister of the church in the United States. Mr. Holly established in 1863 a church at the capital, Port au Prince. In October, 1863, Bishop Lee, of Delaware, sailed for Hayti to survey the field with a view to the permanent establishment of a mission in connection with the Protestant Episcopal Church of the United States.

The organization of an independent "Protestant Episcopal Church of the Confederate States" led to some important complications. The question arose, whether the parishes in the new State of West Virginia, being in connection with the Church of the United States, remained under the jurisdiction of the Bishop of Virginia at Richmond, who claimed to be no longer a bishop of the United States but of the Church of the Confederate States. The opinions of the church papers greatly differed on this subject, and some of them protested against the exercise by Bishop McIlvaine, of Ohio, of episcopal functions in West Virginia.

The Church Almanac, for 1864, contains the following table of church statistics of the Episcopal Church of the United States:

DIOCESES AND MISSIONS.	Clergy.	Parishes.	Communicants.		Sunday School.		Missionary and Charitable Contributions.
			Added.	Present Number.	Teachers.	Scholars.	
Maine	19	18		1,501	199	1,375	$7,577 52
New Hampshire	20	20	95	947	111	698	4,954 53
Vermont	32	37	58	2,106	150	1,235	5,610 89
Massachusetts	106	78	531	8,897	599	6,756	82,539 40
Rhode Island	34	30	279	3,589	465	4,002	24,409 42
Connecticut	136	124	730	12,535	1387	9,194	83,390 60
New York	385	299	1995	27,995	3258	33,470	468,553 68
Western New York	153	155	1000	12,835	1521	12,039	
New Jersey	106	100	168	6,376	985	8,371	116,399 99
Pennsylvania	229	219	1853	17,894	2587	26,075	326,381 16
Delaware	18	25	94	1,050	261	2,248	9,020 50
Maryland	163	133	381	9,659	886	6,559	56,822 99
Virginia							
North Carolina							
South Carolina							
Ohio	90	96	406	5,872	900	7,664	49,930 27
Georgia							
Kentucky	32	33	235	1,821	222	1,744	10,966 51
Tennessee							
Mississippi							
Louisiana							
Michigan	58	56	302	3,196	625	4,672	49,701 13
Alabama							
Illinois	76						
Florida							
Indiana	24	33	99	1,285	211	1,599	18,820 84
Missouri	21	32	140	1,236	117	1,035	21,214 62
Wisconsin							
Texas							
Iowa	33	43	190	1,151	229	1,620	9,023 33
California							
Minnesota	28	72	162	1,148	157	1,337	15,533 54
Kansas	9	14					
Arkansas Mission							
Oregon and Washington Mission	4						
Northwestern Mission	11						
Western Africa Mission	11	9		341		681	1,209 66
China, Greek, and Japan Missions	8			65			

The 28th annual meeting of the Board of Missions was held at Providence, Rhode Island, on October 7th, 8th, and 9th. The receipts of the Domestic Committee were reported to have been $37,458.05, exceeding those of last year by $2,134.14. The receipts of the Jersey Committee were $54,260.07, an increase over the previous year of $3,687.89. It was resolved to establish a mission at Santa Fé, New Mexico, on the associate or collegiate plan, with a view to the organization of schools of both sexes, and to the gradual development of itinerant work throughout that territory.

The fourth annual meeting of the American Church Missionary Society took place at Philadelphia, October 15th. This society employed 38 missionaries in 1863, 10 more than last year, and its receipts during the year amounted to $19,189.41.

The 37th annual report of the Protestant Episcopal Church Union and Church Book Society, records an improvement in the financial condition of the society within the past year, amounting to $10,000, exclusive of the amount received for the building fund, $2,922. The Society for the Increase of the Ministry, which

was organized about six years ago, but has been active only four years, reported an increase in funds of $9,800, the largest sum ever received by the society during a single year. The Evangelical Knowledge Society held its sixteenth annual meeting at Philadelphia, on October 14th. Its receipts during the past year were $28,171; the property of the society amounts to $52,860. The whole number of tracts issued by the society is now 541; the number of prayer books issued in four years, 105,982.

The Church of England continued during the year 1863 to be agitated by the excitement which the books of Bishop Colenso had produced. Although there was at first a general doubt how it ought to deal with him, there was also a general expression of opinion among the clergy that something should be done to vindicate the orthodoxy of the church. Several of the bishops denounced, in severe terms, as heterodox the views of Bishop Colenso, and declared that they would not allow him to officiate in their dioceses. On February 6th, a meeting of the bishops belonging to the Convocation of Canterbury took place, at which there was a unanimous condemnation of the book on the Pentateuch. On February 10th, the Convocation of Canterbury met and adopted a resolution, offered by Archdeacon Denison, to pray the Upper House to direct the appointment of a committee to examine the book. The Upper House complied with this request, although the resolution of the Lower House was opposed by the Bishop of London and St. David's. After a long deliberation as to the best course they could adopt, the bishops of England and Ireland agreed to address to Bishop Colenso a joint letter, in which they asked him to resign his see. Only three bishops, those of St. David's, Killaloe, and Limerick, refused to sign or endorse this letter. Bishop Colenso, in reply, assured his brother bishops that he was as fully convinced of the truth of his theological opinions as ever, and therefore refused to resign. The Lower House of the Convocation of York likewise passed strong resolutions of condemnation of the books of Colenso. In May, Archdeacon Denison, in the name of the committee charged with the examination of the books, made a report to the Convocation. The report was adopted, and a resolution was passed, requesting the Upper House to take such steps thereupon as they might deem expedient. The bishops agreed upon a judgment, and communicated it to the Lower House, that "the book of the Bishop of Natal involves errors of the gravest and most dangerous character, subversive of faith in the Bible as the Word of God." The Lower House unanimously accepted and concurred in the judgment. After this the excitement produced by the books began to subside. Toward the close of the year, the Bishop of Capetown, who is metropolitan of the African bishoprics of the Church of England, summoned Bishop Colenso before the tribunal of the synod of African bishops. The synod was opened on October 17th, but Dr. Colenso refused to attend, and entered a protest against the jurisdiction of the tribunal.

Another great controversy of the church, relating to the work called "Essays and Reviews" (*see* CYCLOPÆDIA for 1862, p. 719), was brought before the Queen's privy council, two of the essayists, Dr. Williams and Mr. Wilson, having appealed from the decision of the Court of Arches, which, in 1862, had suspended them for one year from their benefices. The arguments before the committee of the Privy Council were concluded on June 26th, but by the end of the year the decision of the council, which will be final, had not been announced. Against a third one of the essayists, Prof. Jowett, of Oxford, a suit was instituted before a university court, but it was soon abandoned.

An agitation of a very different kind sprung up in the Church of England, in consequence of an attempt to establish a kind of monastic order under the name of the Benedictine Brotherhood. So called sisterhoods, resembling in some points the monastic orders of the Roman Church, had been for many years in full operation in the church, and even received the warm approbation of the Convocation of Canterbury. The first attempt to reëstablish a monastic community of men was made by Rev. Mr. Lyne, or, as he now calls himself, with his monastic name, "Brother Ignatius." He was born November 23d, 1837, in London, and ordained on December 23d, 1860, on which occasion he took solemn mental vows to lead the life of a monk. He formed a society of young men and boys living in the world, but bound by certain rules. It was called the "Society of the Love of Jesus," and numbered nearly forty. Miss Sellon, the superior of the English sisterhoods, perceiving the young deacon's aim, gave him a house in which to commence a resident brotherhood. After a severe and almost fatal sickness, he spent eight months upon the European continent. While abroad he sought every opportunity of ascertaining the working of the monastic system, and, to use his own words, he "found it a most complete and miraculous success." On his return to England, in July, 1862, he labored for some time in London; from thence he went to Claydon, because the rector of Claydon and some of the inhabitants of Ipswich begged him to locate his infant community in their neighborhood. The enterprise met with great opposition. The Bishop of Norwich, to whose diocese Claydon belongs, commenced proceedings against the rector of Claydon, for having allowed Brother Ignatius, contrary to the bishop's prohibition, to officiate in Claydon church. This case was to be tried before the Court of Arches. The Bishop of Exeter also prohibited the clergy of his diocese from permitting Brother Ignatius to officiate in any of their churches. Brother Ignatius, in a sermon, preached on December 20th, 1863, in London, stated that his community of "Benedictine

Brothers" now numbered twelve, and that they intended to build a house, consisting of a retreat for parish clergy, who may desire rest, the brothers undertaking to do their duty while they were recruiting their strength; a home for decayed old men, who have labored in the service of the church; and a college for instructing youth on the principles of the Church of England. They required from £30,000 to £40,000, of which they had received £10,000.

The movement for opening communication with the Russian Church continued both in the Protestant Episcopal Church of this country, and in the Episcopal churches of England and Scotland. (*See* ANNUAL CYCLOPÆDIA for 1862, p. 718.) The joint committee, appointed for this purpose by the General Convention of the Church of the United States, consisting of Bishops De Lancey, Williams, and Whitehouse, of the Rev. Drs. Mahan and Thrall, the Rev. J. F. Young Mr. Samuel B. Ruggles, and Mr. S. Eliott, did not deem themselves authorized to make any proposition for joint action to the Convocations of the English Church, as they were only instructed by the General Convention to collect information, and consider the expediency of communication with the Russian Church; but, at a meeting held on April 16th, 1863, at New York, they unanimously passed a resolution that "the Secretary of the committee be requested to correspond with the Rev. George Williams, of King's College, Cambridge (the chief promoter of the movement in England), and to express to him and through him, at his discretion, to the Convocation of Canterbury, the gratification of this committee at the interest they have expressed in the object we have in view; with the assurance to Mr. Williams that, while the committee are not in a position formally to approach Convocation on the subject, they will be glad to give a full and respectful consideration to any action or communication on the part of the Convocation." In England, the Bishop of Oxford, on July 1st, 1863, presented to the Upper House of the Convocation of Canterbury, a petition resolved upon by the Lower House of the Convocation, in February, to the effect that the House of Bishops may use their endeavors to bring about such intercommunion. The Bishop of Oxford, after presenting the petition, moved that the President of the Convocation (the Archbishop of Canterbury) be requested to direct the Lower House to appoint a committee to communicate with the committee appointed by the General Convention of the Bishops and Clergy of the United States of America as to intercommunion with the Russo-Greek Church, and to communicate the result to the Convocation at a future session. The motion was unanimously adopted, and pursuant to it, the Lower House appointed a committee, consisting of the Archdeacon of Berks (Bickersteth), the Archdeacon of Taunton (Denison), Dr. Leighton, Lord A. Compton, Sir G. Prevost, Chancellor Massingberd, and the Rev. Messrs. Tendall, Seymour, and Randolph.

In Scotland, the synod of Moray and Ross passed resolutions in favor of intercommunion with the Russo-Greek Church, and also with the Church of Sweden. Similar resolutions had been passed by the synod of Aberdeen.

The movement met with a warm response on the part of the oriental churches. (*See* GREEK CHURCH.)

In the Established Church of Scotland (Presbyterian) an interesting movement sprung up in favor of a union with the Scottish Episcopal Church. (*See* PRESBYTERIANS).

ANTHON, JOHN, LL.D., an American jurist, died in the city of New York, March 5th, 1863, in the 80th year of his age.

Mr. Anthon was the second son of George Christian Anthon, M.D., an eminent physician of the city of New York, and was born at Detroit in the year 1784. He received his diploma as Bachelor of Arts from Columbia College in the year 1801, graduating at the head of his class; and the honorary degree of LL.D. was conferred upon him in 1861 by the same institution. Immediately after graduating, Mr. Anthon commenced the study of the law, in the office of Mr. Hopkins, an eminent legal practitioner of that day, and, upon attaining his majority, was admitted to practice in the Supreme Court of this State.

During the war of 1812, Mr. Anthon commanded a company of militia, stationed near Fort Hamilton, at the Narrows, for the defence of the city of New York; and for a short time acted as regimental paymaster; he was also frequently employed, during the same period, as judge-advocate. With these exceptions he devoted himself with the utmost assiduity to the practice of his profession, and it has been said of him by one of his contemporaries that "he tried more causes than any man that ever lived." He declined several flattering offers of judicial position, and was never tempted to turn aside from the useful paths of professional life in search of political honors.

The Supreme Court of the City of New York owes its existence to the efforts of Mr. Anthon, who, at an early day, perceived the necessity for the establishment of a great mercantile tribunal, and successfully urged upon the Legislature the wants of the city of New York, in this respect. He was also one of the founders of the New York Law Institute, and held the office of president of that corporation at the time of his death. In his legal writings, and in his reported arguments, Mr. Anthon displayed great power of analysis, and was remarkable for the facility with which he grasped the true point involved in obscure and difficult questions, and the clearness and perspicuity with which he set forth his own conclusions.

Mr. Anthon was a regular attendant and communicant of the Protestant Episcopal Church, and a notable instance of the reception of the

truths of Christianity by a mind trained to the examination of evidence and the detection of error. His principal published works are "Analysis of Blackstone's Commentaries," "Nisi Prius Reports," "Anthon's Law Student," and several minor works on the practice of law.

ANTHROPOLOGY. (*See* ETHNOLOGY.)

ARKADELPHIA, the capital of Clark co., Arkansas, is situated on the right bank of the Washita river, seventy-five miles south-west of Little Rock. Selected on account of its remote position in the interior and south of the Arkansas river, it was made the principal depot of the enemy in the States of Arkansas, Missouri, and Louisiana. Military workshops were also established there; but on the approach of Gen. Steele they were removed to Marshall, Texas.

ARKANSAS. The military operations and their consequences comprise all that is really important in the history of this sparsely settled State, during 1863. The battles in the north-western part of the State, at the close of the previous year, resulted in causing the enemy to fall back upon the Arkansas river. Their forces were so reduced that only desultory operations took place, until the attack upon Helena, on the 4th of July, when the Confederate General Holmes, with about fifteen thousand men, was defeated by Gen. Prentiss. Vicksburg having now surrendered, Gen. Steele was detached from Gen. Grant's army and ordered to Helena. On the 31st of July, Gen. Steele reported to Gen. Hurlbut, commanding the sixteenth army corps, and was placed in command of all the troops at Helena, and the cavalry division under Brig. Gen. Davidson, then operating in Arkansas, making an aggregate of about twelve thousand men, for the purpose of making an expedition, the object of which was the possession of the State. Notwithstanding the reduction of his force by sickness and leaves of absence, and resignations by which only Gen. Davidson was left as a general officer, he completed his organization and pushed his entire force on to Clarendon, about forty miles from Helena, and began crossing the White river, on the 17th of August. Here Gen. Steele found that the number who were sick had increased to a thousand, and he ordered them to be sent to Duvall's Bluff, a very healthy location on the White river. On the 23d the rest of his command followed. From this point a successful advance was made, and after skirmishing with Marmaduke's cavalry all along the way, Gen. Steele's whole available force, on the 2d of September, was concentrated at Brownsville. After a two days' reconnoissance the army again reached the Arkansas river on the 7th. The 8th and 9th were occupied in a reconnoissance, and the 10th saw the two columns of the Union army, numbering not more than seven thousand men, marching nearly abreast on either side of the Arkansas toward the capital. The panic and confusion which this sudden approach caused in Little Rock are indescribable. The streets were filled with women and children and knots of citizens, listening to the sound of cannon constantly growing nearer and nearer, and the shells from Gen. Steele's batteries, which had now been planted almost opposite the city, shrieking and howling over their heads and breaking in the woods beyond them. Officers of the enemy, thinking themselves secure, were eating their suppers in the houses. The rapid rush of flying horsemen, the clouds of dust, the glad hurrahs, and gleaming sabres of others dashing through the dusty streets in hot pursuit, were the first intimations of danger. Women and children ran in panic to their homes, the crowd of citizens quickly dispersed, and Confederate officers mounting their horses were captured while endeavoring to escape. A little later, windows were thrown up and handkerchiefs waved, and curious throngs gathered in the door yards, closely scrutinizing each squadron as it passed.

A squadron of cavalry dashed up to the United States Arsenal as soon as the forces entered the city, and arrived just in time to prevent its being blown up by the enemy. There was over a ton of powder in the magazine, and two or three thousand rounds of fixed ammunition in the various buildings. The public records of the city had been removed to Washington, and the machinery in the machine shops to Arkadelphia.

The mayor of the city at once sent the following communication to Gen. Davidson:

MAYOR'S OFFICE, LITTLE ROCK, *Sept. 10th*, 1863.

To the Officer Commanding Federal Army:

The army of Gen. Price has retreated and abandoned the defence of this city. We are now powerless and ask your mercy. The city is now occupied alone by women and children and non-combatants, with perhaps a few stragglers from the Confederate forces. May I ask of you protection for persons and property? I have been ill for some days, and am unable to visit you in person.

Very respectfully, C. P. BERTRAND, Mayor.

Gen. Davidson caused guards to be placed upon every street corner of the city, and, to the credit of his division, it is said that, although they beheld their comrades shot from their saddles from houses in the suburbs, and entered the city amid the gathering shades of night, which would have concealed all manner of crimes, not a single act of violence or injustice was done to the citizens of the place, or any article of private property disturbed.

Gen. Steele and staff crossed the Arkansas in a skiff, as the bridges were not passable, and entered Little Rock soon after Gen. Davidson. He immediately appointed Gen. Davidson military commander of the capital and vicinity. Upon assuming this command, he adopted several regulations, among which was one allowing the municipal authorities of the city to temporarily continue the exercise of their functions. Another invited citizens of the surrounding country to bring in their produce

for sale to the inhabitants and the troops. Another prohibited all officers and soldiers, other than those on provost guard duty, or belonging to the staffs or escorts of generals, from being in the city without a pass; officers and soldiers were expected to remain constantly with their commands unless absent on duty. Another regulation provided that no house should be occupied by any officer or soldier without the order of the general commanding the city.

Seven steamboats were successfully destroyed by the enemy. Four, one of which was a ferry-boat, were saved. One of the largest boats on the western waters was drawn up ashore, and was receiving a plating of railroad iron. It was also destroyed.

The capture of Little Rock was a fatal blow to the Confederate authority in the State. North of the Arkansas river, and west of the Cairo and Fulton railway of Missouri, the country had been desolated by the war, and subjugated by the Federal army so thoroughly, that it had long been abandoned by the forces of the enemy. The victories of Gen. Blunt in the Indian Territory, had more decisively caused the Arkansas river to become their defensive line. But with Little Rock as a base, the rebel Gen. Holmes had carried on a troublesome war by means of expeditions sent northeast to Jacksonport, east to Helena, southeast to Napoleon, west to the Indian Territory, and south into Louisiana. At the time Gen. Steele commenced his march toward Little Rock, Gen. Blunt marched south of the Arkansas river, through the Indian Territory, toward the Red river, and Gen. Stevenson advanced from Vicksburg along the line of the Shreveport railroad to Monroe, and thence up the Washita toward El Dorado, in Southern Arkansas. These combined operations alarmed Gen. Holmes, especially when Gen. Blunt captured Fort Smith, in Arkansas, Gen. Steele drove the army of Gen. Price across the Bayou Metoe, and Gen. Stevenson took possession of the southern border of the State. He, therefore, abandoned his position, and retreated southwest toward Texas.

In the western part of the State, Gen. Blunt issued an address to the people, in which he assured them that his occupation of the country would be permanent, that the whole of the Indian Territory and Western Arkansas was under the control of the United States forces, and that the rebel troops had been driven beyond the Red river, and that hundreds of refugees had arrived to enlist in his army. He closed thus:

Many applications have been made by citizens for safeguard. None will be issued. The best safeguard you can have is the American flag unfurled over your premises; and if you deport yourselves as good loyal citizens, your conduct must be your safeguard. If it be your desire to disenthral yourselves from the tyranny and oppression to which you have been subjected, organize a civil government under the authority of the United States. Every facility will be afforded you to accomplish that purpose. I leave the matter with you, trusting that wise counsels may prevail.

The inhabitants of the northern part of Arkansas were always warm friends to the Federal Union, and thus continued amid all the desolation. The great opposition made to the ordinance of secession (*see* ANNUAL CYCLOPÆDIA, 1861, Arkansas), showed a majority of the people, under a fair test, as firmly opposed to it. Under the existing state of affairs, therefore, large numbers of men began to desert from the enemy, and movements commenced among the people in favor of the Union. These movements were begun by those sincerely attached to the Union, and were supported by others, who thought that the Confederate cause was lost. As usual, the fears of large numbers restrained their action. At Little Rock, such persons were afraid to risk the possibility of the return of the rebel forces, apprehending in such an event, injury to person and property in case they had been active in the cause of the Union. They pointed to the experience of Union men in the northern part of the State and in other localities. The cause, however, moved forward, and constantly gained vigor. A newspaper was established at Little Rock. Union meetings were held, and resolutions, pledging unconditional support to the Union, were adopted. Regiments of citizens were organized for the army, both white and colored. Citizens of distinction came forward to advocate the Union cause; among others, Brig.-Gen. E. W. Gantt, of the Confederate army, once held as a prisoner of war. He thus described the feeling of the people near the close of the year:

The people of Arkansas are ready to return to their allegiance to the Government, and to renew their devotion, which shall know hereafter neither change nor decay. The loyalty to Jeff. Davis in Arkansas does not extend practically beyond the shadow of his army, while the hatred of him is as widespread as it is intense. The Union sentiment is manifesting itself on all sides and by every indication—in Union meetings—in desertions from the Confederate army—in taking the oath of allegiance unsolicited—in organizing for home defence, and enlisting in the Federal army. Old flags that have been hid in the crevices of rocks, and been worshipped by our mountain people as holy relics, are flung to the breeze, and followed to the Union army with an enthusiasm that beggars all description. The little county of Perry, that votes only about six hundred, and which has been turned wrong side out in search of conscripts by Hindman and his fellow-murderers and oppressors, with their retinue of salaried gentlemen and negro boys, sent down a company of ninety-four men. Where they came from, and how they kept their old flag during these three years of terror, persecution and plunder, I can't tell. But they were the proudest looking set of men I ever saw, and full of fight.

In December, there were eight regiments of Arkansas citizens that had been partly or wholly formed for service in the Federal army, besides several thousand who had joined companies of other regiments. Under the amnesty proclamation of President Lincoln, issued December 8th (*see* PUBLIC DOCUMENTS), a pardon was issued to Gen. Gantt, and, at the beginning of 1864, preparations were made to reorganize the State Government. For this the President issued the following proclamation:

EXECUTIVE MANSION, WASHINGTON, *Jan. 20th*, 1864.
Maj.-Gen. Steele :

Sundry citizens of the State of Arkansas petitioned me that an election may be held in that State, in which to elect a Governor; that it be assumed at that election, and thenceforward, that the Constitution and laws of the State, as before the rebellion, are in full force, except that the Constitution is so modified as to declare that there shall be neither slavery nor involuntary servitude, except in the punishment of crimes, whereof the party shall have been duly convicted; that the General Assembly may make such provisions for their freed people as shall recognize and declare their permanent freedom, and provide for their education, and which may yet be construed as a temporary arrangement, suitable to their present condition as a laboring, landless, and homeless class; that said election shall be held on the 28th of March, 1864, at all the usual places of the said State, for all such voters as may attend for that purpose; that the voters attending at each place at eight o'clock in the morning of said day may choose Judges and Clerks of Election for that purpose; that all persons qualified by said Constitution and laws, and taking the oath prescribed in the President's Proclamation of December 8th, 1863, either before or at the election, and none others may be voters; that each set of judges and clerks may make returns directly to you, on or before the —— day of —— next; that in all other respects, said election may be conducted according to said modified Constitution and laws; that on the receipt of said returns, when 5,406 votes shall have been cast, you can receive said votes, and ascertain all who shall thereby appear to have been elected; that on the —— day of ——next, all persons so appearing to have been elected, who shall appear before you at Little Rock, and take the oath, to be by you severally administered, to support the Constitution of the United States and modified Constitution of the State of Arkansas, shall be declared by you qualified and empowered to immediately enter upon the duties of the offices to which they shall have been respectively elected.

You will please order an election to take place on the 28th of March, 1864, and returns to be made in fifteen days thereafter. A. LINCOLN.

The subsequent proceedings will form a part of the record of 1864.

ARKANSAS POST is the capital of the county of Arkansas. It is situated on the left bank of the Arkansas river, about fifty miles from its mouth. It was settled by the French, in 1685. The surface of the country is generally level, and about one third of it is occupied by Grand Prairie, the largest in the State. The soil is adapted to the production of corn and cotton. Arkansas Post was captured by General McClernand's command, aided by a naval force, in January, 1863.

ARKANSAS RIVER. This river, next to the Missouri, is the largest tributary of the Mississippi. It rises in the Rocky Mountains, near the boundary between Utah and the Indian Territory, and pursues an easterly course for several hundred miles. About the 98th degree of W. longitude, it flows south-easterly to Fort Smith, on the western boundary of the State of Arkansas. Traversing that State, and dividing it into two nearly equal portions, it empties into the Mississippi, in latitude 33° 54′ N.; longitude 91° 10′ W. Its length exceeds two thousand miles; and it is navigable a distance of eight hundred miles during nine months of the year. Its width for 600 miles from its mouth is about half a mile. The soil on its banks, in Arkansas, is generally very productive.

ARMY, CONFEDERATE.—The Acts of the Confederate Congress, passed in 1862, authorized the President to call into the military service all white residents of the Confederate States between eighteen and forty-five, except exempts, or such part of them as in his judgment might not be necessary for the public defence. Under this authority all those between the ages of eighteen and thirty-five, forming the first class, were called into the field in 1862. The enrolment of the second class, between thirty-five and forty-five, was also completed, and a portion of the troops called out; and at the close of 1862 the Confederate armies were larger than at any previous or subsequent period. This force was subsequently reduced by desertions during the winter, and by the withdrawal from service of many of the Maryland and Kentucky volunteers, whose terms had expired, and who were regarded as exempts. This force was considered to be sufficient to resist the advance of the Federal troops, until the march of General Grant to the rear of Vicksburg demonstrated its weakness. At this time the relative physical abilities of the two antagonists were distinctly shown, for while the North reënforced General Grant with ease to the extent he deemed necessary, the South were unable to reënforce General Johnston sufficiently to enable him to threaten Gen. Grant. The resources of the States west of the Mississippi were cut off from the Confederacy, and besides the forces of Generals Lee, Beauregard, and Bragg, and the detachments at important points, sufficient troops were not to be had to save Vicksburg. The defeat of General Lee at Gettysburg, and the falling back of General Bragg from Middle Tennessee, required the most active efforts to recruit the Confederate armies in order to maintain their positions. The first official act of the Government to obtain more soldiers consisted in the following proclamation of Mr. Davis:

Whereas, it is provided by an act of Congress, entitled "An act to provide for the public defence," approved on the 16th day of April, 1862, and by another act of Congress, approved on the 27th of September, 1862, entitled "An act to amend an act entitled an act to provide further for the public defence," approved 16th April, 1862, that the President be authorized to call out and place in the military service of the Confederate States, for three years, unless the war shall have been sooner ended, all white men who are residents of the Confederate States, between the ages of eighteen and forty-five years, at the time the call may be made, and who are not at such time legally exempted from military service, or such part thereof as in his judgment may be necessary for the public defence;

And whereas, in my judgment, the necessities of the public defence require that every man capable of bearing arms, between the ages aforesaid, should now be called out to do his duty in the defence of his country, and in driving back the invaders now within the limits of the confederacy;

Now, therefore, I, Jefferson Davis, President of the Confederate States of America, do, by virtue of the power vested in me as aforesaid, call out and place in the military service of the Confederate States all white

men residents of said States, between the ages of eighteen and forty-five years, not legally exempted from military service; and I do hereby order and direct that all persons subject to this call and not now in the military service, do, upon being enrolled, forthwith repair to the conscript camps established in the respective States of which they may be residents, under pain of being held and punished as deserters, in the event of their failure to obey this call, as provided in said laws.

And I do further order and direct that the enrolling officers of the several States proceed at once to enrol all persons embraced within the terms of this proclamation, and not heretofore enrolled.

And I do further order that it shall be lawful for any person embraced within this call to volunteer for service before enrolment, and that persons so volunteering be allowed to select the arm of service and the company which they desire to join, provided such company be deficient in the full number of men allowed by law, or its organization.

Given under my hand and the seal of the Confederate States of America, at the city of Richmond, this fifteenth day of July, in the year of our Lord one thousand eight hundred and sixty-three.

JEFFERSON DAVIS.

By the President:

J. P. Benjamin, Secretary of State.

It was estimated that the number which this conscription would bring out would be as follows:

Alabama,	10,393	Florida,	1,200
Georgia,	12,230	Mississippi,	9,000
North Carolina,	14,000	South Carolina,	6,500
Tennessee,	6,000	Virginia,	18,000
			77,323
Arkansas,	5,000	Louisiana,	8,000
Mississippi,	9,000	Texas,	5,000
			27,000

The total estimate was 104,323. That portion to be contributed by the States partly in possession of the Federal forces cannot be considered otherwise than as over-estimated. Some of the number liable had also gone voluntarily to the field, which would make the estimate about 75,000 men.

A most important decision was given by the Supreme Court at Richmond relative to persons liable to conscription. It decided that the act contemplated the conscription of all "residents" in the Confederate States between the prescribed ages, whether they were "residents" in pursuit of pleasure, money, business, or any other object. There were, at the time, many thousands of young, able-bodied men, from Maryland and Kentucky residing in various parts of the Confederacy.

A report of the Conscript Bureau presented to Congress estimated the number of exempts in the four States under its charge as follows: Virginia, 20,370; North Carolina, 22,807; South Carolina, 5,814; Georgia, 15,837—total, 65,031. It was further estimated that the number of substitutes put into the army was from 20,000 to 25,000; and that, in addition, there were over 10,000 fraudulent substitute papers held by persons not in the service. According to some of the estimates of the press, only about 90,000 persons remained in the States entirely under Confederate control, who would be liable to conscription, under the above proclamation of July 15th.

To increase still further the number of soldiers in service, the following order was issued on July 25th:

Headquarters Paroled Prisoners,
Demopolis, *July 25th*, 1863.

The President of the Confederate States regarding the furloughs granted the paroled prisoners from Vicksburg of too great duration, in the present condition of the country, with the exception of those to the men most distant from this camp, therefore, under his instructions, all furloughs are rescinded, with the exception of those to the trans-Mississippi Department and from the State of Tennessee, which will remain as before. The furloughs of the troops from Georgia are reduced to twenty days. Those from Alabama and Mississippi to fifteen days. At the expiration of their furloughs all officers and men will report at this place, as far as practicable, in their former organizations. Brigade commanders are authorized and instructed to publish this order in the newspapers of the district in which their respective commands were organized, and will supervise the gathering together and reorganization of the same.

By order of Lieutenant-General PEMBERTON.

F. M. Stafford, Acting Adjutant-General.

The great source of weakness to the army was desertion, straggling, and absenteeism. So large was the number of those thus absent, that a half or three fourths of them, added to the forces in the field, were estimated to be sufficient to give success at all points. As a measure toward effecting their return to the service, Jefferson Davis, on the 1st of August, issued an earnest appeal to them, in which he thus said:

Fellow citizens, no alternative is left you but victory or subjugation, slavery, and the ruin of yourselves, your families, and your country. The victory is within your reach. You need but to stretch forth your hand to grasp it. For this, all that is necessary is that those who are called to the field by every motive that can move the human heart should promptly repair to the post of duty, should stand by their comrades now in front of the foe, and thus so strengthen the armies of the Confederacy as to insure success. The men now absent from their posts would, if present in the field, suffice to create numerical equality between our force and that of the invaders; and when, with any approach to such equality, have we failed to be victorious? I believe that but few of those absent are actuated by unwillingness to serve their country, but that many have found it difficult to resist the temptation to visit their homes and the loved ones from whom they have been so long separated; that others have left for temporary attention to their affairs with the intention of returning, and then have shrunk from the consequences of their violation of duty; that others again have left their posts from mere restlessness and desire of change, each quieting the upbraidings of his conscience by persuading himself that his individual services could have no influence on the general result.

These and other causes (although far less disgraceful than the desire to avoid danger or to escape the sacrifices required by patriotism) are, nevertheless, grievous faults, and place the cause of our beloved country, and everything we hold dear, in imminent peril. I repeat that the men who now owe duty to their country, who have been called out and who have not yet reported for duty, or who have absented themselves from their posts, are sufficient in number to secure us victory in the struggle now impending.

I call on you, then, my countrymen, to hasten to your camps, in obedience to the dictates of honor and

of duty, and summon those who have absented themselves without leave, who have remained absent beyond the period allowed by their furloughs, to repair without delay to their respective commands, and I do hereby declare that I grant a general pardon and amnesty to all officers and men within the Confederacy, now absent without leave, who shall, with the least possible delay, return to their proper posts of duty; but no excuse will be received for any delay beyond twenty days after the first publication of this proclamation in the State in which the absentee may be at the date of the publication. This amnesty and pardon shall extend to all who have been accused, or who have been convicted and are undergoing sentence for absence without leave or desertion, excepting only those who have been twice convicted of desertion.

Finally, I conjure my countrywomen—the wives, mothers, sisters, and daughters, of the Confederacy—to use their all-powerful influence in aid of this call, to add one crowning sacrifice to that which their patriotism has so freely and constantly afforded on their country's altar, and to take care that none who owe service in the field shall be sheltered at home from the disgrace of having deserted their duty to their families, to their country, and to their God,

Given under my hand, and the seal of the Confederate States, at Richmond, this 1st day of August, in the year of our Lord, one thousand eight hundred and sixty-three. [SEAL.]

JEFFERSON DAVIS.

By the President:
J. P. BENJAMIN, Secretary of State.

No bounties appear to have been paid to volunteers, after the passage of the conscription act, in 1862. Nor were any efforts made to fill up the quotas of States by contributions to volunteers, as was done in the Northern States. The only inducement to volunteer was that such a person could choose the company and regiment in which he would serve, if the ranks were not full. Neither was there any organized Sanitary Commission, as in the Northern States, to cöoperate with the Government, in the care of the sick and wounded soldiers, thus applying all private contributions to purposes for which they were given.

Of the numbers of the Confederate army during the year, nothing accurate is at present known. Estimated by its conduct in battle, its spirit, with one or two exceptions, has not flagged; and as much vigor in their cause was manifested, even to the close of the year, as was ever shown in the field by the soldiers heretofore. The most vigorous and untiring efforts were made after the very extreme proclamation, in July, to recruit the army, and with much success.

Under the depreciation of the currency, the pay of the soldiers sunk to an insignificant sum; and, to prevent local disturbances, measures were taken in the several States to provide for their destitute families.

At the session of Congress, at the close of the year, an act was introduced which declared every man between the ages of eighteen and fifty-five to be in the military service for the war. Thus every one between these ages was made subject at once to the articles of war, to military discipline, and military penalties; and, upon failure to report for duty at a military station, within a certain time, he was liable to the penalty of death as a deserter. While the bill was under debate, the following remarks were made by some of the members on an amendment to exempt farmers and planters from the conscription:

Mr. Smith, of North Carolina, said: "We have at this time 400,000 men on our muster rolls. How many were actually in the field, he was unable to state; it was probable one half were not there, and it was well known that we were unable to feed the fractional part who were in the field. If, however, there were half—if 200,000 should require the possible seizure of one half of the provisions of the country—where, he would ask, were the means to feed the ten times that number who remained at home? Private appeals were daily coming to the members of Congress from soldiers in the army speaking of the suffering at home; how many of their families are wanting the necessaries of life, when they are unable to send them any part of their scanty pay."

Mr. Chambers, of Virginia, said that manufactures were as necessary as agriculture, and there was as great deficiency in clothing to-day as there was in food. We could, he believed, feed double two hundred thousand men in the field; and if we could not, then the sooner we made terms with Abraham Lincoln, the better for us. We must have more than two hundred thousand men in the field next spring; we have now all the supplies we will have then, for the farmers' productions won't be available until next winter. Everybody admits and expects that next spring will be the worst and the heaviest and most decisive campaign that will occur, and yet there is a demand for more exemptions.

Mr. Goode, of Virginia, was able to state, upon the best authority, that in reply to inquiries propounded by Colonel Preston, Chief of the Conscript Bureau, all of the enrolling officers of the State, who were assembled here a few days ago, said that the State could not stand another draft.

Mr. Holcombe, of Virginia, said that by the bill, of which this was an amendment, the entire agricultural population would be put in the army, and that in a country whose agricultural population greatly outbalanced that of the cities and towns. We proposed to put in all of every age, when it was known that it was a precarious matter to supply, from week to week, the army in the field. We now had five hundred thousand men in the field to provide for; and the new law would add one hundred thousand more, and was it possible to escape starvation when there were none at home to provide for them? It was our policy to protract the war. Time and distance were our great allies. We must remember that, in reference to this State at least, our last crops were far below the average. Our space had been contracted, and all now must be devoted to the production of provisions for next year. Take away the men, and starvation at home and ruin in the army would be, in his opinion, the inevitable result."

For the supply of the army a commissary agent was appointed for each county, or one for two or three counties, who was charged with the duty of purchasing and impressing supplies in his territory for the use of the army. Such agent was usually a resident in the county for which he was appointed. The manner of conducting the impressment was prescribed by Congress. (*See* CONGRESS, CONFEDERATE.)

The report of the Secretary of War, made near the close of the year, alluded to desertion, straggling, and absenteeism, and said that the effective force of the army was but little over one half or two thirds of the men whose names

were on the muster rolls. He recommended the repeal of the substitute and exemptive provisions, and that all having substitutes be put back into the field, and stated that the privileges which Congress granted, to put in substitutes, could be regularly and constitutionally abrogated by the same power. He said that no compact was entered into between the Government and the person furnishing a substitute, as had been alleged, but only a privilege which Government accorded. Instead of complaining of such abrogation, the person ought to feel gratified at what had heretofore been allowed him. He recommended an abridgment of exemptions and the conscription of all, making details according to the wants of society at home.

The Secretary said that the three years' men, when their terms expire, could not be finally discharged, and should be retained, allowing them to choose the existing company, under its present organization, in the same arm of the service. He recommended the consolidation of such companies and regiments as were reduced below a certain complement.

The following is a list of the officers in the rebel service, who previously belonged to the regular army of the United States:

Armstrong, Francis C., Captain, 2d Dragoons.
Archer, James J., Captain, 9th Infantry.
Armistead, L. A., Captain and brevet Major, 6th Infantry.
Adams, John, Captain, 1st Dragoons.
Armistead, F. S., First Lieutenant, 10th Infantry.
Alexander, E. P., Second Lieutenant, Engineers.
Anderson, Charles D., First Lieutenant, 4th Artillery.
Anderson, R. H., Second Lieutenant, 9th Infantry.
Anderson, R. H., Captain, 2d Dragoons.
Alexander, J. B. S., Second Lieutenant, 9th Infantry.
Anderson, S. S., Captain and brevet Major, 2d Artillery.
Anderson, G. B., First Lieutenant, 2d Dragoons.
Boggs, William R., First Lieutenant, Ordnance.
Beall, William N. R., Captain, 1st Cavalry.
Brown, John A., Captain, 4th Artillery.
Brewer, R. H., First Lieutenant, 1st Dragoons.
Baker, Lawrence S., First Lieutenant, Mounted Rifles.
Barton, Seth M., Captain, 1st Infantry.
Blake, E. D., Captain, 8th Infantry.
Blair, William B., Captain, Commissary Department.
Beckham, Robert F., brevet 2d Lieutenant, Engineers.
Brewer, Charles, Assistant Surgeon, U. S. A.
Beall, Lloyd J., Paymaster, U. S. A.
Borland, Harold, brevet 2d Lieutenant, 5th Infantry.
Bee, Barnard E., Captain, 10th Infantry.
Bradfute, William R., Captain, 2d Cavalry.
Burtwell, John R. B., Second Lieutenant, 1st Cavalry.
Beauregard, P. G. T., Captain and brevet Major, Engineers.
Claiborne, Thomas J., Captain, Mounted Rifles.
Crittenden, George B., Lieutenant-Colonel, Mounted Rifles.
Collins, Charles R., brevet Second Lieutenant, Topographical Engineers.
Cooke, John R., First Lieutenant, 8th Infantry.
Corley, James L., First Lieutenant, 6th Infantry.
Chilton, Robert H., Paymaster, U. S. A.
Cosby, George B., First Lieutenant, 2d Cavalry.
Cabell, Wm. L., Captain and Assistant Quartermaster.
Cooper, Samuel M., Second Lieutenant, 1st Artillery.
Cooper, Samuel, Colonel and Adjutant-General.
Carr, George W., First Lieutenant, 9th Infantry.
Cole, Robert G., First Lieutenant, 8th Infantry.
Dunovant, John, Captain, 10th Infantry.
Davidson, Henry B., Captain, 1st Dragoons.
Deshler, James, First Lieutenant, 10th Infantry.
De Lagnel, Julius A., First Lieutenant, 2d Artillery.
De Saussure, William D., Captain, First Cavalry.
Deas, Geo., brevet Major and Assistant Adjutant-Gen'l.
De Leon, David C., Surgeon, U. S. A.
Elzey, Arnold, Captain, 2d Artillery.
Ewell, Richard S., Captain, 1st Dragoons.
Echols, William H., brevet Second Lieutenant, Topographical Engineers.
Evans, Nathan G., Captain, 2d Cavalry.
Field, Charles W., Captain, 2d Cavalry.
Forney, John H., First Lieutenant, 10th Infantry.
Ferguson, Sam'l W., Second Lieutenant, 1st Dragoons.
Frazer, John W., Captain, 9th Infantry.
Fauntleroy, Thomas T., Colonel, 1st Dragoons.
Grayson, John B., Brevet Lieutenant-Colonel, Commissary Department.
Gilmer, Jeremy F., Captain, Engineers.
Guild, Lafayette, Assistant Surgeon, U. S. A.
Gardner, William M., Captain, Second Infantry.
Garnett, Richard B., Captain, 6th Infantry.
Gatlin, Richard C., Major, 5th Infantry.
Gardner, Franklin, Captain, 10th Infantry.
Gorgas, Josiah, Captain, Ordnance Department.
Gibbes, Wade H., brevet 2d Lieutenant, 2d Cavalry.
Garnett, Robert S., Major, 9th Infantry.
Gill, William G., First Lieutenant, 4th Artillery.
Hill, James H., First Lieutenant, 10th Infantry.
Hill, Ambrose P., First Lieutenant, 1st Artillery.
Hill, Henry, Paymaster, U. S. A.
Hoxton, Llewellyn, brevet Second Lieutenant, Ordnance Department.
Holloway, Edmunds B., Captain, 8th Infantry.
Huger, Benjamin, Major and brevet Colonel, Ordnance Department.
Haskell, Alexander M., 2d Lieutenant, 1st Infantry.
Huger, Frank, Second Lieutenant, 10th Infantry.
Heth, Henry, Captain, 10th Infantry.
Haden, John M., Assistant Surgeon, U. S. A.
Hallonquist, James H., 2d Lieutenant, 4th Artillery.
Hood, John B., First Lieutenant, 2d Cavalry.
Holmes, Theophilus H., Major, 8th Infantry.
Hill, Robert C., Second Lieutenant, 5th Infantry.
Huse, Caleb, First Lieutenant, 1st Artillery.
Hardee, William J., Lieutenant-Colonel, 1st Cavalry.
Iverson, Alfred, Jr., First Lieutenant, 1st Cavalry.
Ives, Joseph C., First Lieutenant, Topographical Engineers.
Jackson, Wm. H., Second Lieutenant, Mounted Rifles.
Jones, John M., Captain, 7th Infantry.
Johnson, Edw., Captain and brevet Major, 6th Infantry.
Jordan, Thomas, Captain and Assistant Quartermaster.
Johnston, Albert S., Colonel and brevet Brigadier-General, Second Cavalry.
Jackson, Andrew, Jr., Second Lieutenant, 1st Cavalry.
Johnston, Joseph E., Quartermaster-General, U. S. A.
Jones, Samuel, Captain, 1st Artillery.
Jones, David R., brevet Captain and Assistant Adjutant-General.
Jones, Thomas M., First Lieutenant, 8th Infantry.
Jones, Walter, First Lieutenant, 1st Infantry.
James, George S., First Lieutenant, 4th Artillery.
Jackson, Andrew, First Lieutenant, 3d Infantry.
Loring, William W., Colonel, Mounted Rifles.
Lee, Fitzhugh, First Lieutenant, 2d Cavalry.
Longstreet, James, Paymaster, U. S. A.
Lee, Stephen D., First Lieutenant, 4th Artillery.
Lay, George W., Captain and brevet Lieutenant-Colonel, 6th Infantry.
Lockett, Sam'l H., brevet 2d Lieutenant, Engineers.
Lomax, Lunsford L., First Lieutenant, 1st Cavalry.
Long, Armistead L., First Lieutenant, 2d Artillery.
Long, John O., First Lieutenant, 2d Infantry.
Lee, George W. C., First Lieutenant, Engineers.
Lee, William F., Second Lieutenant, 2d Infantry.
Little, Henry, Captain, 7th Infantry.
Lee, Robert E., Colonel, 1st Cavalry.
Maury, Dabney H., Captain and Assistant Adjutant-General.
Myers, Abraham C., Captain and brevet Lieutenant-Colonel, and Assistant Quartermaster.

Mackall, William W., brevet Major and Assistant Adjutant-General.
Martin, James G., brevet Major and Assistant Quartermaster.
McNeill, Henry C., Second Lieutenant, Mounted Rifles.
Mercer, John T., Second Lieutenant, 1st Dragoons.
McCown, John P., Captain, 4th Artillery.
Meade, Richard K., Jr., Second Lieutenant, Engineers.
Merchant, Anderson, First Lieutenant, 2d Artillery.
McLean, Eugene E., Captain and Assistant Quartermaster.
Marmaduke, John S., Second Lieutenant, 7th Infantry.
Magruder, John B., Captain and brevet Lieutenant-Colonel, 1st Artillery.
Mullins, John, First Lieutenant, 2d Dragoons.
Minter, Joseph F., First Lieutenant, 2d Cavalry.
Major, James P., Second Lieutenant, 2d Cavalry.
McIntosh, James, Captain, 1st Cavalry.
McLaws, Lafayette, Captain, 7th Infantry.
Maclin, Sackfield, Paymaster, U. S. A.
Moore, Samuel P., Surgeon, U. S. A.
Montgomery, Alexander B., Second Lieutenant, 4th Artillery.
Magruder, William J., Captain, 1st Cavalry.
Northrop, Lucius B., Captain, 1st Dragoons.
O'Bannon, Lawrence W., First Lieutenant, 3d Infantry.
Pickett, George E., Captain, 9th Infantry.
Pegram, John, First Lieutenant, 2d Dragoons.
Pemberton, John C., Captain and brevet Major, 4th Artillery.
Pender, William D., First Lieutenant, 1st Dragoons.
Ramseur, David P., Assistant Surgeon, U. S. A.
Robertson, Beverly H., Captain, 2d Dragoons.
Rains, Gabriel J., Lieutenant-Colonel, 5th Infantry.
Reynolds, Samuel H., First Lieutenant, 1st Infantry.
Reynolds, Frank A., brevet 2d Lieutenant, 2d Dragoons.
Riley, Edward B. D., Second Lieutenant, 4th Infantry.
Ransom, Robert, Captain, 1st Cavalry.
Rich, Lucius L., First Lieutenant, 5th Infantry.
Rhett, Thomas G., Paymaster, U. S. A.
Rice, Olin F., Second Lieutenant, 6th Infantry.
Ruggles, Daniel, Captain and brevet Lieutenant-Colonel, 5th Infantry.
Reynolds, Alex. W., Captain and Assist. Quartermaster.
Stevenson, Carter L., Captain, 5th Infantry.
Smith, Martin L., Captain, Topographical Engineers.
Sibley, Henry H., Major, 1st Dragoons.
Steele, William, Captain, 2d Dragoons.
Stuart, James E. B., Captain, 1st Cavalry.
Smith, Larkin, Captain and brevet Major, 8th Infantry.
Steen, Alexander E., First Lieutenant, 3d Infantry.
Saunders, John S., 2d Lieutenant, Ordnance Dep't.
Stewart, George H., Captain, 1st Cavalry.
Smith, E. Kirby, Major, 2d Cavalry.
Smith, William D., Captain, 2d Dragoons.
Slaughter, James E., First Lieutenant, 1st Artillery.
Stith, Donald C., Captain, 5th Infantry.
Taylor, John G., First Lieutenant, 8th Infantry.
Tyler, Charles H., Captain, 2d Dragoons.
Twiggs, David E., Brigadier-General and brevet Major-General, U. S. A.
Van Dorn, Earl, Major, 2d Cavalry.
Villepigue, John V., First Lieutenant, 2d Dragoons.
Williams, William O., First Lieutenant, 2d Cavalry.
Withers, John, Captain and Assist. Adjutant-General.
Wayne, Henry C., Captain and brevet Major, Quartermaster's Department.
Williams, Solomon, Second Lieutenant, 2d Dragoons.
Walker, Henry H., First Lieutenant, 6th Infantry.
Winder, John H., Major and brevet Lieutenant-Colonel, 3d Artillery.
Washington, T. A., First Lieutenant, 1st Infantry.
Winder, Charles S., Captain, 9th Infantry.
Williams, Thomas G., First Lieutenant, 1st Infantry.
White, Moses J., brevet Second Lieutenant, Ordnance.
Whiting, William H. C., Captain, Engineers.
Welcker, William T., First Lieutenant, Ordnance.
Waddy, John R., First Lieutenant, 4th Artillery.
Wilcox, Cadmus M., Captain, 7th Infantry.
Walker, William T. H., Major and brevet Lieutenant-Colonel, 10th Infantry.

ARMY OF THE UNITED STATES. On January 1st, 1863, the army of the United States, comprising the regular troops, and the volunteers obtained under the various calls made by the President since the commencement of the war, numbered probably between 600,000 and 700,000 men. Of the whole number of men voluntarily raised to that date no precise statement can be afforded, the information furnished by some of the reports being so obscure that it is difficult to decide to which class of service (that of the individual States or of the General Government), the troops furnished belong; but the following table is believed to be as complete as it is possible to make it:

States.	3 months.	9 months.	3 years.	Total.
Maine	779	7,493	24,771	33,043
New Hampshire	800	2,023	14,915	17,738
Vermont	782	4,777	13,447	19,006
Massachusetts	3,736	16,896	50,406	71,038
Rhode Island	3,147	2,069	9,410	14,626
Connecticut	2,340	5,697	20,182	28,219
New York	15,922		176,783	192,705
New Jersey	3,105	10,714	16,395	30,214
Pennsylvania	20,979	15,100	164,257	194,558
Ohio	26,893		143,228	170,121
Indiana	4,698		93,840	104,316
Illinois	4,901		130,539	135,440
Michigan	780		44,890	45,670
Wisconsin	810	491	39,345	40,646
Minnesota	930	1,200	10,136	12,266
Iowa	959		47,855	48,814
Missouri			27,407	27,407
Kentucky		878	41,163	42,043
Delaware, Maryland, Virginia, Tennessee, California	No returns.			
	91,561	67,335	1,068,769	1,227,665

To these must be added 30,131 men enlisted in New York for two years in the spring of 1861; 2,589 twelve months' men enlisted in Pennsylvania, and the following raised for the defence of their respective States: Maine, 262; Pennsylvania, 3,191; Missouri, 10,540; and Kentucky, 1,860; making a grand total of 1,276,246. If to these again be added the regular army and the militia called out by the governors of the border States under apprehensions of invasion, but not mustered into the service of the United States, the number of men engaged from April, 1861, to January, 1863, will probably not vary much from a million and a half. The troops actually in service at the close of 1862, comprising 3 years', 2 years', 12 months', 9 months' men and regulars, represented organizations amounting originally to an aggregate of 1,200,000; but among these the casualties of the field, diseases of the camp, discharges for physical disability, and desertions, had made fearful inroads, some regiments having within a year of their enlistment been reduced to less than the strength of a couple of full companies. As an illustration at once of the bravery of the troops and of the rate at which the army is depleted, Gen. Meade stated in reply to an address of welcome from the mayor of Philadelphia, that from March,

1862, when the army of the Potomac left its lines in front of Washington, to the close of 1863, not less than a hundred thousand men in it had been killed and wounded. The causes and rate of the depletion in this and other military departments will be found treated under the heads of HYGIENE OF THE ARMY more fully.

In view of the serious loss of disciplined troops which would be caused by the return home of the 2 years', 12 months' and 9 months' regiments, comprising an aggregate of about 65,000 men, whose terms of enlistment would expire during the summer and autumn of 1863, the Government early in the year took measures to obtain the passage of an Enrolment and Conscription Act, authorizing the President to recruit the army, when necessary, by drafting from the able-bodied male citizens of the country between the ages of twenty and forty-five. The measure was unpopular in many parts of the country, though few, if any, among the party in favor of carrying on the war objected to it upon principle, as a final and peremptory means of providing men. They, however, preferred volunteering as more effective and more in accordance with republican institutions. In reply to these objections it was urged that volunteering under the last call had proceeded slowly, that the bounties demanded were excessive, and that the quota of many States, even under the inducement of heavy bounties, had not been filled. These reasons being deemed conclusive, the conscription act became a law on March 3d; in the succeeding May and June the enrolment was effected in most of the States, and early in the former month a draft of 300,000 men was ordered, the conscription commencing in the several districts into which the country was divided by the provost marshal-general and his assistants, as soon as the enrolment was completed and the quota in each assigned. For the operations of the conscription act, *see* ENROLMENT. On December 1st, 1863, the draft had resulted, in twelve States in which it was enforced, in adding about 50,000 men to the army, and in the accumulation of a fund of $10,518,000, derived from commutations under what is known as the "Three Hundred Dollar clause" of the act, which was reserved for the procurement of recruits by bounties.

On June 15th, under apprehensions of an invasion of Pennsylvania and other Northern States, the President issued a proclamation, calling for 100,000 militia to be mustered into the United States service for six months unless sooner discharged, viz.: from Maryland, 10,000; from Pennsylvania, 50,000; from Ohio, 30,000; and from West Virginia, 10,000; and directing that these States should be respectively credited under the Enrolment Act for the militia service rendered under the proclamation. The governor of New-York also received a requisition for 20,000 men. The latter call was obeyed with commendable promptitude, and very nearly to the extent required by the President; but from the States most immediately affected by the invasion of Gen. Lee, the number of men thus obtained was proportionately less. The speedy retirement of the Confederates after the battle of Gettysburg rendered the services of these troops useless, and by August 1st they were nearly all disbanded.

It having become apparent to the Government, during the progress of the draft, that the act of March 3d was insufficient to supply the army with recruits, the President issued a call on October 15th for 300,000 volunteers, to be enlisted by the governors of the different States "for the various companies and regiments in the field from their respective States." The volunteers thus enlisted were declared entitled to advance pay, premium, and bounty, as previously established by Government for enlisted troops; and, together with all other volunteers not previously credited, were to be credited on and deducted from the quotas established for the draft. Should any State fail to raise the quota assigned to it by the War Department under this call, then a draft for the deficiency was to be made on the State or its districts on January 5th, 1864. Nothing in the proclamation was to interfere with existing orders, or any subsequently to be issued, for the draft then in progress or where it had not commenced; and it was stated that in the assignment of quotas of States and districts due regard would be had for the men previously furnished, whether by volunteering or drafting.

This call differed in several particulars from any previously made, and indicated the adoption of a wiser policy in reference to reënforcing the army. In the first place the troops were ordered to be raised six months or more before the expiration of the terms of any of the three years' men, and not, as previously, when there was imperative need of their services, either to repel invasions, to save the menaced capital, or to fill the places of those whose term of enlistment was about to expire. They were to be incorporated into the various organizations in the field, and not formed into new regiments or companies. And lastly, the people were called upon to decide under which system, volunteering or the draft, they would replenish the wasted battalions of the army, thus relieving the Government from the odium which, in the opinion of many, its enforcement of the conscription had brought upon it.

But although the call was made several months in advance of the withdrawal of the enlisted men of 1861, it came none too soon for the needs of the country. Estimating the strength of the army at 650,000 men, on Jan. 1st, 1863, we have to deduct from that number 10,000 two years' and 55,000 to 60,000 nine months' men, whose terms expired previous to October; and if from the remainder we make a further deduction of 25 per cent. for losses of every description, which is the ascertained

ratio of depletion, there would be left but 450,000 effective men at the close of the year. To offset these losses there were 50,000 conscripts, and, as appears by the provost-marshal-general's report, 83,242 recruits obtained, previous to November, by volunteering, of whom all but about 15,000 were 3 years' men, a total of 133,242, which would bring the strength of the army, in October, up to about 580,000 men. The estimates of the War Depertment show that the paymaster-general of volunteers was called upon in November to pay 961 regiments of infantry, 159 of cavalry, 42 of artillery, 4 of engineers, and 174 artillery batteries, making a total of about 1,150 full regiments. The regular army to be added consists of 6 regiments of cavalry, 5 of artillery, and 19 of infantry, making an aggregate of 1,200 regiments. To this large number, the exigencies that follow victory and occupation, the nature and extent of the field of operations, and the formidable size of the enemy's army, imperatively demanded that considerable reënforcements should be added.

Within a few days after the last call, volunteering commenced in all the States with an activity which promises a substantial increase to the national forces. In addition to the bounties offered by Government, from its commutation fund and from other sources, viz., $302 to new recruits, and $402 to veteran volunteers, there were bounties provided by State, county, town, or other local authorities, nearly, if not fully, equal in amount, making the whole sum received by the recruit from $600 to $900. Under this stimulus a sufficient number of recruits had probably come in at the close of the year to restore the army to the effective strength possessed by it a twelvemonth previous.

Previous campaigns having shown the folly of recruiting the army by the addition of new regiments and companies, which require many months of experience in actual warfare to become effective, the Government, early in the year, began to devise means to retain in the field the veteran troops whose terms were about to expire, and to fill up the regiments in active service to the maximum strength. Many of the latter were reduced to mere skeleton commands; a brigade of four or five regiments being frequently inferior in numerical strength to a full regiment; and, in the opinion of experienced officers, an army made up of numerous small organizations of this nature was wanting in mobility and in other elements of power. Few of the regiments raised during the first two years of the war had received any considerable reënforcements, and though the men had become good soldiers, the gradual reduction (amounting in some cases to almost 90 per cent.) in their numbers had greatly weakened that *esprit du corps* which it is one of the chief objects of a general to promote. A regiment reduced to 150 or 200 men, with no hope of being reënforced, soon loses interest in its organization, and its members, if not demoralized or affected in their discipline, become at the best only machines. Influenced, doubtless, by these considerations, the Secretary of War announced, in his annual report, that "the prime importance of filling up the old regiments, and the superiority of such forces over new regiments, were points upon which all military experience and opinions agree," and, throughout the year, the policy of the Government in providing for an increase of the army, was in conformity with these views. An important exception was made in the case of negro regiments, of which mention will be made hereafter. In some of the States also nine months' men, and in New York two years' men, were formed into new regiments, which were considered, and were in fact, equivalent to veteran regiments.

As a means of inducing veterans, both out of and in the service, to reënlist, or to enter old regiments other than their own, a liberal system of bounties and furloughs was adopted, the details of which are given in the following order, issued by the War Department, on June 28th.

General Orders, No. 191.—*First:* In order to increase the armies now in the field, volunteer infantry, cavalry, and artillery may be enlisted at any time within ninety days from this date, in the respective States, under the regulations hereinafter mentioned. The volunteers so enlisted, and such of the three years' troops now in the field as may reënlist, in accordance with this order, will constitute a force to be designated "Veteran Volunteers."

The regulations for enlisting the force are as follows:

Second: The period of service for the enlistments and reënlistments above mentioned shall be for three years or during the war.

Third: All able-bodied men between the ages of 18 and 45 years, who have heretofore been enlisted and have served for not less than nine months, and can pass the examination required by the mustering regulations of the United States, may be enlisted under this order as veteran volunteers in accordance with the provisions hereinafter set forth.

Fourth: Every volunteer enlisted and mustered into the service as a veteran under this order, shall be entitled to receive from the United States one month's pay in advance, and a bounty and premium of $402.

Fifth: If the Government shall not require these troops for the full period of three years, and they shall be mustered honorably out of the service before the expiration of their term of enlistment, they shall receive, upon being mustered out, the whole amount of bounty remaining unpaid, and the same as if the full term had been served. The legal heirs of volunteers who die in service shall be entitled to receive the whole bounty remaining unpaid at the time of the soldier's death.

Sixth: Veteran volunteers enlisted under this order will be permitted at their option to enter old regiments now in the field, but their service will continue for the full term of their own enlistment, notwithstanding the expiration of the term for which the regiment was originally enlisted. New organizations will be officered only by persons who have been in service, and have shown themselves properly qualified for command. As a badge of honorable distinction, service chevrons will be furnished by the War Department, to be worn by the veteran volunteers.

Seventh: Officers of regiments, whose terms have expired, will be authorized, on proper application and

approval of their respective governors, to raise companies and regiments, within the period of sixty days, and, if the company or regiment authorized to be raised shall be filled up and mustered into service within the said period of sixty days, the officers may be recommissioned at the date of their original commission, and, for the time engaged in recruiting, they will be entitled to receive the pay belonging to their rank.

Eighth: Volunteers or militia now in service, whose term of service will expire within ninety days, and who shall then have been in service at least nine months, shall be entitled to the aforesaid bounty and premium of $402, provided they reënlist before the expiration of their present term for three years, from date of reënlistment or for the war, and said bounty and premium shall be paid in the manner herein provided for other troops reëntering the service.

Ninth: After the expiration of ninety days from this date, volunteers serving in three years' organizations who may reënlist for three years from the date of such reënlistment or for the war, shall be entitled to the aforesaid bounty and premium of $402, to be paid in the manner herein provided for other troops reëntering the service.

Tenth: Officers in service, whose regiments or companies may reënlist in accordance with the provisions of this order, before the expiration of their present term, shall have their commissions continued so as to preserve their date of rank as fixed by their original muster into the United States service.

Eleventh: As soon after the expiration of their original term of enlistment as the exigencies of the service will permit, a furlough of thirty days will be granted to men who may reënlist in accordance with the provisions of this order.

Twelfth: Volunteers enlisted under this order will be credited as three years' men in the quotas of their respective States, Instructions for the appointment of recruiting officers, and for enlisting veteran volunteers, will be immediately issued to the governors of States. By order of the Secretary of War.

E. D. TOWNSEND, Asst. Adjt.-Gen.

By an order issued Sept. 11th, section 9 of the above order was amended, so as to read as follows:

9,—After the expiration of ninety days from this date (June 25th) volunteers serving in three years' organizations, who may reënlist for three years or the war in the companies of regiments to which they now belong, and who may have, at the date of reënlistment, less than one year to serve, shall be entitled to the aforesaid bounty and premium of $402 to be paid in the manner provided for other troops reëntering the service. The new term will commence from the time of reënlistment.

Another order, dated in December, extended the time for reënlisting veteran volunteers in the respective States under General Orders No. 191, current series, to Jan. 5th, 1864.

A further order from the War Department, dated Nov. 21st, provided that volunteers then in the service, reënlisting as veteran volunteers under General Orders, No. 191, should have a furlough of at least thirty days previous to the expiration of their original enlistment; and that when three fourths of a regiment or company should reënlist, the men so enlisted might go home in a body with their officers; the individuals of the regiments or companies not reënlisting to be assigned, during the absence of their comrades, to duty with other organizations. This modification of the original order, together with the liberal bounty offered to veteran volunteers, had the effect of inducing large numbers to reënlist, and, subsequent to the middle of December, a steady stream of furloughed regiments poured northward, affording indications that the army, when reorganized in the spring of 1864, would contain a considerable nucleus of disciplined troops.

The men raised by drafting were distributed, from time to time, among the regiments or companies of their States, and those volunteering under the October call, it was understood, at the close of the year were to be similarly disposed of. Few of the latter class of recruits, however, had been forwarded to the seat of war at that date. The great body of them were in temporary State camps, and in many of the States the number of these was still inconsiderable.

As an additional means of promoting the efficiency of the army, a plan of consolidation in depleted regiments was authorized by the two following sections of the Enrolment and Conscription Act:

SEC. 19.—*And be it further enacted,* That whenever a regiment of volunteers of the same arm from the same State is reduced to one half the maximum number prescribed by law, the President may direct the consolidation of the companies of such regiment; *Provided,* That no company so formed shall exceed the maximum number prescribed by law. When such consolidation is made, the regimental officers shall be reduced in proportion to the reduction of the numbers of companies.

SEC. 20.—*And be it further enacted,* That whenever a regiment is reduced below the minimum number allowed by law, no officer shall be appointed in such regiment beyond those necessary for the command of such reduced number.

In accordance with these provisions, some regiments which had dwindled to insignificant proportions were consolidated into five or a less number of companies, where the interests of the service seemed to demand it; but, in the majority of cases, they were allowed to remain as originally organized, for reasons deemed conclusive by those having discretion in the matter, and which can be best understood by reference to the following order providing for the mustering out of supernumerary officers in such consolidated regiments:

General Orders, No. 86.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE, WASHINGTON, *April 2d,* 1863.

1. Under the authority contained in sections nineteen and twenty of the act for enrolling and calling out the national forces, and for other purposes, approved March 3d, 1863, it is ordered that, for each and every regiment of the volunteer army now reduced, or that may be reduced hereafter, as set forth in said sections, consolidation shall be made in accordance with the following rules:

Infantry.

1. Each regiment will be consolidated into five or a less number of companies, and the colonel, major, and one assistant surgeon mustered out.

Cavalry.

2. Each regiment will be consolidated into six or a less number of companies, and the colonel, two majors, and one assistant surgeon mustered out.

Artillery.

3. Each regiment will be consolidated into six or a

less number of batteries, and the colonel, two majors, and one assistant surgeon mustered out.

4. The companies and batteries formed by consolidation will be of the maximum strength, and will be organized as now directed by law and regulations. The first letters of the alphabet will be used to designate the companies.

5. The company officers, commissioned and non-commissioned, rendered supernumerary, will be mustered out of service at the date of consolidation. All other officers and non-commissioned officers will be retained.

6. The officers to be retained will be selected by the division and corps commanders, under the instructions of the commanding general of the army or department, from among the most efficient officers of the respective regiments. After the consolidation, as herein directed, the reduced proportion of officers will be maintained, and no appointments to vacancies will be made except upon notification from the adjutant-general of the army. To this end commanders of armies and departments will report weekly to the adjutant-generals the vacancies to be filled. The said reports will be separate for each State, and must embrace the name, rank, and regiment of the party creating the vacancy, with date and cause thereof. If an order was issued in the case, its number, date, and source must be given. Commissaries and assistant commissaries of musters will closely observe this paragraph, and make no musters in except of the proportion herein fixed.

The difficulty attending the execution of this order, and the positive loss which the service would incur by the withdrawal of numerous competent officers, apart from the injustice to the officers themselves, were readily perceived; and soon after its promulgation the corps commanders of the army of the Potomac unanimously requested the commander-in-chief to take no action in the matter until the disastrous effect of such a step could be laid before the President. In accordance with these suggestions, the power has been but sparingly used, and only where the discharge of officers would prove a positive benefit to the regiment or the service. Recruiting was wisely substituted as a means of restoring efficiency; and old regiments, reduced by battle and hardships, but proud of their well earned fame, were allowed to retain their experienced and familiar leaders, whom, in many cases, they considered an indispensable part of their organization.

By official returns made in January, 1863, it was estimated that there were then absent from duty, 8,987 officers, and 280,073 non-commissioned officers and privates, of whom only a part were really disabled or sick, the rest being mainly deserters or stragglers who absented themselves in order to avoid duty. The Government itself was responsible in a measure for this state of things, from the readiness with which it had permitted furloughs to be granted, and from its neglect to punish abuses of the privilege. Many of the absentees were living openly at their homes, having far exceeded the reasonable time allowed for recovery from wounds or sickness, and among these a lax sentiment had grown up in regard to the obligations of a furlough, which they began finally to consider as equivalent to a discharge from the service. Many probably honestly believed that, having obtained a furlough, they might overstay their time without incurring the reproach of desertion; and more still, seeing that no measures were taken to reclaim or punish deserters, openly defied the authority of the Government by resuming their ordinary occupations in time of peace. There was abundant evidence, also, that disaffected persons were systematically employed in promoting desertion, either by enticing men from their regiments, or persuading them to overstay their furloughs until they were afraid to return to the army, and become amenable to punishment.

The publication of these statistics naturally alarmed the country, and with a view of restoring to the service much of its proper material, and of discouraging the practice of desertion, a special clause was inserted in the Conscription Act, upon which the President framed the following proclamation:

EXECUTIVE MANSION, *March 10th*, 1863.

In pursuance of the twenty-sixth section of the act of Congress, entitled an act for enrolling and calling out the national forces, and for other purposes, approved on the third of March, in the year one thousand eight hundred and sixty-three, I, Abraham Lincoln, President and commander-in-chief of the army and navy of the United States, do hereby order and command that all soldiers enlisted or drafted into the service of the United States, now absent from their regiments without leave, shall forthwith return to their respective regiments, and I do hereby declare and proclaim that all soldiers now absent from their respective regiments without leave who shall on or before the 1st day of April, 1863, report themselves at any rendezvous designated by the General Orders of the War Department, No. 58, hereto annexed, may be restored to their respective regiments without punishment, except the forfeiture of pay and allowances during their absence, and all who do not return within the time above specified, shall be arrested as deserters, and punished as the law provides.

And whereas evil disposed and disloyal persons, at sundry places, have enticed and procured soldiers to desert and absent themselves from their regiments, thereby weakening the strength of the armies and prolonging the war, giving aid and comfort to the enemy, and cruelly exposing the gallant and faithful soldiers remaining in the ranks to increased hardships and dangers;

I do, therefore, call upon all patriotic and faithful citizens to oppose and resist the aforementioned dangerous and treasonable crimes, and aid in restoring to their regiments all soldiers absent without leave, and to assist in the execution of the act of Congress for "enrolling and calling out the national forces and for other purposes," and to support the proper authorities in the prosecution and punishment of offenders against said act, and aid in suppressing the insurrection and the rebellion.

In testimony whereof I have hereunto set my hand.

Done at the city of Washington, this 10th day of March, in the year of our Lord one thousand eight hundred and sixty-three, and of the Independence of the United States eighty-seventh.

ABRAHAM LINCOLN.

By the President:
EDWIN M. STANTON, Secretary of War.

The proclamation had the effect of inducing many deserters to return voluntarily to their duty, and the enforcement of strict orders issued by the commanders of several departments caused the compulsory return of others. In a corresponding degree the temptation to

overstay furloughs or to desert was lessened, and the efficiency of the army thereby greatly promoted. As the example of officers abusing the privileges of their furloughs was naturally supposed to exert an injurious influence upon the rank and file of the army, the commander-in-chief, in accordance with a special privilege in the Conscription Act, instructed courts martial, in all parts of the country, that they had power to sentence officers who should absent themselves from their commands without leave, to be reduced to the ranks to serve three years or during the war; and, by a general order from the War Department, commanding officers were required to report in their monthly returns of deserters the names of men joined from desertion, as well as those who deserted during the month. So effective were these provisions, that at the close of the year the general-in-chief was enabled to report a considerable abatement in straggling and desertion, as well as in the overstaying of furloughs, although he was of the opinion that the punishment was not quite sufficiently prompt and certain to entirely prevent the evil. From the report of the provost marshal-general, to whom was intrusted the general direction of the subject, it appears that, between May 1st and November 1st, nearly twenty-two thousand deserters and absentees were arrested; and that, owing to the greater probability of arrest and to the punishments that had been inflicted, the number of deserters in September and October was only one half as great as in May and June.

Previous to 1863, the employment of colored soldiers in the United States service was confined to two or three localities. At Hilton Head, S. Carolina, Gen. Hunter had caused the able-bodied negroes from the neighboring plantations to be formed into regiments and drilled by competent officers; and Gen. Butler, finding in New Orleans a colored corps of the Louisiana State militia, raised under the certificate of a former governor of the State, placed it in the service of the Government, and encouraged the formation of similar organizations. These troops were originally intended chiefly for local service, or, if sent beyond the localities in which they were raised, were to be employed to garrison posts which the unacclimated Northern soldiers could not safely occupy during the unhealthy season. Public opinion had not yet decided that they could become an integral portion of the army and as such be available for every species of military service, notwithstanding that Congress, by two acts passed in July, 1862, had expressly authorized the employment of colored men as troops.

The first of these, known as the Confiscation Act, permitted the President to employ as many persons of African descent as he might deem necessary and proper for the suppression of the rebellion; and for that purpose to organize and use them in such manner as he might judge best for the public welfare. The second act authorized him to receive into the service of the United States for any species of labor or military or naval service for which they might be found competent, persons of African descent, who should be enrolled and organized under such regulations, not inconsistent with the Constitution and the laws, as he might prescribe; and should receive $10 per month and one ration per day, of which monthly pay $3 dollars might be in clothing.

Both laws were made with reference to those persons who by force of arms or by provisions of statutes had been recently freed from bondage; and the important class of colored soldiers from the free States was probably not then in the contemplation of Congress. Many considerations were urged upon the President to induce him to exercise the power conferred upon him in a restricted sense only. The employment of negroes as laborers upon fortifications, teamsters, boatmen, and in similar capacities, was declared legitimate and sufficient for the present needs of the country; but, in the opinion of many, the arming of any considerable body of such persons was a measure fraught with ominous consequences. Whether or not these reasons were deemed conclusive, it is certain that, previous to 1863, the number of persons of African descent employed as soldiers was exceedingly limited. But with the commencement of the year, a vigorous movement was initiated in various parts of the country to organize colored regiments, and especially to bring to the aid of the Government the latent strength of the large negro population in the seceded States.

On January 12th, Mr. Stevens, of Pennsylvania, introduced into the House of Representatives a bill authorizing the President to raise, equip, and organize 150,000 colored troops, which, after being amended so as to provide for the enlistment of not over 300,000, was passed, February 2d, in the face of a determined opposition from members of the border States, and from some friends of the administration. A similar bill introduced by Mr. Sumner in the Senate, having been reported back from the Committee on Military Affairs, with a recommendation that it should not pass, on the ground that sufficient authority to raise such troops was conferred by the act of 1862, no further action was taken on either bill. The subject had, however, been by this time very generally discussed, both in and out of Congress, and in deference to the wishes of a large portion of the community, and of many prominent public men, including officers of experience, the President determined to exercise, to their fullest extent, the powers conferred upon him by the act of 1862. Congress having in the Conscription Act avoided making any distinction between white and colored citizens, and required them equally to be enrolled and drafted in the armies of the United States, the policy of the administration thenceforth became clearly defined, and "persons of African descent,"

as well in the free as in the slave States, were declared to be available as soldiers.

The initiative in raising colored regiments in the free States was taken by Governor Andrew of Massachusetts, acting in conformity with the following order from the Secretary of War:

War Department, Washington City, *Jan. 20th*, 1863.

Ordered that Governor Andrew, of Massachusetts, is authorized, until further orders, to raise such number of volunteer companies of artillery for duty in the forts of Massachusetts and elsewhere, and such corps of infantry for the volunteer military service as he may find convenient. Such volunteers to be enlisted for three years, unless sooner discharged, and may include persons of African descent, organized into separate corps. He will make the usual requisitions on the appropriate Staff Bureaus, and officers for the proper transportation, organization, supplies, subsistence, arms and equipments of such volunteers.

[Signed] EDWIN M. STANTON,
Secretary of War.

Recruiting offices were immediately opened by the governor, and, as the colored population of Massachusetts was inconsiderable, agents were sent into neighboring States, where the scruples of the people or of the executive prevented the enlistment of troops of this class. In reply to enquiries, Governor Andrew announced that these regiments would be numbered, organized, considered, and treated in every respect precisely as other regiments previously sent into the field by Massachusetts; and, on the authority of the Secretary of War, he pledged the honor of the United States to them in the same degree and to the same rights with all other troops. Other free States subsequently sanctioned the enlistment of colored soldiers, including Rhode Island, Pennsylvania, New York, Ohio, and Kansas.

The Government having matured its plans with regard to the negro population whom the progress of the war had brought within the Union lines, Gen. Thomas, adjutant-general of the United States, was despatched in March to the Southwest, charged with the organization of colored troops, and the establishment of a labor system in the Mississippi valley. In the discharge of these duties he visited Memphis, Helena, and other points on both sides of the Mississippi as far south as Vicksburg, and while at Lake Providence, Louisiana, delivered, on April 8th, an address to the troops stationed there, the following extracts from which describe one important object of his visit, and unfold the policy of the Government at length:

I came from Washington clothed with the fullest power in this matter. With this power, I can act as if the President of the United States were himself present. I am directed to refer nothing to Washington, but to act promptly—what I have to do, to do at once—to strike down the unworthy and to elevate the deserving. * * * * * You know full well—for you have been over this country—that the rebels have sent into the field all their available fighting men—every man capable of bearing arms, and you know they have kept at home all their slaves for the raising of subsistence for their armies in the field. In this way they can bring to bear against us all the strength of their so-called Confederate States, while we at the North can only send a portion of our fighting force, being compelled to leave behind another portion to cultivate our fields and supply the wants of an immense army. The administration has determined to take from the rebels this source of supply—to take their negroes and compel them to send back a portion of their whites to cultivate their deserted plantations; and very poor persons they would be to fill the place of the dark-hued laborer. They must do this or their armies will starve.

* * * * * *

On the first day of January last the President issued his Proclamation declaring that from that day forward all the slaves in the States then in rebellion should be free. You know that vast numbers of these slaves are within your borders, inside of the lines of this army. They come into your camps and you cannot but receive them. The authorities in Washington are very much pained to hear, and I fear with truth in many cases, that some of these poor unfortunates have, on different occasions, been turned away from us, and their applications for admission within our lines have been refused by our officers and soldiers. This is not the way to use freedmen.

* * * * *

All of you will some day be on picket duty, and I charge you all if any of this unfortunate race come within your lines that you do not turn them away, but receive them kindly and cordially. They are to be encouraged to come to us. They are to be received with open arms; they are to be fed and clothed; they are to be armed.

This is the policy that has been fully determined upon. I am here to say that I am authorized to raise as many regiments of blacks as I can. I am authorized to give commissions, from the highest to the lowest, and I desire those persons who are earnest in this work to take hold of it. I desire only those whose hearts are in it, and to them alone will I give commissions. I don't care who they are or what their present rank may be. I do not hesitate to say that all proper persons will receive commissions.

While I am authorized thus, in the name of the Secretary of War, I have the fullest authority to dismiss from the army any man, be his rank what it may, whom I find maltreating the freedmen. This part of my duty I will most assuredly perform if any case comes before me. I would rather do that than give commissions, because such men are unworthy the name of soldiers.

* * * * *

I would like to raise on this river twenty regiments at least before I go back. I shall take all the women and children and all the men unfit for our military organizations, and place them on these plantations; then take these regiments and put them in the rear. They will guard the rear effectually. Knowing the country well, and familiar with all the roads and swamps, they will be able to track out the accursed guerillas and run them from the land. When I get regiments raised you may sweep out into the interior with impunity. Recollect, for every regiment of blacks I raise, I raise a regiment of whites to face the foe in the field. This, fellow-soldiers, is the determined policy of the administration. You all know full well when the President of the United States, though said to be slow in coming to a determination, when he once puts his foot down, it is there, and he is not going to take it up. He has put his foot down; I am here to assure you that my official influence shall be given that he shall not raise it.

Under the impulse given by this action of the Government, recruiting for colored regiments proceeded with considerable activity in Tennessee, Mississippi, Louisiana, and North and South Carolina, and before the close of the year was in progress in parts of Virginia and other districts in possession of the Federal arms, as also in Maryland and in the District of Columbia. Gen.

Banks, commanding the Department of the Gulf, was so well satisfied with the black troops, which he found in the service on his arrival in New Orleans, and was so confident in the ability and disposition of the negroes to become good soldiers, that he ordered a whole army corps to be raised, consisting of 18 regiments, of 500 men each, to be called the "Corps d'Afrique." His general order on the subject was in the following terms:

Corps D'Afrique.

HEADQUARTERS DEPARTMENT OF THE GULF, NINETEENTH ARMY CORPS, OPELOUSAS, *May 1st*, 1863.

General Orders, No. 40.—The Major-General commanding the Department proposes the organization of a *Corps d'Armée* of colored troops, to be designated as the "Corps d'Afrique." It will consist ultimately of eighteen regiments, representing all arms—infantry, artillery, cavalry—making nine brigades of two regiments each, and three divisions of three brigades each, with appropriate corps of engineers, and flying hospitals for each division. Appropriate uniforms, and the gradation of pay to correspond with the value of the services, will be hereafter awarded.

In the field the efficiency of every corps depends upon the influence of its officers upon the troops engaged, and the practical limits of one direct command is generally estimated at 1,000 men. The most eminent military historians and commanders, among others Thiers and Chambray, express the opinion upon a full review of the elements of military power, that the valor of the soldier is rather acquired than natural. Nations, whose individual heroism is undisputed, have failed as soldiers in the field. The European and American continents exhibit instances of this character, and the military prowess of every nation may be estimated by the centuries it has devoted to military contest, or the traditional passion of its people for military glory. With a race unaccustomed to military service, much more depends on the immediate influence of officers upon individual members, than with those that have acquired more or less of warlike habits and spirit by centuries of contest. It is deemed best, therefore, in the organization of the Corps d'Afrique, to limit the regiments to the smallest number of men consistent with efficient service in the field, in order to secure the most thorough instruction and discipline, and the largest influence of the officers over the troops. At first they will be limited to five hundred men. The average of American regiments is less than that number.

The Commanding General desires to detail for temporary or permanent duty the best officers of the army for the organization, instruction, and discipline of this corps. With their aid he is confident that the corps will render important service to the Government. It is not established upon any dogma of equality or other theory, but as a practical and sensible matter of business. The Government makes use of mules, horses, uneducated and educated white men in the defence of its institutions. Why should not the negro contribute whatever is in his power for the cause in which he is as deeply interested as other men? We may properly demand from him whatever service he can render. The chief defect in organizations of this character has arisen from incorrect ideas of the officers in command. Their discipline has been lax, and in some cases the conduct of their regiments unsatisfactory and discreditable. Controversies unnecessary and injurious to the service have arisen between them and other troops. The organization proposed will reconcile and avoid many of these troubles.

Officers and soldiers will consider the exigencies of the service in this Department, and the absolute necessity of appropriating every element of power to the support of the Government. The prejudices or opinions of men are in nowise involved. The coöperation and active support of all officers and men, and the nomination of men from the ranks, and from the list of non-commissioned and commissioned officers, are respectfully solicited from the Generals commanding the respective divisions.

By command of Maj.-Gen. BANKS.
RICHARD B. IRWIN, A. A.-General.

With a view of systematizing the enlistment of colored troops, the following order, furnishing rules and regulations on the subject, was issued by the War Department after the return of Gen. Thomas to Washington:

General Orders, No. 143.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE, WASHINGTON, *May 22d*, 1863.

1. A bureau is established in the Adjutant-General's office for the record of all matters relating to the organization of colored troops. An officer will be assigned to the charge of the bureau, with such number of clerks as may be designated by the Adjutant-General.

2. Three or more field officers will be detailed as inspectors, to supervise the organization of colored troops, at such points as may be indicated by the War Department, in the Northern and Western States.

3. Boards will be convened at such posts as may be decided upon by the War Department, to examine applicants for commissions to command colored troops, who, on application to the Adjutant-General, may receive authority to present themselves to the board of examination.

4. No person shall be allowed to recruit for colored troops except specially authorized by the War Department, and no such authority will be given to persons who have not been examined and passed by a board; nor will such authority be given to any one person to raise more than one regiment.

5. The reports of the boards will specify the grade of commission for which each candidate is fit, and authority to recruit will be given in accordance. Commissions will be issued from the Adjutant-General's office when the prescribed number of men is ready for muster into the service.

6. Colored troops may be accepted by companies, to be afterward consolidated in battalions and regiments by the Adjutant-General. Regiments will be numbered *seriatim*, in the order in which they are raised, the numbers to be determined by the Adjutant-General. They will be designated "—— Regiment of U. S. Colored Troops."

7. Recruiting stations and depots will be established by the Adjutant-General, as circumstances shall require, and officers will be detailed to muster in and inspect troops.

8. Non-commissioned officers of colored troops may be selected and appointed from the best men of their number, in the usual mode of appointing non-commissioned officers. Meritorious commissioned officers will be entitled to promotion to higher ranks, if they prove themselves equal to it.

9. All personal applications for appointments in the colored regiments, or for information concerning them, must be made to the Chief of the Bureau. All written communications should be addressed to the Chief of the Bureau, to the care of the Adjutant-General.

By order of the Secretary of War.
E. D. TOWNSEND, A. A.-General.

Early in August, Gen. Thomas again left Washington for the Southwest, under instructions from the War Department to continue, within the region previously visited by him, the "organization into the military service of the United States of all able-bodied male persons of African descent, who may come within our lines, or who may be brought in by our troops, or who may have already placed themselves under the protection of the Federal Gov-

ernment." An order issued by him at Vicksburg, on August 18th, developed the adoption of a new policy by the Government, the effect of which would be to very largely increase the number of colored troops in the service, and to make the negro, in a degree, work out his own emancipation. The practice of receiving all negroes who sought the protection of the Government, and allowing them to remain, in many instances, in a state of almost complete inactivity, was thenceforth to be abolished, experience having shown that it was "not only injustice to the service, but to the welfare of the negroes themselves, resulting in habits of idleness, sickness, and disease." Hence the following clause:

In future all able-bodied male negroes of the above class will at once be organized by such officers as may be detailed for that duty, into the military service of the United States, when they will be assigned to regiments composed of persons of African descent now in process of formation or to be formed hereafter.

Suitable provision was also made in other parts of the order for male negroes incapacitated by age or sickness, and for women and children. The enlistment of negroes in the rebel States, or of colored refugees from such States, was attended with little or no difficulty in respect to claims of service or labor from such persons. The owners were, for the most part, enemies, and after the Emancipation Proclamation of the President the question of property was considered definitively settled. When, however, the Government determined to make requisitions upon the colored population of the border slave States, or upon those portions of the seceded States expressly excepted from the operation of the Emancipation Proclamation, it became necessary to adopt some rule of compensation for slaveholders, whose rights might be affected. With this view an order was issued, on Oct. 3d, from the War Department, directing the establishment of recruiting stations in Maryland, Missouri, and Tennessee, and prescribing the method of enlistment. "All able-bodied free negroes, slaves of disloyal persons, and slaves of loyal persons, with the consent of their owners," were declared eligible for military service, and the State and county in which the enlistments were made were to be credited with the recruits thus obtained. Loyal slave owners offering slaves for enlistment were to receive $300 for each recruit accepted, upon filing a deed of manumission for him, and making satisfactory proof of title. But if within thirty days from the date of opening enlistments, a sufficient number of recruits should not be obtained to meet the exigencies of the service, then enlistments might be made by slaves, without requiring the consent of their owners, the latter to receive the same compensation, and, upon the same terms, provided for owners offering their slaves for enlistment. Special boards were also appointed for each State to determine all claims of owners, and to further the objects of the order.

The number of colored soldiers obtained from the sources above described has been variously stated, but it appears by the report of the bureau of enlistments, created in May, that, by December, over 50,000 men had been organized and were in actual service. Notwithstanding the declarations of Governor Andrew and others, that they would be placed on an equal footing with white troops, in respect to bounty, pay, etc., they have been allowed no bounty from the General Government, and under the construction given by the War Department to the act of 1862, they can only receive the pay of $10 per month while other soldiers are paid $13 per month, with clothing and daily rations. As colored men are subject, like white men, to be drafted under the Conscription Act, and no discrimination in color is recognized by the President's call for volunteers in October, this distinction was strongly urged upon the Government as unjust, and the Secretary of War, in his annual report, recommended that their bounties and pay should be made the same as for other troops. "As soldiers of the Union," he added, "fighting under its banner, exposing their lives to uphold the Government, colored troops are entitled to enjoy its justice and beneficence."

The apprehensions entertained in some quarters that negroes would be found unfitted for military service have not been justified by events. Officers competent to judge have concurred in describing them as, for the most part, obedient, patient, orderly, and temperate; apt in learning drill; proud of their occupation, and when well led, gallant soldiers. The habit of implicit obedience acquired during their long subjection to the dominant race in the South has rendered them peculiarly amenable to discipline, and not a few officers who have had experience of colored regiments, have declared their preference to command that class of troops. Some cases of insubordination have, nevertheless, occurred; a notable one being that of the 4th regiment of the Corps d'Afrique garrisoning Fort Jackson, on the Mississippi. But these can be generally traced to the neglect or bad conduct of commanding officers. The Secretary of War cites instances of their efficiency as infantry, artillery, and cavalry soldiers, and the following extract from Gen. Banks's official report of the assault on the fortifications of Port Hudson, on May 27th, illustrates their bravery under trying circumstances:

On the extreme right of our line I posted the 1st and 3d regiments of negro troops. The 1st regiment of Louisiana engineers, composed exclusively of colored men, excepting the officers, was also engaged during the operations of the day. The position occupied by these troops was one of importance, and called for the utmost steadiness and bravery in those to whom it was confided.

It gives me pleasure to report that they answered every expectation. In many respects their conduct was heroic, no troops could be more determined or more daring. They made, during the day, three charges

upon the batteries of the enemy, suffering very heavy losses, and holding their position at nightfall with the other troops on the right of our lines. The highest commendation is bestowed upon them by all the officers in command on the right.

Whatever doubt may have existed heretofore as to the efficiency of organizations of this character, the history of this day proves conclusively to those who were in condition to observe the conduct of these regiments, that the Government will find in this class of troops efficient supporters and defenders. The severe test to which they were subjected, and the determined manner in which they encountered the enemy, leave upon my mind no doubt of their ultimate success. They require only good officers, commands of limited numbers, and careful discipline to make them excellent soldiers.

The following testimony to their general good conduct, both in and off the field, was contributed by Gen. Hunter, while commanding the Department of the South.

HEADQUARTERS DEPARTMENT OF THE SOUTH, HILTON HEAD, PORT ROYAL, S. C., *May 4th*, 1863.

To his Excellency the Governor of Massachusetts:

I am happy to be able to announce to you my complete and eminent satisfaction with the results of the organization of negro regiments in this Department. In the field, so far as tried, they have proved brave, active, enduring, and energetic, frequently outrunning, by their zeal and familiarity with the Southern country, the restrictions deemed prudent by certain of their officers. They have never disgraced their uniform by pillage or cruelty, but have so conducted themselves, upon the whole, that even our enemies, though more anxious to find fault with these than with any other portion of our troops, have not yet been able to allege against them a single violation of any of the rules of civilized warfare.

These regiments are hardy, generous, temperate, patient, strictly obedient, possessing great natural aptitude for arms, and deeply imbued with that religious sentiment—call it fanaticism, such as like—which made the soldiers of Cromwell invincible. They believe that now is the time appointed by God for their deliverance; and under the heroic incitement of this faith, I believe them capable of showing a courage and persistency of purpose which must in the end extort both victory and admiration.

In this connection, I am also happy to announce to you that the prejudices of certain of our white soldiers and officers against these indispensable allies are rapidly softening or fading out; and that we have now opening before us in this Department, which was the first in the present war to inaugurate the experiment of employing colored troops, large opportunities of putting them to distinguished and profitable use.

The important subject of the treatment of colored soldiers whom the fortunes of war have thrown into the hands of the enemy, will be treated under the head of PRISONERS; also *see* FREEDMEN.

An important element of usefulness was introduced into the army during the year by the organization, under the direction of the provost-marshal-general, of the invalid corps. Its objects were: 1. To give honorable employment, with suitable compensation, in garrison, hospital, or provost duty, to that numerous class of deserving officers and men who, from wounds received in action, or disease contracted in service, were unfit for further duty in the field; and to bring back, for like purposes, those who had been previously discharged on similar grounds, and were still unfit for active duty and not liable to draft; and, 2. To increase the strength of the armies in the field by relieving able-bodied soldiers now employed in the duties about to be assigned to this new organization. The corps, on November 1st, consisted of 491 commissioned officers, and 17,762 enlisted men, organized as infantry and comprising 203 companies, of which 160 had been formed into 16 regiments. Each regiment contains 6 companies of the 1st battalion, and 4 companies of the 2d battalion, the former only being armed with muskets, and assigned to garrison duty, while the latter are armed with swords and pistols, and are on duty as guards, cooks, nurses, etc. The report of the Secretary of War, presented a month later, estimated the whole number of men in the corps at 22,000. At the close of the year it was in the full performance of the duties for which it was organized, and had rendered efficient service in arresting deserters, beside releasing for active duty a corresponding number of able-bodied men. The officers were selected on the recommendation of the military superiors under whom they had experience in the field, and were assigned to duty without regard to the States from which they were appointed. A similar plan was adopted in assigning the men to companies.

In connection with this subject it may be stated that during the year two boards have been in session—one at Annapolis and the other at Cincinnati—before one of which all officers who have left their commands in consequence of ill health are ordered to appear as soon as they are able to travel. They undergo an examination by the board, and are recommended, according to their condition, for light duty, for further leave of absence, or for medical treatment in a general hospital of the city where the board is in session. But if found fit for duty, the president of the board orders them forthwith to their regiments. The reports of the board are a guide to the adjutant-general in making details for mustering, recruiting, or other light duty, and in recommendations for leave of absence or discharge where the nature of the disability requires. The reports of the boards, taken in connection with regimental reports of absent officers, and the surgeons' certificates from such officers, form a complete system of accountability for absence from duty.

During the 2d session of the 37th Congress, a bill was introduced for the organization of a special ambulance corps, the duties pertaining to which had previously been performed by officers and men detailed from other branches of the service, and not by men enlisted for the purpose. On Feb. 24th, the Senate Military Committee, to whom the matter had been referred, after consultation with army officers and medical directors from all parts of the country, with members of the sanitary commission, and with other competent persons, reported that it was inexpedient to make any change in the system then in operation, which

employed 4,000 ambulances, 10,000 horses, and 10,000 picked men, and had attained a state of great efficiency. In view of the speedy opening of the spring campaign, and the probability of battles being fought, the project to entirely reorganize this department, and to substitute raw recruits for the practised men then attached to it, was deemed too hazardous an experiment, and no further action was taken in the matter. The various corps at present in existence have been organized in compliance with general orders from generals commanding the several departments, and form essentially one system.

A signal corps was organized under an act of the 37th Congress, of which the average number of officers on duty has been about 200. The Secretary of War observes that the full capacity of this branch of the service has not been developed, and different opinions as to its value seem to be entertained by the commanding officers. In combined land and naval operations it has been considered useful, and commanding officers of Western armies have commended it with favor. The continuance of the corps was recommended by the War Department, with proper restrictions upon number of officers, and limiting them to their proper scope of duties.

During the year, 1,755 miles of land and submarine telegraph were constructed under the direction of the military telegraph corps, making the total number of miles of land and submarine military telegraph lines in operation during the year five thousand three hundred and twenty-six. At least 1,200,000 telegrams were sent and received over the military lines in operation during the fiscal year ending June 30th, 1863—being at the rate of about 3,000 per diem. These messages varied in length from ten to one thousand words and upward, and generally were of urgent or important character.

The number of Revolutionary soldiers borne upon the pension rolls had dwindled down to eighteen on the 30th of June, 1863, of whom only ten had made application for their stipends on the 4th of March. The number of widows of Revolutionary soldiers on the rolls at the same period, was 1,573. The whole number of army invalid pensioners on the rolls the 30th of June was 7,248, most of whom were pensioned on account of wounds received or disease contracted in the service during the present war. The widows, orphans, and dependent mothers of 3,573 deceased soldiers of the present war were inscribed upon the rolls during the fiscal year, making the whole number of this class on the rolls at the close of the year, 4,820. The number of army pensioners of all classes, on the rolls on the 30th June was 13,659, drawing pay to the amount of $1,227,641 per annum.

The expenditures during the fiscal year ending June 30th, for arms and munitions of war, furnished by the Ordnance Department for sea coast and frontier fortifications, and for the forces in the field, amounted to $42,313,630. The cannon, small arms, accoutrements, and equipments for men and horses, and ammunition obtained during the same period by purchase and manufacture, were as follows:

1,577	field, siege, and sea-coast cannon, with carriages, caissons, and other implements.
1,082,841	muskets and rifles for foot soldiers.
282,389	carbines and pistols for mounted troops.
1,251,995	cannon balls and shells.
48,719,862	pounds of lead and lead bullets.
1,435,046	cartridges for artillery.
259,022,216	cartridges for small arms.
347,273,400	percussion caps.
3,925,369	friction primers.
5,764,768	pounds of gunpowder.
919,676	sets of accoutrements for men.
94,639	sets of equipments for cavalry horses.
3,281	sets of artillery harness, each set for two horses.

The quantities of the principal articles of ordnance materials in the control of the department at the beginning of the war, the quantities of those articles that have since been procured, and the quantities of those articles on hand on June 30th, 1863, are shown in the following table, viz.:

Articles.	On hand at beginning of the war.	Procured since the war began.
Siege and seacoast artillery....	1,052	1,064
Field artillery.....	231	2,734
Firearms for infantry	437,433	1,950,144
Firearms for cavalry.....	31,268	338,124
Sabres.....	16,933	837,555
Cannon balls and shells.....	363,591	2,552,744
Lead and lead bullets, in lbs...	1,301,776	71,776,774
Cartridges for artillery.....	28,247	2,238,746
Cartridges for small arms.....	8,292,300	522,204,816
Percussion caps.....	19,808,000	749,475,000
Friction primers.....	84,425	7,000,000
Gunpowder in lbs.....	1,110,584	13,424,363
Saltpetre, lbs.....	2,923,348	5,231,731
Accoutrements for infantry....	10,930	1,831,300
Accoutrements for cavalry.....	4,329	194,465
Equipments for cavalry horses.	574	266,581
Artillery harness (double).....	586	16,660

Articles.	Issued since the war began.	On hand for issue June 30,1863.
Siege and seacoast artillery....	2,088	927
Field artillery.....	2,481	484
Firearms for infantry.....	1,550,575	836,231
Firearms for cavalry.....	327,170	32,226
Sabres.....	271,817	32,571
Cannon balls and shells.....	1,745,586	1,180,749
Lead and lead bullets in lbs....	50,045,515	28,024,025
Cartridges for artillery.....	2,274,490	492,504
Cartridges for small arms.....	378,584,104	151,913,012
Percussion caps.....	715,036,470	74,246,530
Friction primers.....	6,082,505	1,005,629
Gunpowder in lbs.....	13,071,073	1,462,874
Saltpetre, lbs.....	none.	8,155,079
Accoutrements for infantry....	1,680,220	162,010
Accoutrements for cavalry.....	195,298	2,496
Equipments for cavalry horses.	211,670	5,552
Artillery harness (double).....	17,485	1,767

From a report furnished to Congress by the Secretary of War, it appears that at the close of the year the following general officers were without commands, equal to a brigade:

MAJOR-GENERALS.

George B. McClellan, relieved Nov. 7, 1862.

John C. Fremont, relieved Aug. 12, 1862.

David Hunter, relieved June 12, 1863; on a tour of inspection through the military district of Mississippi.

E. A. Hitchcock, commissioner for exchange of prisoners; has had no command.

Irvin McDowell, relieved Sept. 6, 1862; president of a Retiring Board since July 12, 1863.

W. S. Rosecrans, relieved Oct. 19, 1863; ordered to Department of Missouri.

D. C. Buell, relieved Oct. 30, 1862.

J. A. McClernand, relieved June 18, 1863.

Lewis Wallace, relieved Nov. 10, 1862; on court martial duty until Nov. 5, 1863.

George Cadwallader, relieved Aug. 16, 1862; commanding post at Philadelphia since July 18, 1863.

E. O. C. Ord, relieved Oct. 28, 1863, for sickness; has since joined his corps.

S. P. Heintzelman, relieved Oct. 13, 1863; president of General Court Martial in Washington.

E. D. Keyes, relieved July, 1863; member of Retiring Board at Wilmington, Del.

A. McDowell McCook, relieved Oct. 9, 1863.

T. L. Crittenden, relieved Oct. 7, 1863.

D. E. Sickles, relieved July 3, 1863; severely wounded.

R. H. Milroy, relieved June 20, 1863.

A. Doubleday, relieved July 1, 1863; wounded; on court martial duty.

R. J. Oglesby, relieved July 27, 1863.

G. L. Hartsuff, relieved Oct. 3, 1863; ordered before the Retiring Board.

BRIGADIER-GENERALS.

Andrew Porter, relieved July, 1862.

T. W. Sherman, relieved May 27, 1863; severely wounded.

W. R. Montgomery, relieved June, 1862; commanding post at Philadelphia until March 11, 1863.

J. B. Ricketts, relieved Nov. 1, 1862; on Military Board to try officers in Washington.

J. S. Wadsworth, relieved July 17, 1863; member of Court of Inquiry.

G. W. Morrell, relieved Feb. 1863; commanding depot for drafted men at Indianapolis.

J. J. Abercrombie, relieved Dec. 9, 1863.

L. P. Graham, relieved Aug. 19, 1862; president of board for examining sick officers at Annapolis.

W. A. Gorman, relieved June 27, 1863.

J. G. Barnard, has had no command; chief engineer of the defences of Washington.

J. P. Hatch, relieved Aug. 30, 1862; wounded at second battle of Bull Run; commanding cavalry depot at St. Louis.

A. Schoepf, relieved Oct. 15, 1862; commanding Fort Delaware.

G. W. Cullum, has had no command; chief of Gen. Halleck's staff.

G. B. Tower, relieved Aug. 31, 1862; severely wounded at the second battle of Bull Run.

L. G. Arnold, relieved May 23, 1863; sick, and ordered before the Retiring Board.

W. S. Ketchum, has had no command; on duty in the War Department.

D. Tyler, relieved June, 1863; commands the district of Delaware.

R. B. Mitchell, relieved Oct. 23, 1863; on General Court Martial at Washington.

E. R. S. Canby, relieved Sept. 10, 1863; on duty in the War Department.

C. Devens, Jr., relieved May 26, 1863, on account of sickness; commanding depot for drafted men in Boston harbor.

Max Weber, relieved Sept. 7, 1862; wounded; on General Court Martial at Washington.

Neal Dow, relieved May 27, 1863; wounded and a prisoner at Richmond, Va.

C. S. Greene, relieved Oct. 29, 1863; badly wounded; on General Court Martial at Washington.

John Gibbon, relieved July 3, 1863; wounded at Gettysburg; commanding depot for drafted men at Philadelphia.

Charles Griffin, relieved Oct. 23, 1863, on account of sickness; on General Court Martial at Washington.

Greene C. Smith, relieved Aug. 28, 1861; member of Congress.

B. S. Roberts, relieved Dec. 2, 1863.

F. C. Barlow, relieved July 4, 1863; wounded at Gettysburg.

Mason Brayman, relieved May 31, 1863; commanding Camp Dennison, Ohio.

N. J. Jackson, relieved April 17, 1863; commanding depot for drafted men at Riker's Island, N. Y harbor.

F. B. Spinola, relieved July 23, 1863; wounded; on recruiting service at Brooklyn, N. Y.

Solomon Meredith, relieved Oct. 19, 1863; absent on sick certificate.

H. B. Carrington, has had no command; on duty with the governor of Indiana.

William Hays, relieved Sept. 16, 1863; Assistant Provost Marshal-General, Southern Division of New York.

A. K. Slemmer, has had no command; President of Board of Examination of sick officers at Cincinnati.

P. G. Pitcher, has had no command; assistant to Provost Marshal-General at Brattleboro', Vt.

S. A. Meredith, has had no command; agent for exchange of prisoners.

E. W. Heath, relieved March 26, 1863; commanding depot for drafted men at Concord, N. H.

W. W. Orme, relieved Aug. 31, 1863; commanding at Chicago, Ill.

J. T. Copeland, relieved July 14, 1863; commanding depot for drafted men at Pittsburg, Pa.

S. G. Chaplin, has had no command; commanding depot for drafted men at Grand Rapids, Michigan.

T. A. Rowley, relieved July 3, 1863; wounded at Gettysburg; commanding depot for drafted men at Portland, Me.

C. T. Campbell, relieved July 30, 1863; on General Court Martial at Milwaukie, Wisconsin.

H. E. Paine, relieved July 3, 1863; lost a leg at Port Hudson; on General Court Martial at Washington.

G. R. Paul, relieved July 3, 1863; severely wounded at Gettysburg, and nearly blind.

Robert Allen, has had no command; Chief Quartermaster, Department of the West.

D. H. Rucker, has had no command; Chief Depot Quartermaster at Washington.

At the close of the year the several army corps were commanded as follows:

1st. Gen. John Newton.	13th. Gen. E. O. C. Ord.
2d. Gen W. S. Hancock.	14th. Gen. John M. Palmer.
3d. Gen. W. H. French.	15th. Gen. John A. Logan.
4th. Gen. Gordon Granger.	16th. Gen. S. A. Hurlbut.
5th. Gen. George Sykes.	17th. Gen. J. B. McPherson.
6th. Gen. John Sedgwick.	18th. Gen. B. F. Butler.
7th. Consolidated with others.	19th. Gen. W. B. Franklin.
8th. Gen. H. H. Lockwood.	20th. } Consolidated to form
9th. Gen. A. E. Burnside.	21st. } the 4th.
10th. Gen. Q. A. Gillmore.	22d. Gen. S. P. Heintzelman.
11th. Gen. O. O. Howard.	23d. Gen. G. L. Hartsuff.
12th. Gen. H. W. Slocum.	Cavalry Corps—Gen. George Stoneman.

The military geographical departments, after undergoing several changes in commanders, remained in charge of the following generals:

Department of the Tennessee—Maj.-Gen. W. T. Sherman.
" of the Cumberland—Maj.-Gen. George H. Thomas.
" of the Ohio—Maj.-Gen. J. T. Foster.
" of the East—Maj.-Gen. John A. Dix.
" of the Gulf—Maj -Gen. N. P. Banks.
" of North Carolina and Virginia—Maj.-Gen. B. F. Butler.
" of the Northwest—Maj.-Gen. John Pope.
" of Washington—Maj.-Gen. S. P. Heintzelman.
" of the Monongahela—Maj.-Gen. W. T. H. Brooks.
" of the Susquehanna—Maj.-Gen. D. N. Couch.
" of Western Virginia—Brig.-Gen. B. F. Kelly.
" of New Mexico—Brig.-Gen. J. H. Carleton.
" of the Pacific—Brig.-Gen. George Wright.
" of Kansas—Maj.-Gen. James G. Blunt.
" of the Middle Department—Brig.-Gen. H. H. Lockwood.
" of the South—Maj.-Gen. Q. A. Gillmore.
" of Missouri—Maj.-Gen. John M. Schofield.

The three departments of the Tennessee, the Cumberland, and the Ohio, were, in October, formed into the military Division of the Mississippi, of which Maj.-Gen. U. S. Grant assumed the command on the 16th of that month.

GENERAL OFFICERS OF THE REGULAR ARMY OF THE UNITED STATES.

*Officers not thus * designated are graduates of the Military Academy.*

Name.	Rank.	Date of Commission.	Brevets and former commissions.	Entry into service.	Born in	Appointed from
George B. McClellan	Major-General,	14 May, 1861,	.....	1 July, 1846,	Pa.,	Ohio.
John C. Fremont*	do.	14 May, 1861,	.....	7 July, 1838,	S. C.,	Cal.
Henry W. Halleck	do.	19 Aug., 1861,	Commanding Army,	1 July, 1839,	N. Y.,	Cal.
Ulysses S. Grant	do.	8 July, 1862,	M. G. vol. Feb. 16, 1862,	.....	Ohio,	Ill.
Irvin McDowell	Brigadier-General,	14 May, 1861,	M. G. vol. Mar. 14, 1862,	1 July, 1838,	Ohio,	Ohio.
Robert Anderson	do.	15 May, 1861,	.....	1 July, 1825,	Ky.,	Ky.
William S. Rosecrans	do.	16 May, 1861,	M. G. vol. Mar. 21, 1862,	1 July, 1842,	Ohio,	Ohio.
Philip St. G. Cooke	do.	12 Nov., 1861,	.....	1 July, 1827,	Va.,	Va.
John Pope	do.	14 July, 1862,	M. G. vol. Mar. 21, 1862,	1 July, 1842,	Ky.,	Ill.
Joseph Hooker	do.	20 Sept., 1862,	M. G. vol. May 5, 1862,	1 July, 1837,	Mass.,	Cal.
James B. McPherson	do.	.....	M. G. vol. Oct. 8, 1862,	.....	Ohio,	Ohio.

VOLUNTEER SERVICE.—GENERAL OFFICERS APPOINTED UNDER ACT OF CONGRESS, DEC., 1862.

Name, rank, and date of Commission.		Born in	Appointed from
MAJOR-GENERALS.			
1861.			
John A. Dix,*	16 May.	N. H.	N. Y.
Nathaniel P. Banks,*	16 May.	Mass.	Mass.
Benjamin F. Butler,*	16 May.	N. H.	Mass.
David Hunter,	13 Aug.	D. C.	Ill.
1862.			
Ethan A. Hitchcock,	10 Feb.	Vt.	Mo.
Ulysses S. Grant,	16 Feb.	Ohio.	Ill.
Irvin McDowell,	14 Mar.	Ohio.	Ohio.
Ambrose E. Burnside,	18 Mar.	Ind.	R. I.
William S. Rosecrans,	21 Mar.	Ohio.	Ohio.
Don Carlos Buell,	21 Mar.	Ohio.	Ind.
John Pope,	21 Mar.	Ky.	Ill.
Samuel R. Curtis,	21 Mar.	N. Y.	Iowa.
Franz Sigel,*	21 Mar.	Germ.	Mo.
John A. McClernand,*	21 Mar.	Ky.	Ill.
Lewis Wallace,*	21 Mar.	Ind.	Ind.
George H. Thomas,	25 Apr.	Va.	Va.
George Cadwalader,*	25 Apr.	Pa.	Pa.
William T. Sherman,	1 May.	Ohio.	Ohio.
Edward O. C. Ord,	2 May.	Md.	D. C.
Sam. P. Heintzelman,	5 May.	Pa.	Pa.
Erasmus D. Keyes,	5 May.	Mass.	Me.
Joseph Hooker,	5 May.	Mass.	Cal.
Silas Casey,	31 May.	R. I.	R. I.
William B. Franklin,	4 July.	Pa.	Pa.
Darius N. Couch,	4 July.	N. Y.	Mass.
Henry W. Slocum,	4 July.	N. Y.	N. Y.
John J. Peck,	4 July.	N. Y.	N. Y.
John Sedgwick,	4 July.	Conn.	Conn.
Alex. McD. McCook,	17 July.	Ohio.	Ohio.
Thom. L. Crittenden,*	17 July.	Ky.	Ky.
John G. Foster,	18 July.	N. H.	N. H.
John G. Parke,	18 July.	Pa.	Pa.
Christopher C. Augur,	9 Aug.	N. Y.	Mich.
Stephen A. Hurlbut,*	17 Sept.	S. C.	Ill.
Gordon Granger,	17 Sept.	N. Y.	N. Y.
Charles S. Hamilton,	19 Sept.	N. Y.	Wis.
Lovell H. Rousseau,*	8 Oct.	Ky.	Ky.
James B. McPherson,	8 Oct.	Ohio.	Ohio.
Benjamin M. Prentiss,*	29 Nov.	Va.	Ill.
George Stoneman,	29 Nov.	N. Y.	N. Y.
George G. Meade,	29 Nov.	Spain.	D. C.
Oliver O. Howard,	29 Nov.	Me.	Me.
Daniel E. Sickles,*	29 Nov.	N. Y.	N. Y.
Robert H. Milroy,*	29 Nov.	Ind.	Ind.
Daniel Butterfield,*	29 Nov.	N. Y.	N. Y.
Winfield S. Hancock,	29 Nov.	Pa.	Pa.
George Sykes,	29 Nov.	Md.	Md.
William H. French,	29 Nov.	Md.	D. C.
David S. Stanley,	29 Nov.	Ohio.	Ohio.
James S. Negley,*	29 Nov.	Pa.	Pa.
John M. Palmer,*	29 Nov.	Ky.	Ill.
Frederick Steele,	29 Nov.	N. Y.	N. Y.
Abner Doubleday,	29 Nov.	N. Y.	N. Y.
Napoleon J. T. Dana,	29 Nov.	Me.	Minn.
Richard J. Oglesby,*	29 Nov.	Ky.	Ill.
John A. Logan,*	29 Nov.	Ill.	Ill.
James G. Blunt,*	29 Nov.	Me.	Kansas.
George L. Hartsuff,	29 Nov.	N. Y	Mich.
Cadw. C. Washburne,*	29 Nov.	Me.	Wis.
Francis J. Herron,*	29 Nov.	Pa.	Iowa.
Frank P. Blair,*	29 Nov.	Ky.	Mo.
Joseph J. Reynolds,	29 Nov.	Ky.	Ind.
Philip H. Sheridan,	31 Dec.	Mass.	Ohio.
1863.			
Julius H. Stahel,*	14 Mar.	Hung.	N. Y.
Carl Schurz,*	14 Mar.	Germ.	Wis.
John Newton,	30 Mar.	Va.	Va.
BRIGADIER-GENERALS.			
1861.			
Andrew Porter,*	17 May.	Pa.	Pa.
Charles P. Stone,	17 May.	Mass.	D. C.
Thomas W. Sherman,	17 May.	R. I.	R. I.
Wm. R. Montgomery,	17 May.	N. J.	N. J.
Rufus King,	17 May.	N. Y.	Wis.
John D. Cox,*	17 May.	Cana.	Ohio.
Benjamin F. Kelley,*	17 May.	N. H.	Va.
A. S. Williams,*	17 May.	Conn.	Mich.
James B. Ricketts,	21 July.	N. Y.	N. Y.
Orlando B. Wilcox,	21 July.	Mich.	Mich.

Name, rank, and date of Commission.		Born in	Appointed from
BRIG.-GENERALS—*continued.*			
1861.			
Henry H. Lockwood,	8 Aug.	Del.	Del.
Jas. S. Wadsworth,*	9 Aug.	N. Y.	N. Y.
George W. Morell,	9 Aug.	N. Y.	N. Y.
John H. Martindale,	9 Aug.	N. Y.	N. Y.
Samuel D. Sturgis,	10 Aug.	Pa.	Pa.
Henry W. Benham,	13 Aug.	Conn.	Conn.
William F. Smith,	13 Aug.	Vt.	Vt.
Egbert L. Viele,	17 Aug.	N. Y.	N. Y.
William F. Barry,	20 Aug.	N. Y.	N. Y
John J. Abercrombie,	31 Aug.	Tenn.	Tenn.
Lawrence P. Graham,*	31 Aug.	Va.	Va.
Eleazer Paine,	3 Sept.	Ohio.	Ill.
Willis A. Gorman,*	7 Sept.	Ky.	Minn.
Horatio G. Wright,	14 Sept.	Conn.	Conn.
W. T. Ward,*	18 Sept.	Ky.	Ky.
John G. Barnard,	23 Sept.	Mass.	Mass.
Innis N. Palmer,	23 Sept.	N. Y.	N. Y.
Seth Williams,	23 Sept.	Me.	Me.
George Wright,	28 Sept.	Vt.	Vt.
Wm. T. H. Brooks,	28 Sept.	Ohio.	Ohio.
John M. Brannan,	28 Sept.	D. C.	Ind.
John P. Hatch,	28 Sept.	N. Y.	N. Y.
William K. Strong,*	28 Sept.	N. Y.	N. Y.
Albin Schoepf,*	30 Sept.	Hung.	Md.
Thomas J. Wood,	11 Oct.	Ky.	Ky.
Richard W. Johnson,	11 Oct.	Ky.	Ky.
A. Von Steinwehr,*	12 Oct.	Germ.	N. Y.
George W. Cullum,	1 Nov.	N. Y.	Pa.
Jeremiah T. Boyle,*	9 Nov.	Ky.	Ky.
George W. Morgan,*	12 Nov.	Pa.	Ohio.
John M. Schofield,	21 Nov.	N. Y.	Ill.
Thomas J. McKean,	21 Nov.	Pa.	Iowa.
Zealous B. Tower,	23 Nov.	Mass.	Mass.
Jefferson C. Davis,*	18 Dec.	Ind.	Ind.
1862.			
Lewis G. Arnold,	24 Jan.	N. J.	N. J.
William S. Ketchum,	3 Feb.	Conn.	Conn.
John W. Davidson,	3 Feb.	Va.	Va.
David D. Birney,*	3 Feb.	Ala.	Pa.
Thomas F. Meagher,*	3 Feb.	Irel'd.	N. Y.
Henry M. Naglee,	4 Feb.	Pa.	Pa.
Andrew Johnson,*	4 Mar.	N. C.	Tenn.
James G. Spears,*	5 Mar.	Tenn.	Tenn.
Eugene A. Carr,	7 Mar.	N. Y.	N. Y.
Thomas A. Davies,	7 Mar.	N. Y.	N. Y.
Daniel Tyler,	13 Mar.	Conn.	Conn.
William H. Emory,	17 Mar.	Md.	Md.
Andrew J. Smith,	17 Mar.	Pa.	Pa.
Marsena R. Patrick,	17 Mar.	N. Y.	N. Y.
Orris S. Ferry,	17 Mar.	Conn.	Conn.
Daniel P. Woodbury,	19 Mar.	N. H.	N. H.
Henry M. Judah,	21 Mar.	Md.	N. Y.
John Cook,*	21 Mar.	Ill.	Ill.
John McArthur,*	21 Mar.	Scot.	Ill.
Jacob G. Lauman,*	21 Mar.	Md.	Iowa.
Horatio P. Van Cleve,	21 Mar.	N. J.	Minn.
Speed S. Fry,*	21 Mar.	Ky.	Ky.
Alexander Asboth,*	21 Mar.	.....	.....
James Craig,*	21 Mar.	Pa.	Mo.
Mahlon D. Manson,*	24 Mar.	Ohio.	Ind.
Edward R. S. Canby,	31 Mar.	Ky.	Ind.
Grenville M. Dodge,*	31 Mar.	Mass.	Iowa.
Robert B. Mitchell,*	8 Apr.	Ohio.	Kansas.
Cuvier Grover,	14 Apr.	Me.	Me.
Rufus Saxton,	16 Apr.	Mass.	Mass.
Benjamin Alvord,	15 Apr.	Vt.	Vt.
Napoleon B. Buford,	15 Apr.	Ky.	Ill.
William S. Smith,	15 Apr.	Ohio.	Ohio.
Nathan Kimball,*	15 Apr.	Ind.	Ind.
Charles Devens,*	15 Apr.	.....	Mass.
James H. Van Alen,*	15 Apr.	N. Y.	N. Y.
Samuel W. Crawford,*	25 Apr.	Pa.	Pa.
Henry W. Wessels,*	25 Apr.	Conn.	Conn.
Milo S. Hascall,	25 Apr.	N. Y.	Ind.
Leonard F. Ross,*	25 Apr.	Ill.	Ill.
John W. Geary,*	25 Apr.	Pa.	Pa.
Alfred H. Terry,*	25 Apr.	Conn.	Conn.
And'w A. Humphreys,	28 Apr.	Pa.	D. C.
James H. Carleton,*	28 Apr.	Me.	Me.
Absalom Baird,	28 Apr.	Pa.	Pa.
John C. Robinson,*	28 Apr.	N. Y.	N. Y.
Truman Seymour,	28 Apr.	Vt.	Vt.
Quincy A. Gillmore,	28 Apr.	Ohio.	Ohio.

Name, rank, and date of Commission.		Born in	Appointed from
BRIG.-GENERALS—*continued.*			
1862.			
Henry Prince,	28 Apr.	Me.	Me.
Thom. D. Crittenden,*	28 Apr.	Ala.	Ind.
Max Weber,*	28 Apr.	.....	N. Y.
Jeremiah C. Sullivan,*	28 Apr.	.....	.....
Alvin P. Hovey,*	28 Apr.	Ind.	Ind.
James C. Veatch,*	28 Apr.	Ind.	Ind.
William P. Benton,*	28 Apr.	Md.	Ind.
John C. Caldwell,*	28 Apr.	Vt.	Me.
Neal Dow,*	28 Apr.	Me.	Me.
George S. Greene,	28 Apr.	R. I.	N. Y.
Samuel P. Carter,*	1 May.	Tenn.	Tenn.
John Gibbon,	2 May.	Pa.	N. C.
Erastus B. Tyler,*	14 May.	N. Y.	Ohio.
Charles Griffin,	9 June.	Ohio.	Ohio.
George H. Gordon,	9 June.	Mass.	Mass.
James M. Tuttle,*	9 June.	Ohio.	Iowa.
Julius White,	9 June.	N. Y.	Ill.
Peter J. Osterhaus,*	9 June.	Pruss.	Mo.
Steph. G. Burbridge,*	9 June.	Ky.	Ky.
Wash. L. Elliott,*	11 June.	Pa.	Pa.
Albion P. Howe,	11 June.	Me.	Me.
Benjamin S. Roberts,	16 July.	Vt.	Iowa.
Alfred Pleasanton,	16 July.	D. C.	D. C.
Jacob Ammen,	16 July.	Va.	Ohio.
Fitz-Henry Warren,*	16 July.	Mass.	Iowa.
Morgan L. Smith,*	16 July.	N. Y.	Mo.
Charles Cruft,*	16 July.	Ind.	Ind.
Frederick Salomon,*	16 July.	Pruss.	Wis.
John B. Turchin,*	17 July.	Russ.	Ill.
Henry S. Briggs,*	17 July.	Mass.	Mass.
James D. Morgan,*	17 July.	.....	Ill.
August Willich,*	17 July.	Pruss.	Ind.
Henry D. Terry,*	17 July.	Conn.	Mich.
James Steedman,*	17 July.	Ohio.	Ohio.
George F. Shepley,*	18 July.	Me.	Me.
John R. Kenley,*	22 Aug.	Md.	Md.
John P. Slough,*	25 Aug.	Ohio.	C. T.
Godfrey Weitzel,	29 Aug.	Ohio.	Ohio.
George Crook,	7 Sept.	Ohio.	Ohio.
Joseph B. Carr,*	7 Sept.	N. Y.	N. Y.
Thomas L. Kane,*	7 Sept.	Pa.	Pa.
Gershom Mott,*	7 Sept.	N. J.	N. J.
Calvin E. Pratt,*	13 Sept.	Mass.	N. Y.
Henry J. Hunt,	15 Sept.	Ohio.	Ohio.
Francis C. Barlow,*	19 Sept.	N. Y.	N. Y.
Mason Brayman,*	24 Sept.	N. Y.	Ill.
N. J. Jackson,*	24 Sept.	Mass.	Me.
George W. Getty,	25 Sept.	D. C.	D. C.
Alfred Sully,	26 Sept.	Pa.	Pa.
Gouv. K. Warren,	26 Sept.	N. Y.	N. Y.
William W. Averell,	26 Sept.	N. Y.	N. Y.
Alexander Hays,	29 Sept.	Pa.	Pa.
Henry H. Sibley,*	29 Sept.	Mich.	Minn.
Francis B. Spinola,*	1 Oct.	N. Y.	N. Y.
John H. H. Ward,*	4 Oct.	N. Y.	N. Y.
Solomon Meredith,*	6 Oct	N. C.	Ind.
James Bowen,*	11 Oct.	N. Y.	N. Y.
Eliakim P. Scammon,	15 Oct.	Me.	Ohio.
Robert S. Granger,	20 Oct.	Ohio.	Ohio.
Joseph R. West,*	25 Oct.	La.	Cal.
Alfred W. Ellet,*	1 Nov.	Pa.	Ill.
George L. Andrews,*	10 Nov.	Mass.	Mass.
Clinton B. Fisk,*	24 Nov.	N. Y.	Mo.
Hen. B. Carrington,*	29 Nov.	Conn.	Ohio.
William Hays,	29 Nov.	Va.	Tenn.
John H. King,*	29 Nov.	N. Y.	Mich.
Israel Vogdes,	29 Nov.	Pa.	Pa.
Adam J. Slemmer,	29 Nov.	Pa.	Pa.
David A. Russell,	29 Nov.	N. Y.	N. Y.
Lewis C. Hunt,	29 Nov.	Wis.	Mo.
Thomas H. Neill,	29 Nov.	Pa.	Pa.
Thomas G. Pitcher,	29 Nov.	Ind.	Ind.
Thomas W. Sweeney,*	29 Nov.	Irel'd.	N. Y.
Frank Wheaton,*	29 Nov.	R. I.	R. I.
William P. Carlin,	29 Nov.	Ill.	Ill.
John S. Mason,	29 Nov.	Ohio.	Ohio.
Romeyn B. Ayres,	29 Nov.	N. Y.	N. Y.
Richard Arnold,	29 Nov.	R. I.	R. I.
David McM. Gregg,	29 Nov.	Pa.	Pa.
William B. Hazen,	29 Nov.	Vt.	Ohio.
Robert O. Tyler,	29 Nov.	N. Y.	Conn.
James St. C. Morton,	29 Nov.	Pa.	Pa.
Joseph A. Mower,*	29 Nov.	Vt.	Conn.
Alfred T. A. Torbert,	29 Nov.	Del.	Del.

VOLUNTEER SERVICE.—GENERAL OFFICERS, &c.—*continued.*

Name, rank, and date of Commission.		Born in	Appointed from
BRIG.-GENERALS—*continued.*			
1862.			
Gilman Marston,*	29 Nov.	N. H.	N. H.
Michael K. Lawler,*	29 Nov.	.....	Ill.
George D. Wagner,*	29 Nov.	Ohio.	Ind.
William Dwight,*	29 Nov.	Mass.	N. Y.
Lysander Cutler,*	29 Nov.	Mass.	Wis.
James W. McMillan,*	29 Nov.	Ky.	Ind.
Sullivan A. Meredith,*	29 Nov.	Pa.	Pa.
Joseph F. Knipe,*	29 Nov.	.....	Pa.
E. W. Hinks,*	29 Nov.	Me.	Mass.
Joshua T. Owens,	29 Nov.	Pa.	Pa.
John D. Stevenson,*	29 Nov.	Va.	Mo.
James Barnes,*	29 Nov.	Mass.	Mass.
E. N. Kirk,*	29 Nov.	Ohio.	Ill.
N. C. McLean,*	29 Nov.	Ohio.	Ohio.
Theoph. T. Garrard,*	29 Nov.	.....	Ky.
William Vandever,*	29 Nov.	Md.	Iowa.
A. Schimmelfinnig,*	29 Nov.	Pruss.	Pa.
Edward Harland,*	29 Nov.	Conn.	Conn.
Charles K. Graham,*	29 Nov.	N. Y.	N. Y.
Samuel Beatty,*	29 Nov.	Pa.	Ohio.
Isaac Wistar,*	29 Nov.	Pa.	Pa.
John E. Smith,*	29 Nov.	.....	Ill.
Frank S. Nickerson,*	29 Nov.	Me.	Me.
Edward H. Hobson,*	29 Nov.	Ky.	Ky.
BRIG.-GENERALS—*continued.*			
1862.			
R. P. Buckland,*	29 Nov.	.....	Ohio.
Joseph D. Webster,*	29 Nov.	N. H.	Ill.
William W. Orme,*	29 Nov.	D. C.	Ill.
William Harrow,*	29 Nov.	Ky.	Ind.
Joseph T. Copeland,*	29 Nov.	Me.	Mich.
William H. Morris,*	29 Nov.	N. Y.	N. Y.
John Beatty,*	29 Nov.	Ohio.	Ohio.
Thomas H. Ruger,*	29 Nov.	N. Y.	Wis.
T. E. G. Ransom,*	29 Nov.	.....	Ill.
Elias S. Dennis,*	29 Nov.	N. Y.	Ill.
Thomas C. H. Smith,*	29 Nov.	Mass.	Ohio.
Charles A. Heckman,*	29 Nov.	Pa.	N. J.
Mortimer D. Leggett,*	29 Nov.	N. Y.	Ohio.
Davis Tillson,*	29 Nov.	Me.	Me.
Stephen G. Champlin,*	29 Nov.	N. Y.	Mich.
Hector Tyndale,*	29 Nov	Pa.	Pa.
Charles C. Dodge,*	29 Nov.	N. J.	N. Y.
Edward E. Potter,*	29 Nov.	N. Y.	N. Y.
Thomas A. Rawley,*	29 Nov.	Pa.	Pa.
Albert L. Lee,*	29 Nov.	N. Y.	Kansas.
C. L. Matthies,*	29 Nov.	Prus.	Iowa.
M. M. Crocker,*	29 Nov.	.....	Iowa.
Egbert B. Brown,*	29 Nov.	N. Y.	Mo.
John McNiel,*	29 Nov.	N. S.	Mo.
BRIG.-GENERALS—*continued.*			
1862.			
George P. McGinnis,*	29 Nov.	Mass.	Ind.
G. W. Deitzler,*	29 Nov.	.....	Kansas.
Hugh Ewing,*	29 Nov.	.....	Ohio.
1863.			
Jas. M. Shackelford,*	2 Jan.	Ky.	Ky.
Daniel Ullman,*	13 Jan.	.....	N. Y.
George J. Stannard,*	11 Mar.	Vt.	Vt.
Henry Baxter,*	12 Mar.	N. Y.	Mich.
James Nagle,*	13 Mar.	Pa.	Pa.
Francis L. Vinton,	13 Mar.	N. Y.	N. Y.
John M. Thayer,*	13 Mar.	Mass.	Neb.
Charles T. Campbell,*	13 Mar.	Pa.	Pa.
Hulbert E. Paine,*	13 Mar.	Ohio.	Wis.
Thomas Welsh,*	13 Mar.	Pa.	Pa.
Hugh T. Reid,*	13 Mar.	.....	Iowa.
Abner C. Harding,*	13 Mar.	Conn.	Ill.
Robert B. Potter,*	13 Mar.	Mass.	N. Y.
Thomas Ewing, Jr.,*	13 Mar.	Ohio.	Kan.
J. A. J. Lightburn,*	14 Mar.	Pa.	Va.
Thos. G. Stevenson,*	14 Mar.	Mass.	Mass.
J. J. Bartlett,*	30 Mar.	N. Y.	N. Y.
Patrick E. Connor,*	30 Mar.	Irel'd.	Cal.

The following nominations by the President during 1863, had not been acted upon by the Senate at the close of the year:

REGULAR ARMY.

Name.	Rank.	Date.
George G. Meade	Brigadier-General,	July 3
William T. Sherman	" "	July 4
George H. Thomas	" "	Oct. 27

VOLUNTEER ARMY.

Name.	Rank.	Date.
Governor K. Warren	Major-General,	May 3
Andrew A. Humphreys	" "	July 3
Quincy A. Gillmore†	Brigadier-General,	April 11
Joseph B. Carr	" "	Sept. 7
Henry H. Sibley	" "	Sept. 29
Joseph J. Bartlett	" "	Oct. 4
Joshua T. Owens	" "	Nov. 29
Patrick E. Connor	" "	Mar. 30
John P. Hawkins‡	" "	April 30
Gabriel R. Paul	" "	April 13
Edward A. Wild‡	" "	April 24
Edward Ferrero	" "	May 6
Adelbert Ames	" "	May 20
William Birney‡	" "	May 22
Daniel H. Rucker	" "	May 23
Robert Allen	" "	May 23
Rufus Ingalls	" "	May 23
Gustavus A. DeRussy	" "	May 23
Alexander Shaler	" "	May 26
Edmund Kirby*	" "	May 28
Benjamin H. Grierson	" "	June 3
Stephen H. Weed*	" "	June 6
Robert S. Foster	" "	June 12
Judson Kilpatrick	" "	June 13
Alexander S. Webb	" "	June 23
Alfred N. Duffie	" "	June 23
Walter C. Whitaker	" "	June 25
Edward P. Chapin*	" "	June 27
Wesley Merritt	" "	June 29
George A. Custer	" "	June 29
E. J. Farnsworth*	" "	June 9
Strong Vincent*	" "	July 3
William D. Whipple	" "	July 17
J. C. Starkweather	" "	July 17
Kenner Garrard	" "	July 23
Charles A. Woods	" "	Aug. 4
John B. Sanborn	" "	Aug. 4
Giles Smith	" "	Aug. 4
Samuel A. Rice	" "	Aug. 4
Jasper A. Maltby	" "	Aug. 4
Alexander Chambers	" "	Aug. 11
Thomas K. Smith	" "	Aug. 11
Walter Q. Gresham	" "	Aug. 11
Manning M. Force	" "	Aug. 11
Robert A. Cameron	" "	Aug. 11
John M. Corse	" "	Aug. 11

VOLUNTEER ARMY—*continued.*

Name.	Rank.	Date.
J. A. Rawlins	Brigadier-General.	Aug. 11
A. C. Gillem	" "	Aug. 17
James C. Rice	" "	Aug. 17
John W. Turner	" "	Sept. 7
Henry L. Eustis	" "	Sept. 12
Henry E. Davies	" "	Sept. 16
Andrew J. Hamilton	" "	Sept. 18
Henry W. Birge	" "	Sept. 19
William P. Sanders*	" "	Oct. 18
Stephen Miller	" "	Oct. 26
James H. Ledlie	" "	Oct. 27
Isaac F. Shepard‡	" "	Oct. 27
James H. Wilson	" "	Aug. 30
William A. Pyle‡	" "	Dec. 26
A. L. Chetlain‡	" "	Dec. 18
C. G. Harker†	" "	Sept. 20

* Since dead. † For special gallantry. ‡ To command colored troops.

CASUALTIES IN THE VOLUNTEER FORCE.

Major-General Edwin V. Sumner, at Syracuse, N. Y., March 21, 1863.

Major-General John F. Reynolds, killed on the first day of the battle of Gettysburg, July 1, 1863.

Major-General Hiram G. Berry, died of wounds received at the battle of Chancellorsville, May 3, 1863.

Major-General John Buford, Dec. 16, 1863.

Brigadier-General Edward N. Kirk, January, 1863, of wounds received at the battle of Murfreesboro'.

Brigadier-General James Cooper, at Camp Chase, Ohio, March 28, 1863.

Brigadier-General Joseph B. Plummer, at Corinth, Miss., May 4, 1863.

Brigadier-General Amiel W. Whipple, May 5, 1863, of wounds received at the battle of Chancellorsville.

Brigadier-General Edmund Kirby, at Washington, June 1, 1863, of wounds received at the battle of Chancellorsville.

Brigadier-General Stephen H. Weed, killed at the battle of Gettysburg, July 2, 1863.

Brigadier-General Samuel Kosciusko Zook, killed at the battle of Gettysburg, July 2, 1863.

Brigadier-General Elon J. Farnsworth, killed at the battle of Gettysburg, July 3, 1863.

Brigadier-General George C. Strong, July 30, 1863, of wounds received at the storming of Fort Wagner, Charleston harbor.

Brigadier-General Benjamin Welch, Jr., at Cincinnati, Aug. 14, 1863.

Brigadier-General William Haines Lytle, killed at the battle of Chickamauga, Sept. 20, 1863.

Brigadier-Gen'l Wm. P. Sanders, at Knoxville, Tenn., Nov. 25, 1863, of wounds received at Campbell's Station.

Brigadier-General Michael Corcoran, Dec. 22, 1863.

ARMY OPERATIONS. Near the close of the year 1862, the battles at Fredericksburg and Murfreesboro were fought. The latter was not ended until the 3d of January, 1863. The armies engaged in these conflicts then ceased active operations. No other important military movement of the Federal or Confederate forces was in progress at that time except that under General Grant against Vicksburg, and the concentration of a force under Gen. Banks at New Orleans. The campaign against Vicksburg really commenced about the 28th of November. At that time, the forces of Gen. Grant were at Lagrange, three miles east of Grand Junction, on the Cairo and New Orleans railroad, with garrisons at Columbus, Humboldt, Trenton, and Jackson, in Tennessee, and Bolivar and Corinth in Mississippi. These forces were designated as the Army of West Tennessee. The Confederate forces were at Coldwater and Holly Springs, about twenty miles distant.

The plan of Gen. Grant was—that Gen. Sherman should take command of the forces at Memphis in Tennessee, and Helena in Arkansas, and descend the river on transports with the gunboat fleet, and make an attack on Vicksburg by the 29th of December, and that Gen. McClernand should take the forces at Cairo and move down to Vicksburg, thus reenforcing Gen. Sherman soon after his attack on the town. Meanwhile Gen. Grant was to advance rapidly upon the Confederate troops in Mississippi north and east of Vicksburg, which formed the main body of their army, and keep them fully employed, and, if they retreated to Vicksburg, arrive there with them, ready to coöperate with Gen. Sherman.

Large reënforcements and supplies were received, and the advance of Gen. Hamilton's corps, on the 28th of November, began to move in the direction of Holly Springs, which was reached on the 29th. By the 1st of December, Gen. Grant's forces had arrived, and were chiefly encamped at Lumpkin's Mills, south of Holly Springs, and seven miles north of the Tallahatchie river. The Confederate force, now under the command of Gen. Pemberton, retired to that river, and finally fell back beyond Granada. Meanwhile Gen. Grant advanced to Oxford, and on the 20th of December an attack was suddenly made in his rear, by a Confederate force under Gen. Van Dorn, on the garrison under Col. Murphy at Holly Springs, which surrendered. The prisoners were paroled, and the supplies collected there for Gen. Grant's army were destroyed; also a large quantity of cotton which had been purchased of the people in the vicinity.

This surrender of Holly Springs is thus noted in the orders of Gen. Grant:

HEADQUARTERS THIRTEENTH ARMY CORPS, DEPARTMENT OF THE TENNESSEE, HOLLY SPRINGS, MISS., *December 23d*, 1862.

* * * * * *

It is with pain and mortification that the General commanding reflects upon the disgraceful surrender of this place, with all the valuable stores it contained, on the 20th inst., and that without any resistance, except by a few men, who form an honorable exception; and this, too, after warning had been given of the advance of the enemy northward the evening previous. With all the cotton, public stores, and substantial buildings about the depôt, it would have been perfectly practicable to have made in a few hours defences sufficient to resist, with a small garrison, all the cavalry force brought against them, until the reënforcements, which the commanding officer was notified were marching to his relief, could have reached him.

The conduct of officers and men in accepting paroles, under the circumstances, is highly reprehensible, and, to say the least, thoughtless. By the terms of the Dix Hill cartel, each party is bound to take care of their prisoners, and to send them to Vicksburg, Miss., or a point on James river, Va., for exchange or parole, unless some other point is mutually agreed upon by the generals commanding the opposing armies. By a refusal to be paroled, the enemy, from his inability to take care of the prisoners, would have been compelled either to have released them unconditionally, or to have abandoned all further aggressive movements for the time being, which would have made their recapture and the discomfiture of the enemy almost certain.

It is gratifying to notice, in contrast with this, the conduct of a portion of the command, conspicuous among whom was the Second Illinois cavalry, who gallantly and successfully resisted being taken prisoners. Their loss was heavy, but the enemy's was much greater. Such conduct as theirs will always insure success.

Had the commandant of the post exercised the usual and ordinary precautions for defence, the garrison was sufficiently strong to have repulsed the enemy, saved our stores from destruction and themselves from capture.

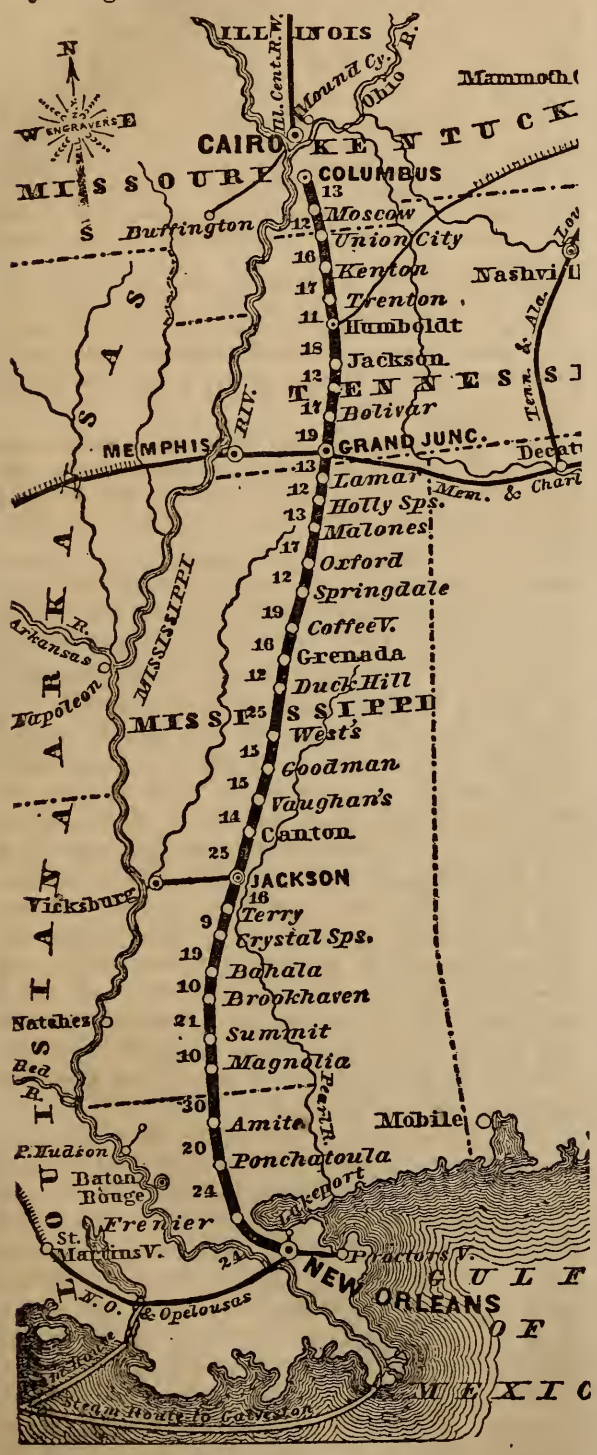
The General commanding is satisfied that a majority of the troops who accepted a parole did so thoughtlessly, and from want of knowledge of the cartel referred to, and that in future they will not be caught in the same way.

By order of Major-General U. S. GRANT.
JNO. A. RAWLINS, Assist. Adjutant-General.

The post was under the command of Col. Murphy, who was surprised and captured with all his force except a small body of cavalry. The enemy estimated the stores destroyed as follows: "1,809,000 fixed cartridges and other ordnance stores, valued at $1,500,000, including 5,000 rifles and 2,000 revolvers; 100,000 suits of clothing and other quartermaster's stores, valued at $500,000; 5,000 barrels of flour and other commissary stores, valued at $500,000; $1,000,000 worth of medical stores, for which invoices to that amount were exhibited, and 1,000 bales of cotton and $600,000 worth of sutlers' stores."

On the same day an attack was made at Davis's Mills, a little further north, which was bravely repulsed. Near Jackson, Tennessee, an attack was made by a body of cavalry under Col. Forrest on the 19th. The telegraph wire was cut and the railroad destroyed. On the next day Humboldt was captured and an attack made on Trenton. Other stations on the railroad, as Dyer's, Rutherford, and Keaton, were taken on the same day. The purpose appeared to be to destroy every railroad bridge from Columbus to Corinth, and thus cut off the communications and supplies of Gen. Grant. The consequence of these movements was to make Gen. Grant fall back upon Holly Springs.

This left the Confederate Gen. Pemberton at liberty to concentrate his forces at Vicksburg to resist Gen. Sherman. Thus that part of the plan of the campaign against Vicksburg, which related to the movements of Gen. Grant by land, was unsuccessful. The approach of the wet season of the year, the destruction of the railroads, and the difficulty and delay in making a further advance, caused the forces of Gen. Grant soon to be withdrawn for the purpose of joining Gen. Sherman before Vicksburg.



Meanwhile Gen. William T. Sherman, who had been stationed at Memphis, embarked with one division on the 20th of December, and dropped down to Friar's Point, the place of rendezvous. On the next day he was joined by Admiral Porter, in his flagship, with the gunboats Marmora, Capt. Getty, and Conestoga, Capt. Selfridge, to act as a convoy. The main body of the naval force was at the mouth of Yazoo river. On the same evening the troops at Helena, making another division, embarked in transports, and came to Friar's Point.

The arrangements were completed by the military and naval commanders during the next forenoon, the 22d, and the fleet got under way, and moved down just below the mouth of White river, where it came to, at sunset. On the next day it descended to Gaines's Landing, and at two P. M. came to anchor, to await the arrival of those transports in the rear, and also a division of troops from Memphis. Half of the town of Gaines's Landing was destroyed by fire while the army was there. Similar destruction had also been made at Friar's Point. These acts led to stringent measures on the part of Gen. Sherman.

On the night of the 24th and the morning of the 25th, the fleet arrived at the mouth of the Yazoo river. The fleet consisted of more than sixty transports, with a number of ironclad and other gunboats, and several mortar boats. The Yazoo is a deep, narrow, and sluggish stream, formed by the Tallahatchie and Yallobusha rivers, which unite in Carroll county, Mississippi. It runs through an alluvial plain of extreme fertility, about 290 miles, and empties into the Mississippi river twelve miles above Vicksburg.

By this time Gen. Grant's communications in his rear had been cut off, and he had been compelled to fall back. The confederate forces in his rear retired toward Vicksburg, where they had already begun to concentrate, both from the east and the west, although these facts were unknown to Gen. Sherman.

It was supposed by the Federal forces that they would now receive the coöperation of Gen. Banks and Admiral Farragut. The former had left New York, near the close of the year, with a considerable military force, for New Orleans, where the latter commanded the naval forces.

On the 26th, the expedition, under convoy of the gunboats, moved up the Yazoo, and the troops were landed at various points from the junction of Old River with the Yazoo to Johnson's Farm, a distance of about three miles, without opposition. The distance from Vicksburg was about eight miles. A strong position, known as Haines's Bluff, some distance above on the river, was held by the Confederate forces, and in the mean while attacked by the gunboats De Kalb, Cincinnati, Louisville, Benton, and Lexington. It was the plan of Gen. Sherman to attack Vicksburg in the rear. For this purpose he was engaged, on the 28th, in getting his forces into position.

The bluffs on which Vicksburg is built take their rise a little below the city, and extend in a direction north of northeast to the Yazoo

river, terminating in Haines's Bluff, a distance of twelve or fifteen miles. They were fortified throughout their entire length. These bluffs front the Mississippi and Yazoo rivers. The ascent is abrupt and precipitous, and the only approach to the city by land from up the river is by climbing their face. In the rear the ground is high and broken, and somewhat rolling. It falls off gradually to the Big Black river.

The line of the Yazoo here is nearly northeast. It is six miles distant from the bluffs at Old river, and passes along their face until, at Haines's Bluff, the river and the bluffs come together. This junction is nine miles from Vicksburg by the road along the foot of the bluffs, and twenty-three miles from the Mississippi by the course of the Yazoo river. On the triangular-shaped bottom land between the bluffs and the Yazoo down to the Old river, the troops were disembarked for the purpose of getting in the rear of Vicksburg and capturing it.

About one third of the distance down the Yazoo from Haines's Bluff, a bayou puts off from the river at nearly right angles, until it approaches the bluffs, when it turns and follows their base until it empties into the Mississippi. It is called the Chickasaw bayou. Between this bayou and the bluffs is a plain, upon which the timber had been felled to form an abatis. The banks of the bayou are quite steep, and about two hundred feet apart. At the base of the bluffs, through their whole length, rifle pits had been dug, in the rear of which, upon the face of the bluffs, single-gun batteries had been planted at short intervals from Vicksburg almost to Haines's Bluff. At various commanding points along the range, both on its face and upon the summit, field works were thrown up for the reception and protection of light artillery whenever it might be needed.

Parallel with, and about half a mile north of the Chickasaw bayou, is a deep slough, having no connection with the river. As it approaches the base of the bluffs, it makes a sharp turn and enters Chickasaw bayou near the point where the latter makes its angle as it strikes the bluffs. In the latter part of its extent it contains but little water; its bottom, however, is a quicksand, which does not afford good footing. The bottom land of the Yazoo is covered with a dense growth of cypress trees: much of it is quite clear and free from undergrowth, while in other parts it is quite thick.

The first troops landed, on the 26th, were a brigade, under Gen. Blair, of Gen. Steele's division, and a brigade from each of the divisions under Gens. M. L. Smith and Morgan. They were ordered to advance two miles into the country, and make a thorough reconnoissance in the direction of the bluffs. The brigade from Gen. Morgan's division found the rebels in force about two miles inland. The other brigades met with no opposition. No conflict took place.

The force of Gen. Sherman was organized in four divisions as follows: First division, three brigades, under Brig.-Gen. George W. Morgan; second division, three brigades, under Brig.-Gen. Morgan L. Smith; third division, three brigades, under Brig.-Gen. A. J. Smith; fourth division, four brigades, under Brig.-Gen. Frederick Steele. The brigade commanders of this fourth division were Gens. Frank P. Blair, jr., John M. Thayer, C. E. Hovey, and Col. Hassendurbel.

Under the plan of attack, Gen. Steele was to hold the extreme left, Gen. Morgan the left centre, Gen. M. L. Smith the right centre, and Gen. A. J. Smith the extreme right. The division under Gen. Smith, however, not having arrived, Gen. Blair was placed on the right centre. All the divisions were to converge toward the point of attack on the bluffs. The remainder of the division of Gen. Steele was landed on the 27th above the Chickasaw bayou, to operate on that part of the line. The entire day was spent in getting the troops ashore. The bank of the river was overgrown with brush, and the ground was so soft that it was necessary to build roads for moving the wagons and artillery. At night the command had advanced only two miles from the shore.

On the same day, the 27th, the divisions on the centre, including Gen. Blair's brigade, advanced slowly toward the bluffs, in order to give time to Gen. Steele to come into position on the left. A battery of the enemy was found near the point designated for junction with Gen. Steele, not far from the angle of the bayou, and silenced. The night ensuing was cold and frosty, and the troops bivouacked without fires.

On the next day, the 28th, the enemy was driven across the Chickasaw, and night closed with the troops of Gen. Sherman in full possession south of the bayou, with one bridge thrown across, and with two bridges partly constructed. While reconnoitring the ground and directing the movement of some infantry, Gen. M. L. Smith was severely wounded in the hip, and the command of his division devolved upon Gen. David Stuart. Meanwhile, Gen. Steele had pushed forward his command. The slough on his right was deep and impassable, and on the left the ground had become swampy and full of small pools, so as to be also impassable. The only line of approach to the bluffs was along a narrow levee or causeway, which was exposed throughout to the enemy's artillery. Three attempts were made to approach the causeway, but the destruction of the troops was so manifest that they were withdrawn. Gen. Sherman, under this state of affairs, ordered Gen. Steele to return to the river, reëmbark and land on the lower side of the Chickasaw, thus holding still the extreme left, and advance upon its bank until he met Gen. Morgan. It was too late in the evening of the 28th when the troops were fairly on shore below the bayous to move farther. At this time the division of Gen. A. J. Smith came up and took its position on the right of the line. It had remained at Milliken's Bend as a support to a

force sent out under Col. Wright to cut the Shreveport railroad on the west side of the Mississippi opposite Vicksburg.

The situation of the forces at this time was as follows: Gen. Morgan was in position on the south side of the Chickasaw; near its angle, at the base of the bluffs, and on his immediate right, was Gen. Blair's brigade; Gen. M. L. Smith's division, under Gen. Stuart, was on the right centre, and Gen. A. J. Smith was moving up to the extreme right. Gen. Steele was coming up on the left to act as a reserve to Gen. Morgan.

At daylight on the 29th, the Confederate batteries began to fire upon Gen. Morgan's position, and continued it for an hour, although with little effect. With several cessations the cannonade was kept up during the forenoon. Occasionally engagements of infantry, as the opposing regiments came in reach of each other, took place. Several detachments were throwing bridges across the bayou, for the purpose of making an assault on the bluffs. The brigade of Gen. Blair had crossed the bayou before it turned along the bluffs, and was in position at the front of the hill, with a small abatis and a deep ditch between it and the point it designed to assail. On his right, at the point where the bayou makes its angle, was Gen. Morgan. Next to him was Gen. Stuart, and on the extreme right was Gen. A. J. Smith, preparing to throw a bridge across.

No order had been issued by Gen. Sherman appointing an hour for the assault. But by order of Gen. Morgan, Gen. Blair advanced, and Gen. Thayer, of Gen. Steele's brigade, came up for his support. The difficulties of crossing the ditch, and passing the abatis, were such, that the line of Gen. Blair was thrown into some disorder, which, however, it soon recovered, and moved forward upon the Confederate works. The first movement was over a sloping plateau, raked by a direct and enfilading fire from heavy artillery, and swept by a storm of bullets from the rifle pits. Undauntedly the brigade passed on, and in a few moments drove the enemy from their first range of rifle pits, and took full possession of them. Halting for a moment, the brigade pushed forward and took possession of the second line of rifle pits about two hundred yards distant. The batteries were above this line, and their fire still continued. A prompt and powerful support was necessary to make the attempt to capture them.

Simultaneously with the advance of Gen. Blair, an order was given to Gen. Thayer, of Gen. Steele's division, to go forward with his brigade. He crossed the bayou by the same bridge as Gen. Blair, and, entered the abatis at the same point, and deflecting to the right, came out upon the sloping plateau, about two hundred yards to the right of Gen. Blair, and at the same time. As he reached the rifle pits, with a heavy loss, he perceived that only one regiment, the Fourth Iowa, Col. Williamson, had followed him. After his movement commenced, the second regiment of his brigade had been sent to the right of Gen. Morgan as a support. The other regiments had followed this one. Notice of this change of the march of the second regiment, although sent, had failed to reach Gen. Thayer. With little hope of success, he bravely pushed forward into the second line of rifle pits of the enemy on the right of Gen. Blair. Here, leaving the regiment to hold the position, he hurried back for reënforcements. Meanwhile, Gen. Blair, vainly waiting for support, descended in person to persuade the advance of more troops. He, and Gen. Thayer, both failed in their efforts, and were obliged to order their commands to retire.

While Gen. Blair was urging the advance of more troops, his brigade fought with desperation to win the way to the top of the crest. Some fifty yards above the second line of rifle pits was a cluster of small willows. Thither many of the enemy, driven from the rifle pits, had fled. They were promptly pursued by the Thirteenth Illinois, and driven out by a hand-to-hand contest. They were supported at once by the other regiments of the brigade, but the position was exposed to a hot fire of the enemy's batteries. Meantime, a Confederate infantry force was concentrated to attack them, and after a sharp struggle the latter were forced back to the second line of rifle pits, when Gen. Blair's order to retire was received. The division of Gen. Morgan was not brought over the bayou in time to engage in the assault. The division of Gen. Stuart encountered so much difficulty in constructing their bridges over the bayou, under a hot fire of the enemy, that only one regiment finally crossed over. The bridge was then commanded by a flanking fire of the enemy, which prevented others from crossing. The regiment which had crossed returned after dark. A notice of the intended movement on the left had not been given to the division commanders on the right of Gen. Morgan. The division of Gen. Smith was so near

to Vicksburg, and the strength of the enemy before him so great, that an assault would have been fruitless. Several sharp encounters, however, took place.

The real assault on the left was made by about three thousand men, and the loss was about eight hundred.

As soon as the assault on the left was concluded, Gen. Sherman determined to make another. A brigade, under the command of Gen. Hovey, was advanced to Gen. Blair's position at the mouth of the bayou, which was to assault the hill, supported by Gen. Morgan and the brigades of Gens. Blair and Thayer. The attack, however, was not made during the remainder of the day; and the next morning developed two new batteries of the enemy in position, and a portion of a new line of rifle pits. Firing was, however, kept up by both sides during that day; and on Wednesday, the 31st, a flag of truce was sent in by Gen. Sherman, and the dead were buried.

Afterward, on the 31st, arrangements were made to attack Haines's Bluff, which was supposed to be defended by a small force. The design, as formed between Admiral Porter and Gen. Sherman, was for a combined naval and land assault on the extreme Confederate right, with a view of getting a position on the bluffs, in the expectation that by so doing they would secure the key to the Confederate position, and compel the enemy to withdraw from the entire range of bluffs and form a new line at Vicksburg. It was planned to land the division of Gen. Steele out of range of the guns of the bluffs, and that they should immediately storm and carry the position. At the same time, the gunboats were to make an attack. The troops were made ready to embark at 2 o'clock A. M. of the next day, but a dense fog having settled on the river prevented their departure. The purpose evidently having become known to the enemy, it was finally given up.

The unexpected strength of the position of the enemy being manifest, and the failure of the forces under Gen. Grant to attack in the rear while Gen. Sherman made the attack in front, entirely disconcerted the original plan upon which the movement of Gen. Sherman was made. The loss of his communications by Gen. Grant, and the necessity for him to fall back, prevented this simultaneous attack on the front and rear of Vicksburg, and probably its capture at this time. It was supposed that the first assault under Gen. Sherman might have been successful if properly supported, so far as related to gaining the crest of the bluffs, although it was not thought that his force could have held it. Gen. Sherman, therefore, resolved to withdraw, and on Thursday night and Friday morning, January 2d, the troops were embarked and moved down to the mouth of the Yazoo river. The entire loss suffered in this expedition was 191 killed, 982 wounded, and 756 missing. Among the former was Lieut. Erwin, in command of a gunboat. Gen. McClernand, who had been ordered to proceed from Cairo, was at the mouth of the Yazoo on the arrival of Gen. Sherman. The former officer then took the command, and ordered the forces to Milliken's Bend, about twelve miles up the river.

On the 4th of January, Gen. Sherman issued the following order:

HEADQUARTERS RIGHT WING ARMY OF TENNESSEE, STEAMER FOREST QUEEN, MILLIKEN'S BEND, *January 4th*, 1863.

Pursuant to the terms of General Order No. 1, made this day by General McClernand, the title of our army ceases to exist, and constitutes in the future the Army of the Mississippi, composed of two "army corps;" one to be commanded by General G. W. Morgan, and the other by myself. In relinquishing the command of the Army of the Tennessee, and restricting my authority to my own corps, I desire to express to all commanders, to soldiers and officers recently operating before Vicksburg, my hearty thanks for the zeal, alacrity, and courage manifested by them on all occasions. We failed in accomplishing one great purpose of our movement—the capture of Vicksburg; but we were part of a whole. Ours was but part of a combined movement in which others were to assist. We were on time; unforeseen contingencies must have delayed the others. We have destroyed the Shreveport road, we have attacked the defences of Vicksburg, and pushed the attack as far as prudence would justify, and having found it too strong for our single column, we have drawn off in good order and good spirits, ready for any new move. A new commander is now here to lead you. He is chosen by the President of the United States, who is charged by the Constitution to maintain and defend it, and he has the undoubted right to select his own agents. I know that all good officers and soldiers will give him the same hearty support and cheerful obedience they have hitherto given me. There are honors enough in reserve for all, and work enough too. Let each do his appropriate part, and our nation must in the end emerge from the dire conflict purified and ennobled by the fires which now test its strength and purity. All officers of the general staff not attached to my person will hereafter report in person and by letter to Major-General McClernand, commanding the Army of the Mississippi, on board the steamer Tigress at our rendezvous at Haines's Landing and at Montgomery Point. By order of

Major-General W. T. SHERMAN.

J. H. HAMMOND, Assistant Adjutant-General.

Subsequently, on the 8th, Gen. Pemberton, who had fallen back from before Gen. Grant, and had taken command at Vicksburg, issued the following address to his troops:

HEADQUARTERS DEPARTMENT OF MISSISSIPPI AND LOUISIANA, VICKSBURG, *January 8th*.

The Lieut.-General commanding this department of the army desires to express to its troops his high appreciation of their gallant demeanor in the defence of this important position. All praise is due them, not alone for so bravely repulsing the renewed assaults of an enemy vastly superior in numbers, but especially for the cheerful and patient endurance with which they have submitted to the hardships and exposures incident to ten successive days and nights of watchfulness in trenches, rendered imperatively necessary by the close proximity of the opposing armies, while all have performed their duties with benefit to their country and honor to themselves. Still, as must ever be the case in war, fortune has favored unequally those who by her favor held the posts of honor, and by their own resolute courage availed themselves of their opportunity; to them special thanks are due. It will be a proud and agreeable duty of the Lieutenant-General

commanding to claim for them from their country the distinction and honor they so justly deserve.

(Signed) J. C. PEMBERTON,
Lieutenant-General Commanding.

At the time of the arrival of Gen. McClernand, a plan had been agreed upon between Gen. Sherman and Rear-Admiral Porter to attack Arkansas Post. The reasons for making this attack were that there was time to do it while Gen. Grant was moving his army to Memphis; the blow would be entirely unexpected by the enemy; the Federal forces were amply sufficient to make a victory certain, which would be valuable in restoring the spirit of the troops disheartened by their recent failure, which was not understood in its true light. On the other hand, the Confederate force up the Arkansas river had shown considerable activity by sallies in which they had captured two steamers bearing supplies to the army below.

Gen. McClernand approving of the enterprise, the forces moved up the Mississippi to Montgomery Point, opposite the mouth of White river.

White river, one of the principal streams in Arkansas, rises a few miles east of Fayetteville, and flows in a northeasterly direction into Missouri about one hundred miles. It then returns into Arkansas, and pursues a southeasterly course, and enters the Mississippi about fifteen miles above the mouth of the Arkansas. It is navigable by steamboats three hundred and fifty miles.

On Friday, Jan. 9th, the ironclads Louisville, De Kalb, and Cincinnati, with all the light-draft gunboats, moved up the White river, followed by the fleet of transports. After ascending the White river about fifteen miles, the fleet passed through a cut-off to the left, eight miles in length, into the Arkansas river. Thus the White river empties by one channel into the Mississippi, and by another into the Arkansas, when it has a higher stage of water than the Arkansas. When the Arkansas is higher than the White river, one of the Arkansas currents comes through the cut-off and out by the White river into the Mississippi.

It was about 11 o'clock A. M. when the fleet passed into the Arkansas. This is, next to the Missouri, the longest affluent of the Mississippi river. It rises near the Rocky mountains, and flows through nearly the centre of the State of Arkansas, exceeding two thousand miles in length, and navigable, during nine months of the year, about eight hundred miles from its mouth.

About half past four in the afternoon, the fleet moved to the shore, and preparations were made to land three miles below the fort. The artillery and wagons were brought on shore during the evening and night, and in the morning the troops were landed and marshalled in the fields bordering on the north bank. The attack, however, was begun by the gunboats.

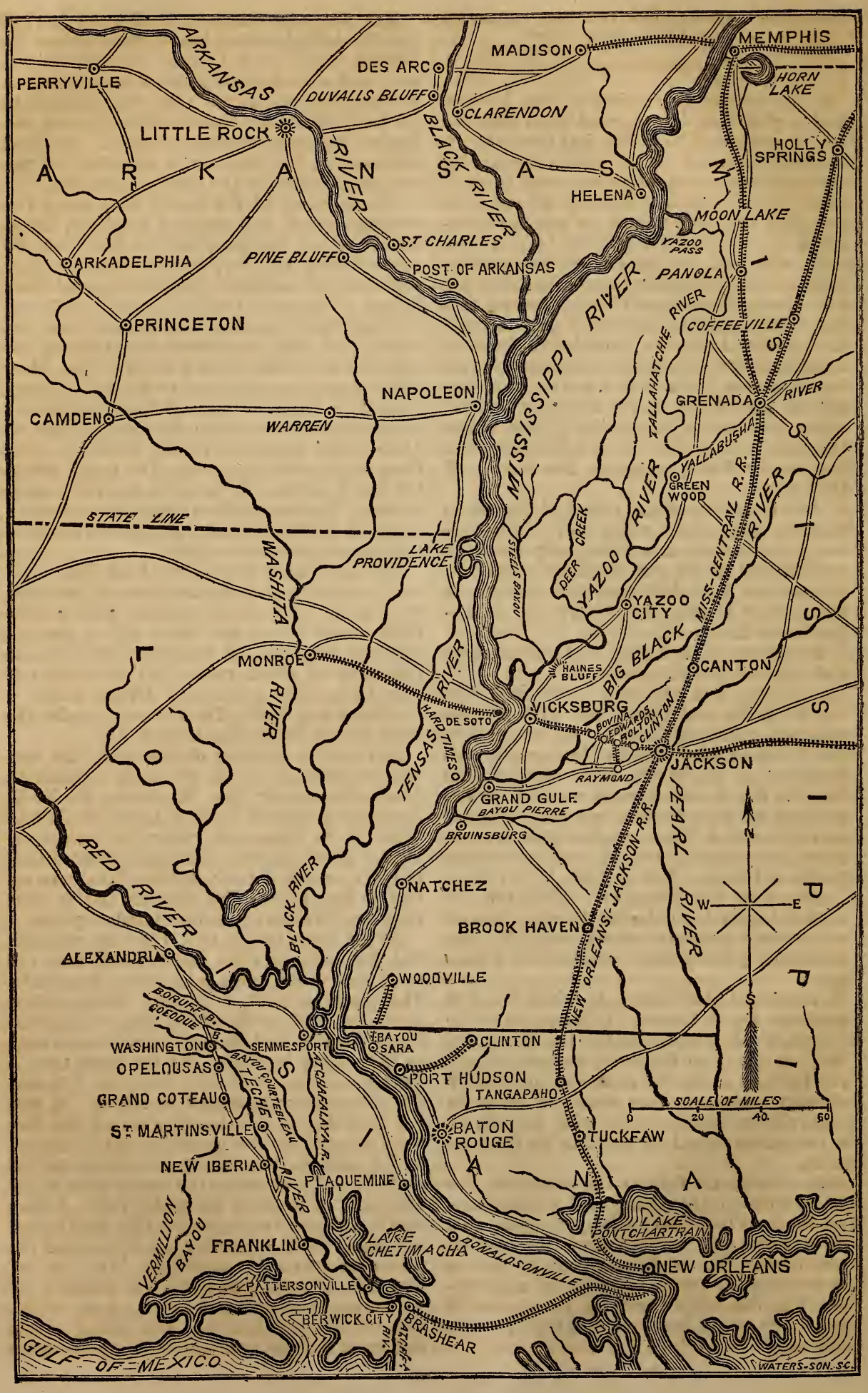
The Arkansas river, in its descent toward the Mississippi, makes here a sharp elbow by flowing north, then turning abruptly to the east, and after a short distance turning again as abruptly to the south. On the left bank, at the point where the river turns to the east, the fort of Arkansas Post was located. Its guns commanded the river as it stretched to the east, and even after the turn to the south.

The advance of the troops was along the outside bank of this curve of the river, and it was expected the attack on the fort would be made during the day, but at sundown they were not in position. The division of Gen. Stuart, by order of Gen. Sherman, had moved along the bank, passing two rows of rifle pits which had been abandoned, and reached the point for an attack, but the corps of Gen. Morgan had not then deployed on the left. Orders were then issued by Gen. McClernand for the troops to get into position during the night, so as to make an attack in the morning. The force of Gen. Sherman worked its way through the forest and marsh round to the right, so as to invest the fort, while a brigade was thrown across the river to prevent the arrival down of reënforcements to the rebels.

The fort, which was called "Fort Hindman," was a regular square bastioned work, one hundred yards each exterior side, with a deep ditch about fifteen feet wide, and a parapet eighteen feet high. It was armed with twelve guns, two of which were eight inch and one nine inch. The number of troops which it contained was about five thousand, under the command of Brig.-Gen. Churchill.

During the evening of the 10th, the fort was bombarded by the ironclads Cincinnati, Lieut.-Commander Geo. L. Bache; De Kalb, Lieut.-Com. John H. Walker, Louisville, Lieut.-Com. R. L. Owen, all under the orders of Rear-Admiral Porter. The bombardment continued over a half hour, and the firing was active on both sides. The distance of the boats from the fort was about four hundred yards.

About noon on the 11th, the fleet was notified, by order of Gen. McClernand, that the army was ready, and a joint attack was made. The gunboats took a position within about three hundred yards of the fort and opened fire. The fort had opened upon them as soon as they came in sight. At the same time a battery of Gen. Sherman's began to fire, and the troops were advanced to attack. It was not long before the heavy guns of the fort were silenced by the gunboats, but the action on the part of the military grew more severe until four o'clock, when the enemy were so far overcome as to raise the white flag. A rush was immediately made, both by the land troops and naval force, to occupy the works, and the surrender was made complete. The loss of Gen. McClernand was about six hundred, of whom one hundred and twenty were killed. The Confederate loss was less, owing to the shelter of their troops. About sixty-five were


MEMPHIS
HORN LAKE
MADISON
DES ARC
DUVALLS BLUFF
CLARENDON
PERRYVILLE
LITTLE ROCK
ARKANSAS RIVER
BLACK RIVER
ARKANSAS
HOLLY SPRINGS
HELENA
MOON LAKE
YAZOO PASS
ST CHARLES
ARKADELPHIA
PINE BLUFF
POST OF ARKANSAS
PANOLA
PRINCETON
COFFEEVILLE
MISSISSIPPI RIVER
TALLAHATCHIE RIVER
NAPOLEON
GRENADA
CAMDEN
WARREN
YALLABUSHA RIVER
GREEN WOOD
STATE LINE
LAKE PROVIDENCE
DEER CREEK
YAZOO RIVER
YAZOO CITY
MISS-CENTRAL R.R.
WASHITA RIVER
MONROE
HAINES BLUFF
BIG BLACK RIVER
CANTON
VICKSBURG
DE SOTO
TENSAS RIVER
HARD TIMES
BOVINA
EDWARDS
BOLTON
CLINTON
JACKSON
RAYMOND
GRAND GULF
BAYOU PIERRE
BRUINSBURG
PEARL RIVER
RED RIVER
NATCHEZ
BLACK RIVER
BROOK HAVEN
NEW ORLEANS-JACKSON-R.R.
ALEXANDRIA
WOODVILLE
BORUFA B.
COCODUE B.
WASHINGTON
SEMMESPORT
BAYOU SARA
CLINTON
OPELOUSAS
BAYOU COURTEBLEAU
TECHE
PORT HUDSON
GRAND COTEAU
TANGAPAHO
ATCHAFALAYA R.
ST MARTINSVILLE
BATON ROUGE
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PLAQUEMINE
RIVER
LAKE PONTCHARTRAIN
VERMILLION BAYOU
FRANKLIN
LAKE CHETIMACHA
DONALDSONVILLE
NEW ORLEANS
PATTERSONVILLE
BERWICK CITY
BRASHEAR
GULF OF MEXICO
WATERS-SON. SC.

killed and eighty-three wounded. The ironclads were struck by many balls. A shot passed through a porthole of the De Kalb and exploded, killing two and wounding fifteen. Two shells entered portholes of the Louisville and exploded, killing one and wounding ten, two mortally. The other boats which were engaged escaped without serious injury. Seven thousand prisoners, eight thousand stand of arms, twenty cannon, and a large amount of ordnance and commissary stores were captured.

On the 15th, an expedition in light-draft steamers, under the command of Gen. Gorman and Lieut.-Com. J. G. Walker, proceeded up the White river and captured the towns of Des Arc and Duval's Bluff. The former is situated in Prairie county, Arkansas, and was once a thriving commercial town. It is situated on the White river, and is about fifty miles north east of Little Rock, the capital of the State. Duval's Bluff, a little below Des Arc on the White river, was the station of a Confederate camp, and an earthwork fort. It is an elevated position. The expedition returned to Napoleon on the 19th. Some prisoners and a few guns were captured by the expedition. St. Charles, a village on the Arkansas river, a short distance above Arkansas Post, was also captured by a force sent by Gen. McClernand.

The next two days after the engagement at Fort Hindman were devoted to the care of the wounded and the burial of the dead. On Thursday, the 15th, the corps of Gen. Sherman, which had embarked during the previous night, proceeded down the Arkansas river to Napoleon, at its mouth. The rifle pits were levelled, the fort completely blown up and destroyed, and a hundred wagons which had been captured were burned. On the 18th, Gen. McClernand embarked with the remainder of the troops and arrived at Napoleon.

Meanwhile Gen. Grant, leaving Memphis in a swift steamer, met Admiral Porter at the cutoff up the White river, on the 18th, and thence proceeded to Napoleon, where future movements were arranged in consultations with Gens. McClernand, Sherman, and others. On the same day he returned to Memphis.

Orders were immediately issued by Gen. McClernand to move down the river, and at eight o'clock on the next morning, the 19th, the signal for departure was given. Shortly afterward all the transports were on the way. A severe storm prevailed, and the fleet came to at the foot of Ozark Island until it had partially subsided. It then moved to Chicot's Bend, where the principal portion were moored for the night. On the next day, the fleet moved down to Milesia, and by two o'clock of the following day, the 21st, it arrived at Young's Point, its place of destination. A small force was immediately landed, to reconnoitre the country.

Young's Point is on the western side of the Mississippi river, about nine miles above Vicksburg, and nearly opposite the mouth of the Yazoo river.

On the 22d, the troops were landed and posted a little farther down the river, so as to defend the line of a canal which had been commenced a year previous, across the peninsula formed by a curve of the river, first to the north and then to the south. The purpose of this canal had been to afford a passage for the transports up or down the river, beyond the reach of the batteries at Vicksburg. A little below the extreme point of the peninsula, and on the opposite side of the Mississippi, is Vicksburg.

Meantime the army of Gen. Grant was moved to Memphis, thence to be transported to Young's Point. On the 20th, Gen. McArthur left Memphis, on fourteen transports, with his corps. He had been preceded by other bodies of troops, making at that time one hundred and twenty-five transports with troops and stores which had left. The forces of Gen. Grant consisted of the veteran soldiers of the West. The naval force was also greatly increased by the addition of several ironclads, as the Chillicothe, Indianola, Lafayette, Eastport, and a number of other gunboats.

On the 2d of February, Gen. Grant arrived at Young's Point and assumed the command. The divisions of the Army of Tennessee had also reached there, excepting the one commanded by Gen. Logan, and excepting the troops occupying the posts in Tennessee.

The attack on Vicksburg, from up the river, had demonstrated the strength of its defensive works on the north, and convinced Gen. Grant that they were too strong to be carried without a very heavy loss. The first step for him to accomplish, therefore, was the transportation of his army below the city, in order to make an attack from the south. The passage by the river was too hazardous to be attempted. The formidable batteries on the river front at Vicksburg were capable of destroying all the transports. Work was therefore recommenced on the canal across the peninsula, on the western side of the river, which had been located by Brig.-Gen. Williams at the first attempt to capture the city. This canal had been improperly located, its upper terminus being in an eddy, and the lower terminus being exposed to the enemy's guns; nevertheless it was thought that it would be completed sooner than a new one could be constructed. While this work was in progress, the river continued to rise rapidly, and great labor was required to keep the water out of the canal, and also out of the camps of the laborers and soldiers. In addition, the rain was incessant, and the magnitude of the work was, from these causes, grealy increased. The earth taken out of the excavation was placed on the west side, and thus formed an embankment or levee, which it was supposed would prevent the water from flooding the country on that

side, and the ground on which nearly all of the army was encamped. As the canal cut the peninsula at right angles, the troops were encamped west of it and behind this embankment. On the 8th of March, when the enterprise promised success within a short time, the dam across the mouth of the canal gave way, owing to a rapid rise of the river and the great pressure of the water. When it broke there was a difference of eight feet between the bottom of the canal and the surface of the water in the river. The violence of the torrent as it rushed through swept away all the implements of labor, and the canal was full in a few minutes. The embankment had not been completed, and the water soon began to pour over. A spectator thus describes the scene: "Some regiments that were in exposed positions had to gather up tents and camp equipage in hot haste and confusion and run for the levee. Several companies on the lower side of the peninsula were cut off and had to be ferried to the main body of the army. The embankment of the Vicksburg and Shreveport railroad, which cut the peninsula longitudinally, prevented the water from flooding the northwest quarter. But that was considered insecure; the troops were all ordered to move their quarters to the levee."

Some delay was caused by the efforts to repair the damages, but it soon became manifest that, with the existing high stage of the water, some other plan would have to be adopted to get below Vicksburg with the transports.

At the commencement of the work on the canal, Gen. Grant, having more troops than could be employed at Young's Point to advantage, caused a channel to be cut from the Mississippi into Lake Providence on the west side of the Mississippi, and another into Coldwater river by the way of the Yazoo Pass, on the east side of the Mississippi. From the former of these routes no great expectations were entertained by Gen. Grant. He thought possible, however, that a route might be opened there through which transports might pass into the Mississippi, and enable him to coöperate with Gen. Banks below. By the Yazoo Pass he expected to get into the Yazoo by way of the Coldwater and Tallahatchie rivers, with some light gunboats and a few troops, and destroy some Confederate transports in that stream and some gunboats on the stocks. With such views the work on these channels was commenced.

While these operations were pushed forward, other measures for the annoyance of the enemy were also taken. A steamer called the "City of Vicksburg" was daily noticed lying under the batteries of the city, and it was known that farther down the river there was a number of transports rendering great service to the Confederate authorities by bringing supplies to their troops at Vicksburg and at Port Hudson, another strong position below. A movement was planned to destroy these means of transportation. Orders were therefore given to Col. Charles E. Ellet to prepare the ram steamer Queen of the West for running down below the batteries. This steamer was a wooden freight vessel, strengthened so as to carry a prow of iron. To protect her machinery from injury by the shot and shells of the batteries at Vicksburg, three hundred bales of cotton were placed about it, and her steering wheel was removed and placed behind the bulwarks of her bow. Her armament consisted of a large 30-pounder rifled Parrott gun on her main deck as a bow gun, one 20-pounder, and three 12-pounder brass howitzers on her gun deck. Besides these she had fifty or sixty rifles, carbines, cutlasses, pistols, &c. Her crew consisted of a first, second, and third master, two pilots, three engineers, blacksmiths, carpenters, and deck hands; also a squad of twenty-six soldiers. It was planned that she should start before daybreak on the morning of the 2d of February. At the appointed time the steamer was under way, but her steering apparatus in its new position controlled her movements so poorly that it was necessary to replace it in its original position. This was important, as the destruction of the City of Vicksburg would depend in part upon the accuracy of the blow of the Queen of the West. The detention which ensued prevented her from passing round the point of the peninsula into view from the Confederate batteries until sunrise, when she was instantly greeted by a shell that passed between her smoke chimneys and struck the water about three hundred yards behind her. After the sound of the first shot broke the stillness of the morning, the Confederate artillerists sprang to their pieces, and a hundred guns were fired with a wonderful celerity. Only three or four shots had struck her before she reached the front of the city. The first object now to be accomplished was the destruction of the steamer City of Vicksburg, which was made fast to the bank about the centre of the bend of the river, where the current ran very rapidly. To strike an unerring blow it was necessary for the Queen of the West to round to amid the storm of balls and shells, and move directly across the river against her victim. As she approached the steamboat and the city, the enemy, thinking that she had been disabled, and that her commander had concluded to surrender, raised enthusiastic cheers, which ceased as the ram struck the steamer. The wide guards of the Vicksburg, overlapping the deck of the Queen, even to the barricade of cotton bales, received the force of the blow and prevented the prow of the ram from reaching her hull. At the same time the current caught the stern of the Queen and swung her round side by side with the Vicksburg. This action of the current had been anticipated by Col. Ellet, and the starboard bow gun had been loaded with incendiary shells. It was now fired into the Vicksburg. At the same time the shells from the batteries had set on fire the cotton on the

Queen, and it was evident that to repeat the blow would involve the loss of the steamer. The effort was then made to turn her head out toward the stream, which, owing to the action of the wind and current, was, after some delay, accomplished. She then proceeded down the stream with all hands at work to extinguish the fire. Meantime the discharge from the batteries became quick and incessant, and she now received most of the dozen shots which hit her from the artillery and the sharpshooters on the shore. No material injury, however, was done, and she anchored below the outlet of the canal until one o'clock P. M., when she proceeded down the river.

On this expedition, down the river, her officers captured, below Natchez, and burned three small steamers, the Moro, Berwick Bay, and A. W. Baker; one of them was laden with pork, and another with molasses and sugar. She ran fifteen miles up the Red river, and returned on the fifth for a supply of coal. During the night a flatboat loaded with coal was cast loose in the stream, and passing the batteries safely, floated down to the steamer.

On the night of the 10th of February, this steamer started on another expedition down the Mississippi. The first object of the expedition was to capture Confederate steamers. It was also proposed to run up the Big Black river, which empties into the Mississippi at Grand Gulf, to visit the Atchafalaya, and perhaps the Red river, and, if practicable, to pass the batteries at Port Hudson, and effect a junction with the fleet below under Com. Farragut. A tender was provided for the Queen of the West in the steamer De Soto, a small ferry boat once running between De Soto, the termination of the Vicksburg, Shreveport and Texas railroad, across to Vicksburg. The batteries at Warrenton, eight miles below, were passed without molestation. At Taylor's Point, above Natchez, at the plantation once owned the late President Taylor, a short stop was made. It was found to be occupied by friendly owners. Natchez was next passed, and on Wednesday evening the steamer reached the mouth of Old river, into which Red river runs. This was the channel of the Mississippi before the cut-off was formed. The Red river extends from the northern side of Old river, first northwesterly, and then nearly west, across the State of Louisiana, into Texas. At high water it is navigable to Paris, nine hundred and sixty miles from New Orleans.

Passing the night at anchor at the mouth of Old river, on the next morning, the 12th, leaving the De Soto as a guard near the mouth of Old river, the Queen of the West entered the Atchafalaya, which flows north and empties into Red river just above its junction with Old river. A train of eleven army wagons was captured about five miles up the river, and at Semmes's port, ten miles farther up, seventy five barrels of beef and a mail with despatches was taken, but a Confederate steamer at that place had escaped. Returning down the river near dark, the steamer was fired on at the point where the wagons had been captured, and the first master mortally wounded. A landing was not made, but the steamer returned to the anchorage of the previous night. On the next morning Col. Ellet, having been informed of the parties who fired on the boat, returned and destroyed the dwellings, mills, and negro quarters on six sugar plantations above the mouth of the Atchafalaya. During the afternoon the steamers entered the Red river, and moved up as far as the mouth of Black river, at dark, where they anchored for the night. The Black river, formed by the junction of the Washita and Tensas rivers, flows south and empties into the Red river, a short distance above the mouth of the Atchafalaya. At daylight on the next morning they were under way up the river. About ten o'clock, the Era, No. 5, a steamer of one hundred tons, was discovered approaching. At the same time she discovered the Queen, and attempted to turn for the purpose of escaping, when a shot from the former demolished her wheelhouse, and her officers surrendered. Fourteen Texan soldiers and a number of citizens were found on board. The former were paroled and the latter dismissed, except a quartermaster, having $28,000 in Confederate funds, and two lieutenants. The boat was loaded with 4,500 bushels of corn in the ear, destined for the Confederate forces at Little Rock. Nothing further of importance was discovered during the passage of the next twenty miles up the river. In fact the stream is so crooked in some parts, that a distance of two miles across the land would strike a point to reach which a steamer would be obliged to go twenty miles. Thus information was easily sent of the approach of hostile vessels. Some twenty miles farther up was located Fort Taylor, a post which was supposed to be manned by about one hundred and fifty men, with two or three guns. It was situated on the south bank of the river, just above a bend which its guns commanded, that was made by an abrupt turn of the river to the north. From the point opposite this bend a long bar projected, on which the water is shallow, and it is necessary to "hug" the south shore to avoid being driven on the bar by a strong eddy.

The Era had been left with the three prisoners under a guard about twenty miles below. It was about nightfall as the Queen approached the bend of the river, with the De Soto a considerable distance astern. The pilot of the captured Era had been forced to assist at the wheel, owing to the intricacies of the channel. Upon turning the point, the Queen struck upon the bar and became fast aground in a position in which none of her guns were effective. The guns of the fort immediately opened upon her with fearful accuracy and rapidity. The shot and shell struck all about her. The lever of the engine was shot away, the escape pipe

broken, and the immediate roar of steam that enveloped the vessel showed that her steam chest had been penetrated. Every thought of saving the steamer was given up, and the exertions of all were made to save themselves. Many threw bales of cotton overboard and floated on them down to the De Soto a mile below, among whom was Col. Ellet. The fort seeing there was no reply to their guns, and conceiving from the rush of steam that something had happened, slackened their fire and sent boats to reconnoitre. By this force the remainder of the crew were captured, and the boat made a prize.

Meanwhile the De Soto approached as near the point as was safe, and picked up those who were floating, and sent a boat for the crew, which was almost captured by the enemy, who had already reached the Queen. Finding that soldiers were collecting on the shore, the De Soto was turned and slowly floated down the stream. Three miles below she ran aground and unshipped her rudder, and for the next fifteen miles and during three hours she was unmanageable, and moved with the current. As she reached the Era at eleven o'clock, a second rudder was unshipped, and she became unmanageable again, when Col. Ellet ordered her to be blown up.

It was about twelve o'clock at night before the Era was under way. It was known to Col. Ellet that the swift gunboat Webb was at Alexandria, about sixty miles up the river, and he was confident that pursuit would be made after him by her. All hands were set to work to throw overboard the corn with which the Era was laden, and amid fog, thunder, lightning and rain, she worried her way out of the Red river into the Mississippi by morning. All that day, which was Sunday, with no fuel but some of the corn with which she had been laden, and cypress found on the banks too wet to make steam enough to give her headway, the fleeing steamer attempted to get up the river. She had made scarcely forty miles in twenty-four hours. At Union Point she was run aground and detained three hours in getting off. After passing Ellis's Cliffs, the black chimney of a passing steamer was discovered over the fog which enveloped her hull. The black smoke from her chimney showed that she burned coal, and that it was a Federal steamer. It was the Indianola, and all fear of the Webb was over. Scarcely was the Era well alongside of the Indianola and the fog had lifted a little, when the Webb hove in sight. A brief pursuit of her was made by the two boats, without success. The Era was then furnished with supplies, and sent up to Admiral Porter.

The Indianola, which came so fortunately to the rescue of Col. Ellet, was one of the finest of the ironclad gunboats of the squadron: she was new, and was 174 feet long, 50 feet beam, 10 feet from the top of her deck to the bottom of her keel, or 8 feet 4 inches in the clear. Her sides (of wood) for five feet down were thirty-two inches thick, having bevelled sticks laid outside the hull (proper), and all of oak. Outside of this was three-inch thick plate iron. Her clamps and keelsons were as heavy as the largest ships. Her deck was eight inches solid, with one-inch iron plate, all well bolted. Her casemate stood at an incline of 26½ degrees, and was covered with three-inch iron, as were also her ports. She had a heavy grating on top of the casemate that no shell could penetrate, and every scuttle and hatch was equally well covered. She was ironed all round, except some temporary rooms on deck, and, besides the amount of wood and iron already stated, had coal bunkers seven feet thick alongside of her boilers, the entire machinery being in the hold. She had seven engines—two for working her side wheels, two for her propellers, two for her capstans, and one for supplying water and working the bilge and fire pumps. She had five large five-flued boilers, and made abundance of steam. Her forward casemate had two 11-inch Dahlgren guns, and her after casemate two 9-inch. Her forward casemate was pierced for two guns in front, one on each side, and two aft, so that she could fire two guns forward, one on each side, and four at an angle sideways and astern. She had also hose for throwing scalding water from the boilers, that would reach from stem to stern, and there was communication from the casemates to all parts of the vessel without the least exposure. The pilot house was also thoroughly ironclad, and instant communication could be had with the gunners and engineers, enabling the pilot to place the vessel in just such position as might be required for effective action. She left her anchorage at the mouth of the Yazoo, about ten o'clock on the night of February 13th, to run below the batteries at Vicksburg. The night was hazy and cloudy, and thus exceedingly dark. After passing entirely through the fleet, and reaching the vicinity of the upper end of the canal, she shut off steam entirely, and suffered the current to bear her along. Its rate was about four miles an hour. In perfect obscurity she rounded the point, and drifted fairly beneath the formidable batteries. The tide bore her down directly toward the levee of the city. Lights were everywhere numerous, and the voices of citizens and soldiers sounded as if they were close alongside. Still the black and noiseless mass drifted along, almost rubbing the bank, yet undiscovered. The whole levee was patrolled by sentinels, and at one spot a camp fire was dimly burning. As the drifting vessel approached this point, a soldier stooping down gathered some faggots and threw them into the fire. A bright blaze flashed up for a moment, exposing everything within its sphere. The Indianola was seen by a soldier, who discharged his musket at her. At that discharge the soldiers everywhere along the bluff sprang to arms. A battery near the centre of the city fired a gun, rockets were sent off, soldiers on the bank discharged their mus-

kets into the darkness, and indications of excitement were manifest everywhere. The boat had been discovered running the blockade, but no one knew where she was. Five minutes passed after the first gun was fired, and another had not followed. At last it became necessary to start the wheels in order to get steerage way on the steamer. The noise of the steam drew forth a second and third gun, and a discharge of musketry, and again all was still. The boat drifted on a few moments in silence, when the steam was again let on, and she dashed down the river, regardless of any noise that might be made. Battery after battery now opened upon her until twenty shots were fired, and she had passed uninjured beyond their reach. The steamer was under the command of Lieut.-Com. Brown, and continued on down the river, until she met the Era as above stated. After pursuing the Webb, in vain, as far as the mouth of Red river, the Indianola proceeded up that stream in search of Confederate transports, and kept up a watch off the mouth of the Atchafalaya river. Here her commander learned that the Queen of the West had been repaired and might soon be down. As the narrowness of the Red river made it difficult to manœuvre a long boat like the Indianola, while the Queen was much shorter, Commander Brown determined to return to the mouth of the Big Black river, and attempt to pass up that stream, and reach if possible the bridge of the Vicksburg and Jackson railroad. This had been one of the objects for which the steamers had run the blockade. The Big Black river empties into the Mississippi at Grand Gulf, forty miles below Vicksburg. It rises in the northern part of the State of Mississippi, and flows southwesterly, passing about fifteen miles east of Vicksburg.

On Tuesday morning, Feb. 24th, the Indianola reached the mouth of the Big Black, and in the afternoon made preparations to move up the river, when two steamers were descried approaching. These proved to be the Confederate gunboat Webb and the Queen of the West. The Webb was a powerful boat and one of the swiftest on the river. They immediately attacked the Indianola, and, chiefly by striking her with their rams, so shattered her as to endanger her sinking, when she was surrendered and immediately run ashore.

A few days afterward a flatboat was fitted up by Admiral Porter to appear like a gunboat, and set adrift in the river without a pilot or crew. As it passed the batteries at Vicksburg, it was supposed to be a formidable ram, and they fired fiercely. It escaped uninjured however, and floated on down the river. Information of its approach was sent to the Queen of the West, lying under the batteries at Warrenton, eight miles below Vicksburg, and she immediately fled down stream. The Indianola was undergoing repairs near where she was taken, and the authorities at Vicksburg, thinking that she would be recaptured by the ram, issued an order to burn her up. This order was sent down by a courier to the officer in charge of the boat. A few hours later, and another order was sent down countermanding the first, it having been ascertained that the monstrous craft was nothing else than a coal-boat. But before it reached the Indianola she had been blown to atoms: not even a gun was saved.

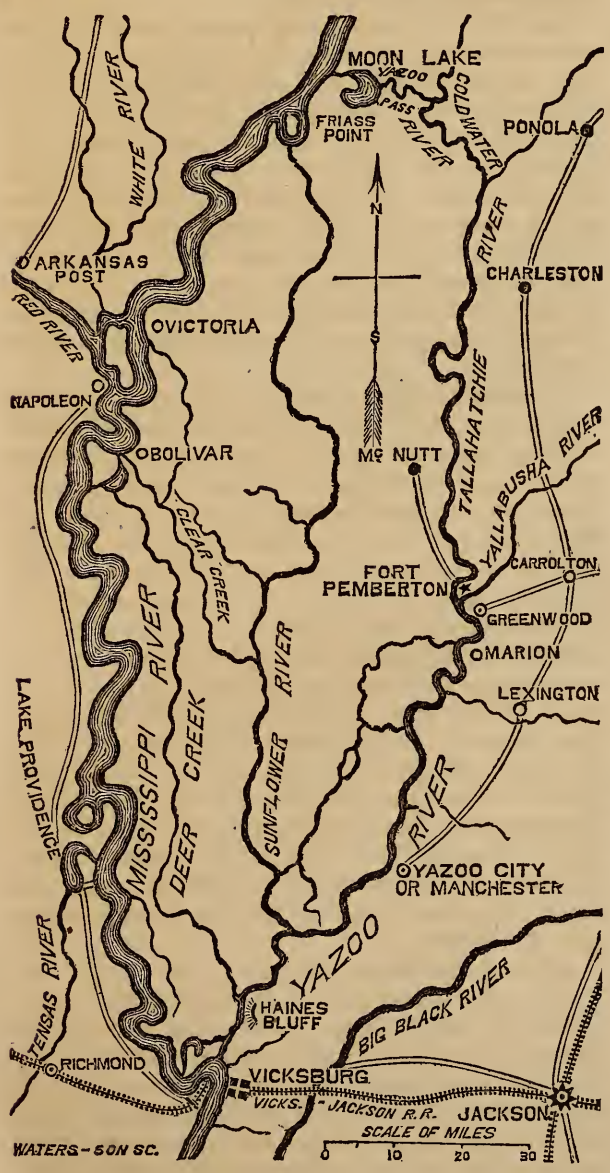
Meanwhile, the work of cutting channels from the Mississippi to Providence Lake, on the west side, and to Moon Lake, on the east side, was progressing rapidly.

Lake Providence is a few miles south of the boundary line between Arkansas and Louisiana. It is situated in Carroll parish, Louisiana, about one mile west of the Mississippi river, and about seventy-five miles above Vicksburg. It is about six miles in length. Two streams flow out of the lake to the south, Moon bayou and Tensas river. The former, after running about a hundred miles, unites with the latter. The two continue south, and unite with the Washita, and are called after the junction Black river, which empties into the Red river, as is stated on a preceding page. By cutting a channel from the Mississippi to Lake Providence, Gen. Grant thought a communication might be had through that lake down the Tensas and Black into the Red river, and thence through the Atchafalaya, with Gen. Banks at New Orleans. This route avoided the batteries at Vicksburg and Port Hudson. The canal to the lake was finished so as to let in the water on the 16th of March. The flood was so great as to inundate a large district of country, some of which was fine land for growing cotton. Some boats passed into Lake Providence, but the uncertainty of the channel of the Tensas river, and the interest which was now excited by the Yazoo Pass expedition, together with the unimportant results to be anticipated by removing a large force to the Red river or below, caused a diversion from this route to others presenting more certain prospects of success against Vicksburg.

Eight miles below Helena, in Arkansas, and on the opposite side of the river, is a little lake, known as Moon Lake. The passage from the Mississippi across the lake to the mouth of the Yazoo Pass is about eight miles; thence through the Pass proper to the Coldwater river, twelve miles. The Coldwater, a narrow stream, runs south, empties into the Tallahatchie, which continues to flow south, and unites with the Yallobusha, forming the Yazoo river, which empties into the Mississippi, a few miles above Vicksburg. By opening a wider channel from the Mississippi into Moon Lake, it was the opinion that the inner streams would be rendered more easily navigable, in consequence of an increase of water, so that some smaller gunboats and a few troops could destroy the enemy's transports in the Yazoo, and their gunboats which were building. In ordinary stages of water, steamboats could ascend the

Yazoo and Tallahatchie to the mouth of the Coldwater. The region of country through which these streams flow, especially the Yazoo, is very fertile, producing a large quantity of cotton, and furnishing considerable supplies to the rebel army at Vicksburg.

The expedition consisted of two of the largest and heaviest ironclad gunboats, one ram, six light-draft gunboats, three barges laden with coal, three steam tenders, and fifteen or eighteen transports. The passage from the Mississippi to the mouth of the Pass, after the im-



provement made upon it, was not attended with much difficulty. On the morning of the 25th of March it entered the mouth of the Pass. The tortuous stream was a hundred feet wide, and in some parts less. On its banks were cypress, sycamore, and gigantic cottonwood trees, whose branches formed a perfect arch over the stream. At the upper end the current rushed with great rapidity through the channel, and lower down were strips of bottom land, which were overflowed, and gave to it greater width, and, consequently, less rapidity. In the narrow and crooked passage it was necessary to resist the force of the current by the back revolution of the wheels of the boats, and by lines fastened from tree to tree as they moved along. Three days were thus passed in making a distance of about twelve miles, and reaching the Coldwater. Smokestacks were swept away, and much of the light upper works of several of the boats. The principal difficulty in the Pass arose from the activity of the enemy, who would close one end while the Federal force was opening the other. In this manner time was gained to prepare to resist the progress of the expedition by fortifying at the mouth of the Tallahatchie.

On the 2d of April the expedition proceeded down the Coldwater. This stream was a little wider than the Pass, so that the branches of the trees seldom met over head, but its current was more sluggish, and its channel equally tortuous. Two mortar boats now joined the expedition, adding their force to the heavy guns on the other boats. As it advanced it was further reënforced, until it consisted of eighteen transports, five small gunboats, and two of a large size, the Chillicothe and the De Kalb. The advance consisted of one division of Gen. McClernand's corps, which had been stationed at Helena, under command of Brig.-Gen. L. F. Ross, and the 12th and 17th Missouri regiments from Gen. Sherman's corps, as sharpshooters, on the gunboats. The mouth of the Coldwater was reached with only some damage to the light work, wheels, and rudders of the transports.

Proceeding down the Tallahatchie, the expedition arrived within ten miles of Greenwood on the 11th. Greenwood is a small village on the Yazoo river, just below the junction of the Tallahatchie with the Yallobusha, forming the Yazoo. Just below the position of the Federal transports, the Tallahatchie turns to the eastward, bending in the form of a horseshoe, and resumes its southerly course at a point nearly south of that where the transports were. The base of the peninsula formed by this bend, being the narrowest part, and nearly a mile across, was occupied by a Confederate fortification. It consisted of a single line of breastworks facing westerly, and composed of cotton bales and earth, and flanked on the right by a battery of three heavy guns fronting the river. Other field pieces were in position on the works. On the right flank of the line, a defence or raft of logs had been constructed, to serve as a blockade of the river. Directly in front of the breastworks was a deep slough, extending across the peninsula, and admirably serving the purpose of a ditch. The slough was close to the base of the works at the upper end, but gradually receded from them at the lower, where it was several hundred yards distant. Beyond the slough there was an almost impenetrable canebrake, backed by an extensive forest. Below this fortification on the river, and in the arc of the bend, the Yallobusha flows in from the northeast, and forms its junction with the Tal-

lahatchie. The village of Greenwood is upon the Yazoo, four miles below. The object of the fortification at this location was not only to stop the fleet from passing below, but also to prevent its passing up the Yallobusha river, on which a number of the enemy's steamers had sought refuge, and on the bank of which also was the important town of Granada.

The Confederate force was estimated above five thousand men, under the command of Gen. Tilghman, who surrendered Fort Henry, in Kentucky. On the morning of the 11th a reconnoissance was made by the gunboat Chillicothe, Lieut.-Commander Foster. The boat approached within a short distance of the fortification, and fired several shots, and was hit four times in return by heavy shot from rifle pieces. At the same time detachments from the Forty-sixth and Forty-seventh Indiana regiments were sent out to feel the Confederate position on the land side. A considerable body of the enemy's skirmishers were encountered, who were driven across the slough and into the works, when the detachments were withdrawn. In the afternoon the Chillicothe was ordered to engage the fortification. After she had fired seven rounds, a 64-pound shell from the enemy passed through a half-open port, striking upon the muzzle of a gun, in which a shell had just been placed preparatory to cutting the fuse. Both shells exploded at once, by which three men were killed and eleven wounded. At this time orders were received to withdraw from the engagement. During the ensuing night a force was sent to throw up a battery facing the enemy's works, west of the slough, and in the edge of the timber. A single 30-pound Parrott gun was mounted, and the work concealed by brush from the view of the enemy. Subsequently another gun was mounted. No attack was made on the 12th, in consequence of the absence of the mortar boats. After some delay, on the 13th, the engagement was commenced about half past ten A. M. by the land batteries. The gunboats Chillicothe and De Kalb soon after approached and opened their fire. It now appeared that the fortification mounted a rifled 64-Parrott and three 24-Dahlgrens, and a small field battery. These guns were protected by a parapet composed of seven tiers of cotton bales, covered on the outside with eight feet of earth. The contest was bravely maintained for some time, when the fire of the enemy was suspended, but no disposition to surrender was shown. The gunboats and battery kept up the fire, but without any success in reducing the works. The Chillicothe was struck thirty-four times, but not severely injured. The DeKalb suffered more, in consequence of some shot penetrating her casemates, by which one man was killed and five wounded.

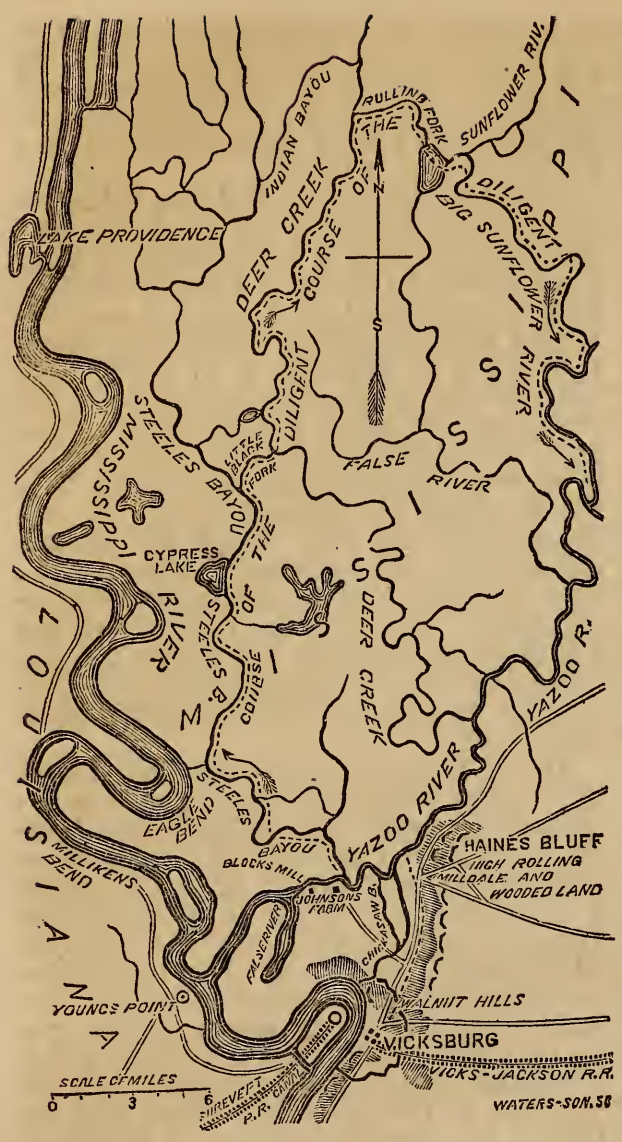
The impracticable nature of the approach to the fort by foot soldiers on the west, in consequence of the overflow or slough, rendered it necessary that the gunboats should silence the guns of the enemy, and enable the transports to run down and land troops immediately on the fort itself. But all attempts to silence the fort by the gunboats proved unsuccessful, and the guns of the battery were withdrawn, and the expedition put on the defensive. After a few days it began to retire.

Meantime, Gen. Grant had been led to believe, as the navigation proved better than was expected, that it was possible to make this the route for obtaining a foothold on high land above Haines's Bluff, and had sent forward a division of Gen. McPherson's corps, commanded by Brig.-Gen. J. F. Quimby, and had ordered some small-class steamers for transporting the army. The seventeenth corps, under Gen. McPherson, was also directed to be in readiness to move, and one division from the thirteenth and fifteenth corps each, was collected near the Pass. But it soon became evident that a sufficient number of boats of the right class, could not be obtained for the transportation of more than one division. On the 23d of March, therefore, orders were given to withdraw all the forces operating in that direction, for the purpose of concentrating at Milliken's Bend.

At this time another expedition had started under Admiral Porter, for the purpose of reaching the Yazoo below Fort Pemberton and Greenwood, and above Haines's Bluff. Such a movement, if successful, would leave Greenwood and Fort Pemberton to the rear of the Federal forces, and necessarily cause it to be abandoned. At the same time, about thirty Confederate steamers could be captured or destroyed. The route to be pursued by this expedition was up the Yazoo river to Cypress bayou, which enters that river at a point opposite the landing place of Gen. Sherman's troops when attacking the bluffs in the rear of Vicksburg, thence into Steele's bayou, and along that watercourse, and through Cypress Lake, to Little Black Fork, thence into Deer creek. Following this stream for some distance, the route branches off along Rolling Fork into the Big Sunflower river, which empties into the Yazoo above Haines's Bluff.

The expedition under Admiral Porter, consisted of the gunboats Pittsburg, Louisville, Mound City, Cincinnati, and Carondelet, with a number of small transports. Gen. Grant stated that the principal obstacles appeared to be the overhanging trees, and he sent forward a pioneer corps for their removal. Soon after, Admiral Porter sent back for a coöperating military force, and Gen. Sherman was promptly sent with one division of his corps. The number of steamers suitable for the navigation of these bayous being limited, most of the force was sent up the Mississippi to Eagle Bend, a point where the river runs within one mile of Steele's bayou, thus avoiding an important part of the difficult navigation. The cause of the failure of this expedition is thus explained by Gen. Grant:

"The expedition failed, probably, more from



want of knowledge as to what would be required to open this route, than from any impracticability in the navigation of the streams and bayous through which it was proposed to pass: the want of this knowledge led the expedition on until difficulties were encountered, and then it would become necessary to send back to Young's Point for the means of removing them. This gave the enemy time to move forces to effectually checkmate further progress, and the expedition was withdrawn when within a few hundred yards of free and open navigation to the Yazoo."

In addition to these several routes, another was prospected by Capt. F. E. Prime, as Chief Engineer, and Col. G. G. Pride, through the bayous, which run from near Milliken's Bend and New Carthage on the south, through Roundaway bayou into the Tensas river. This route was found to be practicable, and work was commenced on it. With the aid of three dredge boats, it proceeded rapidly, and one small steamer and a number of barges were taken through the channel thus opened. About the middle of April, however, the river commenced falling so rapidly as to render it impracticable to open this water communication between Milliken's Bend and New Carthage. At the same time the roads between them became dry and passable, and thus made the water communication unnecessary.

About this time, Admiral Farragut had sent to Admiral Porter for the assistance of ironclads and rams, to operate against a fleet of small, but dangerous boats, cruising in the Red river. The large vessel of Admiral Farragut, the Hartford, near Warrenton, might be useless against two or three small rams. The rams Switzerland, under Col. Chas. R. Ellet, and Lancaster, under Lieut.-Col. John A. Ellet, were ordered to go down the river. Every precaution was taken to make the run of the batteries as quietly as possible, but it was about daylight on the 25th of March when they turned the point and came in sight of Vicksburg. They were discovered by the enemy, and the Lancaster was sunk before she had reached halfway. All of her crew escaped but one man, who was drowned. The Switzerland was badly cut up, but arrived below.

The object of Gen. Grant now was to find a route by which he could place his army with its supplies below Vicksburg, so as to approach it in the rear, where alone it was supposed to be weak and assailable, with the hope of success. As soon, therefore, as he had directed a water communication to be opened from a point on the Mississippi, near Milliken's Bend, to New Carthage, he determined to occupy the latter place. It was the first point below Vicksburg that could be reached by land at the stage of water existing at that time, and the occupancy of which, while it secured a point on the Mississippi river, would also protect the main line of communication by water. Major-Gen. McClernand, therefore, with the thirteenth army corps, was, on the 29th of March, ordered to move to New Carthage. The fifteenth and sixteenth corps were to follow, moving no faster than supplies and ammunition could be transported to them. The movement was necessarily slow, in consequence of the bad state of the roads. As the advance reached Smith's Plantation, two miles from New Carthage, it was found that the levee of Bayou Vidal was broken in several places; and in consequence of the overflow of water, New Carthage was made an island. All the boats in the different bayous in the vicinity were collected, and others were built, but the transportation of the army was exceedingly tedious. Another route was therefore found, by making a further march of twelve miles around Bayou Vidal, to a point called Perkins's Plantation. The whole distance to be marched from Milliken's Bend to reach water communication below was thirty-five miles. Over this distance it was necessary to transport by wagons, with bad roads, the supplies of ordnance stores and provisions with which to

commence the campaign on the opposite side of the river.

At the same time that the occupation of New Carthage was ordered, preparations were made for running transports and a gunboat fleet below the batteries of Vicksburg. The gunboats selected were the Benton, Capt. Greer; Lafayette, Capt. Henry Walke; Price, Capt. Woodworth; Louisville, Capt. Owens; Carondelet, Capt. McLeod Murphy; Pittsburg, Capt. Wm. Hoel; Tuscumbia, Capt. Shirk, and Mound City. All of these boats except the Price were ironclad. Each had taken, for additional protection, baled cotton, hay, railroad iron, timber, chains, or whatever else might be suitable. The transports which were selected were the Forest Queen, Capt. Dan. Conway; Henry Clay; and Silver Wave, Capt. McMillan. These boats took a quantity of supplies for the army, and bales of cotton and hay were placed around the most important parts of their machinery. The night of the 16th of April was fixed for the expedition to start. Everything was in readiness before dark. The plan decided upon was that the ironclads should pass down in single file, with intervals between the boats of a few hundred yards, and that when in front of the batteries they should engage them with their broadside guns, and, under cover of the smoke, the transports should endeavor to pass unseen. A spectator of the exciting scene has thus described it:

"Lights twinkled busily from the Vicksburg hillsides until about 10 o'clock, when they disappeared, and about the same moment song and laughter on our side were hushed, as a shapeless mass of what looked like a great fragment of darkness was discerned floating noiselessly down the river. It was the Benton. It passed and disappeared in the night, and was succeeded by another bank of darkness, the Lafayette, with the Price lashed to her starboard side. And thus they continued, as if huge shadows detached themselves from the darkness above, floated across the vision, and disappeared in the darkness below. Ten of these noiseless shapes revealed themselves and disappeared.

"Three quarters of an hour passed. People heard nothing save their own suppressed breathings; saw nothing save a long low bank of darkness, which, like a black fog, walled the view below, and joined the sky and river in the direction of Vicksburg. And all watched this gathering of darkness, for in it were thunders and lightnings and volcanoes, which at any instant might light up the night with fierce irruptions.

"So long a time passed without anything occurring that people began to believe the enemy had determined, for some malevolent purpose, to allow the fleet to pass below without obstruction. However, this supposition was hardly broached ere it was contradicted most emphatically. At just a quarter before eleven, two bright sharp lines of flame flashed through the darkness, at the extreme right of the Vicksburg batteries; and, in an instant, the whole length of the bluffs was ablaze with fire. The fleet, which had rounded the Point, and now lay squarely before the city, at once responded by opening their ports, and pouring their full broadside of twenty-five heavy guns, charged with grape and shrapnel, directly against the city.

"A great cloud of smoke rolled heavily over the gunboats, and in this the three transports entered and made their 'best time' down the river. The Forest Queen, which was in the advance, received a shot in the hull and another through the steam drum, which disabled her instantly. The Henry Clay, that came next, was stopped, to prevent her running into the other, and at the same moment was struck by a shell that set her cotton on fire. The crew, demoralized by the stoppage and terrified by the fire, ran aimlessly around for a few moments, then launched the yawl, sprang into it, and pulled for the shore. The pilot, finding that no engineers obeyed the bells, stayed a short time until the fire began to seethe around him, when he seized a plank, jumped overboard, and was picked up by a gunboat. The Clay, in the mean time, became a great blazing mass, that floated down the river until it disappeared below Warrenton. Had she been manned by men of nerve, the fire would have been extinguished and the boat carried through safely. The fact of her floating so far shows that her hull was uninjured.

"The Forest Queen was taken in tow by a gunboat, and towed below without further damage. The Silver Wave did not receive a scratch.

"The Vicksburg batteries were passed in about an hour and a quarter. Upon reaching Warrenton batteries, the gunboats took the initiative by pouring in their broadsides on the instant they reached position; and so continuous and terrific was their fire that the enemy scarcely attempted a response."

No one on board either of the transports was injured, and Gen. Grant immediately ordered six more to be prepared in like manner for running the batteries. Accordingly the Tigress, Anglo-Saxon, Cheeseman, Empire City, Horizona, and Moderator left Milliken's Bend on the night of the 22d of April, and five of them got by, but in a somewhat damaged condition. The Tigress received a shot in her hull below the water line, and sunk on the Louisiana shore, after passing the last of the batteries. In tow of these transports, twelve barges loaded with forage were sent, one half of which got through in a condition to be used. The transports injured in running the blockade were repaired by order of Admiral Porter, and in a very short time five of them were in running order, and the remainder in a condition to be used as barges in the movement of troops.

As the number of transports below Vicks-

burg was limited, Gen. Grant found it necessary to extend his line of movement by land to Hard Times in Louisiana. By the circuitous route it was necessary to take, the distance was increased to seventy miles from Milliken's Bend.

On the 29th of April, the thirteenth corps of the army had reached the Mississippi, and the seventeenth was well on the way. Gen. Grant then embarked so much of the thirteenth as could be got on board the transports and barges, and moved to the front of Grand Gulf. This was a strong position on the east bank of the Mississippi, below the mouth of the Big Black river. The plan was that the gunboats under Admiral Porter's command should silence the fortifications, and under cover of the gunboats the troops should land and carry the place by storm.

At eight o'clock in the morning the attack was commenced by the gunboats, and continued fiercely for more than five hours. The following is the despatch of Admiral Porter respecting the attack:

FLAG SHIP BENTON, BELOW GRAND GULF, MISS., *April 29th*, 1862.

Hon. Gideon Welles, Secretary of the Navy:

I have the honor to inform you that, by an arrangement with General Grant, I attacked the batteries at Grand Gulf this morning, which were very formidable. After a fight of five hours and thirty minutes, we silenced the lower batteries, but failed to silence the upper one, which was high, strongly built, had guns of very heavy caliber, and the vessels were unmanageable in the heavy current. It fired but feebly toward the last, and the vessels all laid by and enfiladed it, while I went up a short distance to communicate with General Grant, who concluded to land the troops and march over to a point two miles below Grand Gulf. I sent the Lafayette back to engage the upper battery, which she did, and drove the persons out of it, as it did not respond after a few fires. At 6 P. M. we attacked the batteries again, and, under cover of the fire, all the transports passed by in good condition. The Benton, Tuscumbia, and Pittsburg were much cut up, having twenty-four killed and fifty-six wounded; but they are all ready for service.

We land the army in the morning on the other side, and march on Vicksburg. DAVID D. PORTER, Acting Rear-Admiral.

Gen. Grant, who was a spectator of the scene, says: "Many times it seemed to me that the gunboats were within pistol shot of the enemy's batteries. It soon became evident that the guns of the enemy were too elevated and their fortifications too strong to be taken from the water side. The whole range of hills on that side were known to be lined with rifle pits. Besides, the field artillery could be moved to any position where it might be useful in case of an attempt at landing." He therefore determined to run the enemy's batteries again, and to turn his position by effecting a landing at Rodney, or at Bruinsburg, between Grand Gulf and Rodney. Rodney is a small village on the east bank of the Mississippi, some miles below Grand Gulf. Bruinsburg is a small place between the two others. A reconnoissance was made to a point opposite Bruinsburg, and information was obtained from a negro that there was a good road from that place to Port Gibson. Gen. Grant determined to make the landing on the east side of the Mississippi, at Bruinsburg. Accordingly the troops were immediately ordered to land at Hard Times, and march across to the point below Grand Gulf, and at dark the gunboats again engaged the batteries, and all the transports were run by. They received but two or three shots during the passage, and these caused no injury.

At daylight on the morning of the 30th, the work of ferrying the troops across the Mississippi was commenced both by the gunboats and the transports. The thirteenth corps, as soon as landed and supplied with three days' rations, was started on the road to Port Gibson. The seventeenth corps followed as rapidly as it could be taken across the river. Port Gibson was a flourishing village on Bayou Pierre, 28 miles from its mouth, and about 65 miles southwest from Jackson, the capital of Mississippi. It was connected with Grand Gulf by a railroad.

About two o'clock on the next morning, May 1st, the advance of the enemy was met eight miles from Bruinsburgh, on the road to Port Gibson. They were forced to fall back, but as it was dark, were not pursued far until daylight. Then Gen. McClernand with his corps pressed forward within four miles of Port Gibson. Here the road divided in opposite directions. Both branches, however, led to Port Gibson. The enemy took a position on each branch, and thus divided the pursuing force. The nature of the ground was such that a very small force could easily retard the progress of a much larger one for several hours. The roads run on narrow, elevated ridges, with deep and impenetrable ravines on each side. The corps of Gen. McClernand was so divided that on the right were the divisions of Gens. Hovey, Carr, and Smith, and on the left the division of Gen. Osterhaus. The three former succeeded in driving the enemy from position to position steadily back toward Port Gibson. On the left, Gen. Osterhaus was unable to move the enemy until he was reënforced by a brigade of Gen. Logan's division, which was the advance of Gen. McPherson's corps. Another brigade of the same division was sent to Gen. McClernand on the right, and the enemy were so badly repulsed there as to be able to make no further stand south of Bayou Pierre. Late in the afternoon, Gen. Osterhaus was successful in repulsing the enemy, whom he pursued toward Port Gibson, but night closing in and the enemy making the appearance of another stand, the troops slept upon their arms until daylight. On the morning of the 2d, it was found that the enemy had retreated across Bayou Pierre, on the Grand Gulf road, and a brigade of Gen. Logan's division was sent to divert his attention whilst a floating bridge was thrown across the Bayou at Port Gibson. This bridge was completed, and Gen. McPherson's corps passed over and marched eight

miles to the north bank of Bayou Pierre, built a bridge over that stream, and the advance commenced passing over it at five o'clock on the following morning. On the 3d, the enemy were pursued to Hawkinson's Ferry, with slight skirmishing all day, during which quite a number of prisoners, mostly stragglers, were taken. The following despatch from Gen. Grant was sent to Washington:

GRAND GULF, *May 7th.*

To Major-General Halleck, General-in-Chief:

We landed at Bruinsburg, April 30, moved immediately on Port Gibson, met the enemy, 11,000 strong, four miles south of Port Gibson, at 2 o'clock A. M., on the 1st instant, and engaged him all day, entirely routing him, with the loss of many killed and about 500 prisoners, besides the wounded. The enemy retreated toward Vicksburg, destroying the bridges over the two forks of the Bayou Pierre. These were rebuilt, and the pursuit was continued until the present time. Besides the heavy artillery at this place, four field pieces were captured, and some stores, and the enemy was driven to destroy many more. The country is the most broken and difficult to operate in I ever saw. Our victory has been most complete, and the enemy is thoroughly demoralized.

Very respectfully, U. S. GRANT,
Major-General Commanding.

These movements of Gen. Grant had caused the evacuation of Grand Gulf, and Admiral Porter, upon making a movement to attack that position on the 3d, found that it had been abandoned. He then sent the following despatch to the Navy Department:

FLAG SHIP BENTON, GRAND GULF, MISS., *May 3d*, 1863.

To the Hon. Gideon Welles, Sec'y of the Navy:

SIR: I have the honor to report that I got under way this morning with the Lafayette, Carondelet, Mound City, and Pittsburg, and proceeded up to the forts at Grand Gulf, for the purpose of attacking them again if they had not been abandoned.

The enemy had left before we got up, blowing up their ammunition, spiking their large guns and burying or taking away their lighter ones. The armament consisted of thirteen guns in all. The works are of the most extensive kind, and would seem to defy the efforts of a much heavier fleet than the one which silenced them.

The forts were literally torn to pieces by the accuracy of our fire. Col. Wade, the commandant of the batteries, was killed; also his chief of staff. Eleven men were killed that we know of, and our informant says many were wounded, and that no one was permitted to go inside the forts after the action, except those belonging there.

We had a hard fight for these forts, and it is with great pleasure that I report that the navy holds the door to Vicksburg. Grand Gulf is the strongest place on the Mississippi. Had the enemy succeeded in finishing the fortifications, no fleet could have taken them.

I have been all over the works, and find them as follows: One fort, on a point of rocks 75 feet high, calculated for six or seven guns, mounting two 7-inch rifled and one 8-inch, and one Parrott gun on wheels, which was carried off. On the left of this work is a triangular work, calculated to mount one heavy gun.

These works are connected with another fort by a covered way and double rifle pits extending a quarter of a mile, constructed with much labor, and showing great skill on the part of the constructor. The third fort commands the river in all directions. It mounted one splendid Blakely 100-pounder, one 8-inch and two 30-pounders. The latter were lying burst or broken on the ground.

The gunboats had so covered up everything that it was impossible at first to see what was there, with the exception of the guns that were dismounted or broken. Every gun that fell into our hands is in good condition, and we found a large quantity of ammunition. These are by far the most extensively built works, with the exception of those at Vicksburg, that I have seen yet, and I am happy to say that we hold them.

I am dismounting the guns, and getting on board the ammunition.

Since making the above examination, new forts have been passed nearly finished. They had no guns mounted, but were complete of the kind as regards position, and had heavy field pieces in them.

(Signed) DAVID D. PORTER,
Acting Rear-Admiral, Com'g Mississippi Squadron.

Gen. Grant now made the necessary arrangements for changing his base of supplies from Bruinsburg to Grand Gulf. From Milliken's Bend to New Carthage a water communication had been opened by the Roundaway bayou, and troops occupied positions along the route from Milliken's Bend to Dallas and thence to New Carthage. A strong body also occupied Richmond, situated in the angle formed by the junction of the Brashy with Roundaway bayou.

When the army moved from Milliken's Bend, the fifteenth corps, under Maj.-Gen. W. T. Sherman, remained to be the last to follow. Gen. Sherman had also been ordered to make a demonstration on Haines's Bluff, in order to prevent heavy reënforcements leaving Vicksburg to assist the Confederate forces at Grand Gulf. Gen. Sherman moved upon Haines's Bluff, landing his forces on the south bank of the Yazoo, and the attack was made chiefly by the gunboats, on the 6th of May. The ironclads De Kalb and Choctaw, with other gunboats, engaged the batteries for six hours, during which the Choctaw was struck fifty-four times. The enemy displayed a strong force, and anticipated a battle. On the 7th the expedition returned, and the military part prepared to join Gen. Grant. It was entirely successful in preventing reënforcements to the enemy at Port Gibson.

It had been the purpose of Gen. Grant, up to the time of crossing the Mississippi, to collect all his forces at Grand Gulf, and to get on hand a good supply of provisions and ordnance stores, before moving against Vicksburg from the south. He had also determined, in the mean while, to detach an army corps to coöperate with Gen. Banks on Port Hudson, and effect a junction of forces. But this plan was given up by him in consequence of learning that Gen. Banks could not return to Baton Rouge from his position west of the Mississippi before the 10th of May; and that by the reduction of Port Hudson he could not join Gen. Grant with more than 12,000 men. The delay also for the arrival of Gen. Banks at Baton Rouge, and then for the reduction of Port Hudson, would be so great that the addition of 12,000 men to his forces would not make him relatively so strong for the attack upon

Vicksburg, as if it was at that time promptly made. Another reason for a change of his first plan, and in favor of a prompt movement on Vicksburg, was the information that troops were expected at Jackson from the Southern cities under command of Gen. Beauregard.

Meanwhile the army was lying at Hawkinson's Ferry, waiting for wagons, supplies, and the arrival of Gen. Sherman's corps. Hawkinson's was the lowest of three ferries over the Big Black below the railroad. Hall's and Baldwin's were the names of the others. It was on a new military road from Grand Gulf to Vicksburg.

In order to facilitate Gen. Grant's operations by destroying the enemy's lines of communication and preventing the early concentration of reënforcements, a cavalry raid of unusual boldness was made in the rear of Vicksburg. Col. Benj. H. Grierson, commanding the first cavalry brigade, had proposed a descent into the State of Mississippi, without meeting the approval of the commanding general until the 1st of April, when he was instructed to prepare for an expedition. The force was stationed at Lagrange about fifty miles east of Memphis, and four miles west of the junction of the Mississippi and Charleston railroad. On the 17th, Col. Grierson was ordered to move his force, consisting of the 6th Illinois cavalry, Col. Loomis, 7th Illinois, Col. Edward Prince, and 2d Iowa, Col. Edward Hatch, out on the road to Ripley. Feints had previously been made from Lagrange, Memphis, and Corinth, in or- to divert the attention of the enemy from the real movement. Early on the next day, the 18th, the force proceeded to Ripley: from that village, the 2d Iowa, advancing on the left flank of the column, took a southeasterly direction, and crossed the Tallahatchie about five miles northeast of New Albany. Meanwhile the main body proceeded directly south and crossed the river two miles east of New Albany. At the same time a battalion of the 7th Illinois marched on the right flank and crossed the river at New Albany. Skirmishing was kept up throughout the day by all the forces with detached bodies of the enemy, who were on both sides of the river, but unable to impede the progress of Col. Grierson. At night the 6th and 7th encamped about four miles south of New Albany, and the 2d Iowa about four miles east of that place. About midnight an attack was made upon this regiment, which was promptly repulsed. On the morning of the 19th a detachment was ordered by Col. Grierson to proceed eastward, another to move back to New Albany, and a third to march northwest toward King's Bridge, where a Confederate force under Maj. Chalmers was reported to be encamped. These movements were designed to lead the enemy to believe that the object of the expedition was to break up the different military organizations in that part of the country. This was successful. About nine o'clock the main body resumed its march in a southerly direction, with the 2d Iowa on its left flank. The various detachments which had been sent out soon joined the main column, and the whole force proceeded to Pontotoc. A small Confederate force was here encountered, and pursued through the town by the advance, and their entire camp equipage was captured, and also four hundred bushels of salt, which were destroyed at night. Col. Grierson encamped six miles south of Pontotoc, on the road leading to Houston.

Early the next morning, Major Lall, of the 2d Iowa, with about one hundred and seventy-five of the least effective portion of the command, one piece of artillery, and all the prisoners, moved northward, on the return to Lagrange. The object of Col. Grierson, in ordering this movement, was to relieve his command of incumbrances, and to lead the enemy to believe that the expedition had retraced its steps. The march southward was then resumed, and the force encamped that night about ten miles beyond the town of Houston.

On the next day, the 21st, Col. Hatch, of the 2d Iowa, was ordered to move his command toward Columbus, and destroy as much of the Mobile and Ohio railroad as possible, to attack Columbus if the opposing force was not too strong, and march thence to Lagrange, taking such route as he might consider to be the most suitable. In this movement, Col. Hatch was quite successful. It entirely misled Gen. Chalmers, who was in pursuit of Col. Grierson, and gave the latter a start of two or three days. The main body now continued its march to Starkville, and captured a mail, which was destroyed. At Dismal Swamp, four miles from Starkville, a halt was ordered, and a part of the command continued on five miles farther to one of the principal tanneries in the State, which was destroyed, with a large stock of boots, shoes, saddles, and leather.

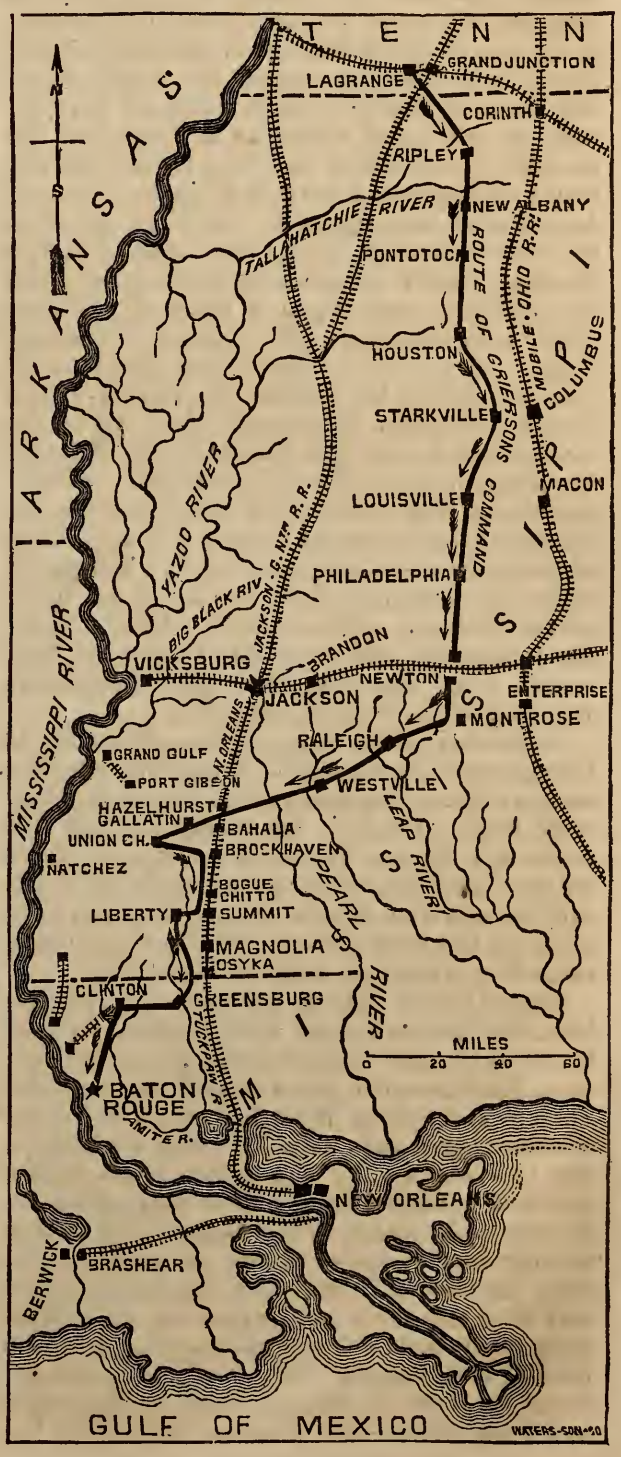
On the 22d, the command again united and marched twenty-seven miles, nearly to Louisville, Mississippi. The deep streams and marshes made the route very difficult and perilous. On the next morning the command reached Philadelphia; here a mail was captured and destroyed. About daylight, on the next morning, Newton was reached, where two trains of cars, loaded with all kinds of quartermaster and commissary stores, ammunition, and shells, were captured, and their contents destroyed. One bridge was destroyed about half a mile east of the place, and three heavy trestlework bridges ten miles farther up the railroad. On the 25th, Col. Grierson reached Nichols's Plantation, seven miles west of Montrose. A more southerly route was now pursued. At Raleigh a halt was ordered for the night, and a scout sent to cut the telegraph wires on the railroad between Lake Station and Jackson. On arriving within seven miles of the railroad, a regiment of Confederate cavalry was met, which had

left Brandon in search of Col. Grierson. They were on the direct road to his camp, and only fourteen miles distant. The scout succeeded in misleading the enemy, and returned safely to camp. Col. Grierson immediately moved his command over Leaf river, and destroyed the bridge, thereby preventing the possibility of a surprise in the rear. The command then moved on to Westville, and crossed the Pearl river at a point ten miles distant from the latter place. Two battalions, which had been sent out in advance, under Col. Prince, moved rapidly to the railroad station at Hazelhurst, and captured forty cars, loaded with shell ammunition, quartermaster's and commissary stores.

When south of Starkville, Capt. Forbes, of Co. B, 7th Illinois, was ordered to march to Macon. As he approached within a short distance of that place, he found it occupied by a considerable force of the enemy. He then moved to Newton, and thence to Enterprise, one hundred miles east of the main body of Col. Grierson's force. Here he sent a flag of truce to Col. Goodwin, commanding the Confederate force in the place, and demanded his surrender. Col. Goodwin requested one hour in which to determine his reply. But Capt. Forbes, finding the enemy to be stronger than he had supposed, and having accomplished his object in diverting their attention, before the expiration of the hour commenced a rapid movement to join Col. Grierson, then more than a day's march distant. Taking a westward course, he soon struck the route of the main body at Pearl river, and effected a junction. Near Gallatin a 32-pound Parrott gun, destined for Port Gibson, was captured and spiked. Five miles east of Gallatin, a detachment was sent to the railroad at Bahala, which destroyed the track, several cars, water tanks, and a considerable amount of other property, and cut the telegraph wires. On the morning of the 28th, Brookhaven was entered by the advance so suddenly that two hundred of the enemy were surprised and made prisoners. A large number of muskets and five hundred tents, at a camp of instruction, were destroyed. The main body, after leaving Gallatin, encountered a cavalry force under Col. Garland, when a skirmish ensued, in which several of the enemy were killed and others taken prisoners. A feint, for the purpose of deceiving the enemy, was made toward Port Gibson, and another toward Natchez, when the main body marched to Brookhaven.

On the 30th, Col. Grierson moved in a southerly direction, and destroyed all the bridges between Brookhaven and Bogue Chito Station. At the latter place fifteen cars, partly loaded with army stores, were destroyed, together with the depot and other railroad buildings. The force then marched to Summit, where twenty-five freight cars were destroyed. Thence Col. Grierson moved from the railroad to a point between Magnolia and Liberty, for the purpose of reaching the Clinton road. Finding a regiment of the enemy's cavalry at Wall's bridge, on the Tickfaw, a dash was made upon them, in which eight or ten were killed, several wounded, and the rest put to flight. The loss of Col. Grierson was one killed and five wounded. Moving then east of the Tickfaw a short distance, the march was continued directly southward. At Edwards's bridge another regiment of the enemy's cavalry was posted, purposely to dispute the passage. A battalion was sent to engage them, while the main body moved on in the direction of Greensburg. Only a few brief skirmishes took place with this regiment.

The march thus far had proved a constant surprise to the inhabitants, and as it was supposed that Col. Grierson would return to Lagrange,



arrangements had been made to cut off his retreat. It was apparent now that his intention was not to return, but to march through the State. Preparations were therefore made at Osyka to stop his progress. It was well known that to advance any farther south it would be necessary for him to cross several bridges. Hence a regiment of Confederate cavalry was so posted as to flank his force, while a body of infantry was thrown in his front, to hold him in check until the cavalry could make an attack upon his flank and rear. Col. Grierson, understanding his danger, at once ordered a charge upon the infantry, and, with one dash, broke through their lines, and soon left them far in the rear. Fortunately he met with no loss, and continued his march south to Greensburg, thence direct to Clinton. About ten miles above that town he crossed the Amite river. On the Big Sandy creek a camp of partisan rangers was found, which he attacked, and destroyed one hundred and fifty tents, with the camp equipage and private baggage. Several horses were also captured. He then marched on the Greenville Spring road toward Baton Rouge. About ten miles from the latter place he suddenly came upon a force of cavalry, under Col. Stewart, and captured the entire body. About four o'clock in the afternoon of the 1st of May he entered the city of Baton Rouge, Louisiana. In seventeen days the troops had marched over eight hundred miles through the heart of the State of Mississippi. A large number of the enemy were killed and wounded, and it was estimated that over four millions of property were destroyed. On two important railroads communications were cut off with strong positions of the enemy. Over a thousand prisoners and more than twelve hundred horses were captured, and great excitement was created throughout the State.

Meantime, as the army of Gen. Grant lay at Hawkinson's Ferry, waiting for supplies and the arrival of Gen. Sherman's corps, demonstrations were made to induce the enemy to think that route and the one by Hall's Ferry, next above on the Big Black river, were objects of much solicitude to Gen. Grant. Reconnoissances were made on the west side of the Big Black river, extending within six miles of Warrenton.

On the 7th of May an advance was ordered. Gen. McPherson's corps were required to keep the road nearest Black river to Rocky Springs. Gen. McClernand's corps moved on the ridge road running from Willow Springs, and Gen. Sherman followed, with his corps divided on the two roads. All the ferries were closely guarded until the troops were well advanced. It was the intention of Gen. Grant here to hug the Big Black river as closely as possible with Gen. McClernand's and Gen. Sherman's corps, and thus get them to the Jackson and Vicksburg railroad, at some point between Edwards's Station and Bolton. Gen. McPherson was ordered to move by way of Utica to Raymond, and from thence into Jackson, destroying the railroads, telegraph, public stores, &c., and then push west to rejoin the main force. Gen. Sherman moved forward on the Edwards's Station road, crossing Fourteen Mile creek at Dillon's Plantation. Gen. McClernand moved across the same creek farther west, sending one division of his corps by the Baldwin's Ferry road as far as the river. At the crossing of Fourteen Mile creek, both Gens. McClernand and Sherman had considerable skirmishing with the enemy to get possession of the crossing. On the evening of that day, May 11th, Gen. Grant sent the following despatch to Maj.-Gen. Halleck, at Washington:

> My force will be this evening as far advanced along Fourteen Mile creek, the left near Black river, and extending in a line nearly east and west, as they can get without bringing on a general engagement. I shall communicate with Grand Gulf no more, except it becomes necessary to send a train with a heavy escort. You may not hear from me again for several weeks.

That night Gen. McClernand's corps was near Black river. Gen. Sherman, in the centre of the line, was at and beyond Auburn; and Gen. McPherson, about eight miles to the right, with his corps, had advanced a few miles north of Utica. Corn, salt meat, and live stock were found abundant.

On the next morning, Tuesday, May 12th, Gen. McClernand's advance drove in the enemy's pickets, and brisk skirmishing ensued for an hour or two, with little loss on either side. By noon the enemy had disappeared from his front. Gen. Sherman early set a division in motion, which came upon the enemy at the crossing of Fourteen Mile creek. The cavalry advance was fired upon from the thick woods that skirt the stream, and was unable, owing to the nature of the ground, to make a charge or clear the enemy from their position. A battery was brought forward, supported by two regiments, and skirmishers thrown out, who drove the enemy slowly until a brigade was thrown upon their right and left flanks, when they withdrew toward Raymond. The principal resistance to the line of march was, however, in front of Gen. McPherson. At ten o'clock his advance, under Gen. Logan, came upon a Confederate force, estimated at ten thousand, but which proved to be two brigades under Gens. Gregg and Walker, posted on Fondreu's creek, about two miles south of Raymond. Brisk skirmishing began at once, which soon brought on a general engagement. The enemy was almost wholly concealed at first by the woods bordering the stream, behind which their forces were posted. Their artillery was on an eminence, which commanded the Federal approach. The battle continued for three hours, when the enemy, after heavy loss in killed, wounded, and missing, withdrew in two columns, the principal one taking the road to Jackson. Gen. McPherson immediately occupied Raymond.

Gen. Grant was at this time with Gen. Sherman's corps, and had ordered that corps and also Gen. McClernand's to move toward the rail-

road from Vicksburg to Jackson by parallel roads, the latter in the direction of Edwards's Station, and the former to a point on the railroad between Edwards's Station and Bolton. But he afterward ordered these two corps to march to Raymond, in consequence of being informed that the enemy had retreated to Jackson after the defeat near Raymond, and also that reënforcements were daily arriving at Jackson, and that Gen. Joseph E. Johnston was hourly expected there to take the command in person. He says: "I therefore determined to make sure of that place, and leave no enemy in my rear."

On the next day, the 13th, Gen. McPherson moved to Clinton, and destroyed the railroads and telegraph, and captured some important despatches from Gen. Pemberton to Gen. Gregg, who had command on the previous day in the battle of Raymond. Gen. Sherman moved to a parallel position on the Mississippi Springs and Jackson road, and Gen. McClernand moved to a point near Raymond.

On the 14th, Gen. McPherson and Gen. Sherman each advanced from his respective position toward Jackson. The rain had fallen in torrents during the night before, and it continued to fall until about noon, thus making the roads at first slippery, and then miry. Nevertheless, the troops marched in excellent order and spirits about fourteen miles, when they came upon the enemy. The main body of their force in Jackson had marched out on the Clinton road, and encountered Gen. McPherson about two and a half miles from the city. A small force of artillery and infantry also took a strong position in front of Gen. Sherman, about the same distance out from Jackson.

On the march of Gen. McPherson from Clinton toward Jackson, Gen. Crocker's division held the advance. All was quiet until he reached a hill overlooking a broad open field, through the centre of which, and over the crest of the hill beyond, the road to Jackson passed. On the left of this latter hill the enemy had posted his artillery, and along the crest his line of battle. As the Federal force came within range, the artillery of the enemy opened fire. The battery of the First Missouri was moved to the left of a cotton gin in the open field, and returned the fire for nearly an hour, when the guns of the enemy were withdrawn. Meantime, Gen. Crocker had thrown out two brigades to the right and left of his battery, supported by another brigade at a proper distance, and had also pushed forward a strong line of skirmishers, and posted them in a ravine in front, which protected them from the fire of the enemy. After a little delay they were again advanced out of cover, and a desultory fire ensued between the opposite lines of skirmishers, in which the enemy, owing to the nature of the ground, had the advantage. At length Gen. Crocker, seeing the necessity of driving the rebels from the crest of the hill, ordered a charge along the line, the execution of which has been thus described: "With colors flying, and with a step as measured and unbroken as if on dress parade, the movement was executed. Slowly they advanced, crossed the narrow ravine, and, with fixed bayonets, reached the crest of the hill in easy range of the rebel line. Here they received a tremendous volley, which caused painful gaps in their ranks. They held their fire until they were within a distance of thirty paces, when they delivered the returning volley with fearful effect, and, without waiting to reload their muskets, with a terrific yell, they rushed upon the staggered foe. Over the fences, through the brushwood, into the inclosure, they worked their way, slaughtering on the right and left without mercy. The enemy, astonished at their impetuosity, wavered and fell back, rallied again, and finally broke in wild confusion." They finally retreated north, but without further damage.

When Gen. Sherman encountered the enemy, he soon discovered the weakness of the latter by sending a reconnoitering party to his right, which had the effect of causing them to retreat from that part of their line. A few of the artillerists, however, remained in their places, firing upon Gen. Sherman's troops until the last moment, evidently having been instructed to do so with the expectation of being captured in the end.

At this time Gen. McClernand occupied Clinton with one division, Mississippi Springs with another, Raymond with a third, and his fourth division and Gen. Blair's division of Gen. Sherman's corps were with a wagon train, still in the rear near Auburn. At the same time Gen. McArthur, with one brigade of his division of Gen. McPherson's corps, was moving toward Raymond on the Utica road. It was not the intention of Gen. Grant to move these forces any nearer Jackson, but to have them in a position where they could be in supporting distance if the resistance at Jackson should prove more obstinate than there seemed any reason to expect.

On the retreat of the enemy, Gen. McPherson followed directly into the city of Jackson. A fine battery of six pieces was found, and around the Deaf and Dumb Institute, which was used as a hospital, tents enough were seized to encamp an entire division. The commissary and quartermaster's stores were in flames. The Governor and State Treasurer had withdrawn, taking the State funds and papers. All citizens officially connected with State or Confederate Governments had also left. Many soldiers remained, besides a large number in the hospital.

At night, Gen. Grant, who with Gen. Sherman's corps had arrived at Jackson, was informed that Gen. Johnston, as soon as he had satisfied himself that Jackson was to be attacked, had ordered Gen. Pemberton peremptorily to march out from Vicksburg and attack the Federal rear. Availing himself of this information, he immediately issued orders to

N
W
E
S
YAZOO RIVER
BIG SUNFLOWER RIVER
SILVER CREEK
CYPRESS LAKE
ALLIGATOR CHANNEL
PINE CREEK
YAZOO CITY
BETESTA
BENTON
CHURCH
PLAINVILLE
L. CYPRESS CREEK
DEER CREEK
L. MOUNT CREEK
BIG MOUNT C.
D. NEALS CREEK
LIVERPOOL
SATARIA
KIBBS STORE
PROSPECT
BEATTIES
BEAR CREEK
HIGGINBOTHAMS FERRY
KIBBYS FORD
VERNON
LIVINGSTON
JOHNSTONS HEAD QRS JUNE 1 1863
M.T OLYMPUS
CLAIBORNES
BOGUE CHITTO
CARDIFF
BIG BLACK RIVER
BAYOU PALLIAH
MERIDIANVILLE
BROWNSVILLE
M.CH.
MOUND
MILLDALE
HAINES BLUFF
WALNUT HILLS
CLINTON
JACKSON
BRIDGEPORT
BOLTON
CHICKS
WALNUT BLUFFS
AMSTERDAM
CREEK
EDWARDS STATION
MISSISSIPPI SPRING
DE SOTO
BOVINA
BLACK RIVER BRIDGE
VICKSBURG
RAYMOND
BATTLE MAY 12 1863
BERNET WELLS
MORRISVILLE
BAKERS
HOSPITAL
CANAL
RACE COURSE
MT ALBAN
14 MILE CREEK
MIDWAY
DEAN
COOPERSVILLE
BYRAM
BALDWIN
P.O.
BALDWINS FERRY
BYRAM BRIDGE
WARRENTON
AUBURN
S. MT. C.
HALLS FERRY
M.CH.
DIAMOND ISLS.
JENKINS PLACE
CAYUGA P.O
PEARL RIVER
NEW CARTHAGE
MT VERNON
P.O.
PALMYRA ISL.
ROCKY SPRING
TERRY
HANKINSONS FERRY
HURRICANE ISL
BIG BLACK ISL.
REMSENS STORE
KENNEDEYS STORE
BIG BLACK RIVER
BATTERY
WILLOW SPR. P.O.
NORTH FORK
BAYOU PIERRE
SOUTH FORK
BURTONTON
GRAND GULF
BURTONS BR
WHITE OAK
PINE BLUFF P.O
COFFEE PT
HARD TIMES
GRINDSTONE FORD
PORT GIBSON
BATTLE MAY 1 1863
BAYOU PIERRE
PERKINS CREEK
N ORLEANS—JACKSON R.R.
GRIFFINS STORE
WHITE OAK CREEK
GALLATIN
BRUINSBURG
TO RODNEY
HAZLEHURST
WATERS SON SC NY

Gen. McClernand, and to Gen. Blair of Sherman's corps, to face their troops toward Bolton, with a view to reaching Edwards's Station by marching on different roads, which converged near Bolton. Gen. McPherson was ordered to retrace his steps on the Clinton road, early on the morning of the 15th. Gen. Sherman was left in Jackson to destroy the railroads, bridges, factories, workshops, arsenals, and everything valuable for the support of the enemy. On the afternoon of the 15th, Gen. Grant proceeded as far west as Clinton, through which place Gen. McPherson's corps had passed to within supporting distance of Gen. Hovey's division of Gen. McClernand's corps, which had moved that day on the same road to within one and a half mile of Bolton. The country from Jackson to Bolton is rugged and broken, with a succession of hills and valleys, precipitous steeps and deep ravines, over and through which the road passes. Gen. Grant, on reaching Clinton, about five o'clock P. M., ordered Gen. McClernand to move his command early the next morning toward Edwards's Station, marching so as to feel the enemy, if he encountered him, but not to bring on a general engagement unless he was confident he was able to defeat him. Gen. Blair was also ordered to move with Gen. McClernand.

Early the next morning, two persons employed on the Jackson and Vicksburg railroad, who had passed through the army of Gen. Pemberton on the night before, were brought to the headquarters of Gen. Grant. They stated that the force of Gen. Pemberton consisted of about eighty regiments, with ten batteries of artillery, and that the whole force was estimated at near twenty-five thousand men. They also described the positions taken by the enemy, and his intention to attack the Federal rear. Gen. Grant had determined to leave one division of Gen. Sherman's corps one day longer in Jackson, but after this information he resolved to bring his entire command up at once, and accordingly sent orders to him to move with all possible speed until he came up with the main force at Bolton. A despatch was sent to Gen. Blair at the same time, to push forward his division in the direction of Edwards's Station with all possible despatch. Gen. McClernand was also ordered to establish communication between Gen. Blair and Gen. Osterhaus of his corps, and to keep it up, moving the former to the support of the latter. Gen. McPherson was also ordered forward at 5.45 A. M., to join Gen. McClernand. The information received was communicated to Gen. McClernand, with instructions as to the disposition of his forces.

Early on the morning of the 16th, Gen. Grant left Clinton for the advance, and on arriving at the point where the road from Raymond to Bolton crosses the Jackson and Vicksburg railroad, he found Gen. McPherson's advance and his pioneer corps engaged in rebuilding a bridge on the latter road, that had been destroyed by the cavalry of Gen. Osterhaus's division, which had gone into Bolton the night before. On reaching the front, Gen. Grant found Gen. Hovey's division of the thirteenth corps at a halt, with his skirmishers and the enemy's pickets near each other. Gen. Hovey was bringing his troops into line, ready for battle, and could have brought on an engagement at any moment. The enemy had taken up a very strong position on a narrow ridge. His left rested on a height where the road made a sharp turn to the left, as it approached Vicksburg. The top of the ridge and the precipitous hillside to the left of the road were covered by a dense forest and undergrowth. To the right of the road the woods extended a short distance down the hill, and then were cultivated fields on a gentle slope spreading into an extensive valley. Gen. Hovey's division was disposed for the attack on the road and into the wooded ravine and hillside, while Gen. McPherson's force, excepting Gen. Ransom's brigade, which arrived after the battle, were thrown to the right of the road, which was properly the enemy's rear. Still Gen. Grant would not allow an attack to be commenced by his troops until he could hear from Gen. McClernand, who was advancing with four, divisions, two of which were on a road intersecting the Jackson road about one mile from the position occupied by the above-mentioned troops, and about the centre of the enemy's line; the other two divisions were on a road still farther north, and nearly the same distance off. Learning that Gen. McClernand was distant two and a half miles, Gen. Grant sent orders to him to push forward with all rapidity. Meanwhile the continued firing between Gen. Hovey's skirmishers and the enemy grew into a battle by eleven o'clock. At first this division bore the brunt of the conflict, but finding the enemy too strong for them, one brigade and then another of Gen. Crocker's division of Gen. McPherson's corps was ordered to reenforce them. Meanwhile Gen. Logan's division of McPherson's corps was working upon the enemy's left and rear, which weakened exceedingly their attack in front. Here their force outnumbered the Federal force. Gen. McClernand was, however, expected momentarily upon the field. But he did not arrive until the enemy had been driven from the field after a terrible contest of hours, in which he met with a heavy loss in killed, wounded, prisoners, and artillery. It appeared afterward that the road to Vicksburg, after following the ridge in a southerly direction about one mile, intersecting one of the roads to Raymond, turned almost to the west, down the hill and across the valley in which Gen. Logan was operating on the rear of the enemy. One brigade of his division had, unconscious of this fact, penetrated nearly to this road, and compelled the enemy to retreat to avoid capture. As it was, much of his artillery and Gen. Lor-

ing's division of his army were cut off, besides the prisoners captured.

On the request of Gen. Hovey for more reenforcements, just before the rout of the enemy commenced, Gen. Grant ordered Gen. McPherson to move what troops he could by a left flank to the enemy's front. Proceeding to the front, and expecting every moment to see the enemy, Gen. Grant found, on reaching what had been his line, that he was retreating. Upon arriving at the Raymond road, Gen. Grant perceived a column of troops on the left and on the next ridge, which proved to be Gen. Carr's division of Gen. McClernand's corps. To the left, Gen. Osterhaus's division of the same corps soon after appeared with his skirmishers well advanced. Gen. Carr was ordered to pursue the enemy with all speed to Black river, and to cross it if he could, and Gen. Osterhaus was ordered to follow. The pursuit continued until after dark, and a train of cars loaded with commissary and ordnance stores and other property was captured. Gen. Grant states that "the delay in the advance of the troops immediately with Gen. McClernand was caused, no doubt, by the enemy presenting a front of artillery and infantry, where it was impossible, from the nature of the ground and the density of the forest, to discover his numbers. As it was, the battle of Champion's Hill, or Baker's Creek, was fought mainly by Gen. Hovey's division of McClernand's corps, and Gens. Logan's and Quimby's divisions (the latter commanded by Brigadier-General M. M. Crocker) of McPherson's corps."

Orders were now sent back to Gen. Sherman to turn his corps toward Bridgeport, and Gen. Blair was expected to join him at that place. Bridgeport was on the Black river, and some miles north of the railroad. By crossing the river at that point, Gen. Sherman would be on the flank of the enemy, if they made a stand at the railroad crossing of the river.

At daylight on the next morning, the 17th, the pursuit was renewed, with the corps of Gen. McClernand in the advance. The enemy was found strongly posted on both sides of the Black river, at a point where the bluffs on the west side extended to the water's edge, but the east side was an open cultivated bottom of nearly one mile in width, and surrounded by a bayou of stagnant water from two to three feet in depth and from ten to twenty feet in width, extending from the river above the railroad to the river below. Along the inside line of this bayou the enemy had constructed rifle-pits, with the bayou serving as a ditch on the outside and immediately in front of them. The division of Gen. Carr occupied the right in investing this position, and the brigade of Gen. Lawler occupied the right of the division. After a few hours' skirmishing, Gen. Lawler discovered that by moving a portion of his brigade under cover of the river bank, he could get a position from which the enemy could be successfully assaulted. He accordingly ordered a charge. Notwithstanding the level ground over which a portion of his troops had to pass without cover, and the great obstacle of the ditch in front of the enemy's works, the charge was gallantly and successfully made, and in a few minutes the entire garrison with seventeen pieces of artillery were the trophies of this brilliant movement. The enemy on the west bank of the river immediately set fire to the railroad bridge and retreated, thereby cutting off all chance of escape for any portion of his forces remaining on the east bank.

By this time, Gen. Sherman had reached Bridgeport on the Black river above. The only pontoon train was with him. By the morning of the 18th, he had crossed the river and was ready to march on Vicksburg. Gens. McClernand and McPherson caused floating bridges to be constructed during the night, and were ready to cross their troops by eight o'clock on the next morning.

Early that morning, Gen. Sherman commenced his march by the Bridgeport and Vicksburg road, and, when within three and a half miles of Vicksburg, he turned to the right to get possession of Walnut Hills and the Yazoo river. This was successfully accomplished before night. Gen. McPherson crossed the Black river above the road to Jackson, and came into the same road with Gen. Sherman, but in his rear. His advance arrived after nightfall at the point where Gen. Sherman turned to the right. Gen. McClernand moved by the Jackson and Vicksburg road to Mount Albans, in the rear of Vicksburg, and there turned to the left to get into the Baldwin's Ferry road. By this disposition the three army corps covered all the ground their strength would admit of, and by the morning of the 19th the investment of Vicksburg was made as complete as could be by the forces under the command of Gen. Grant.

In the march from Bruinsburg to Vicksburg, only five days' rations were issued, and three of these were taken in haversacks at the start, and soon exhausted. It was a period of twenty days before supplies could be obtained from Government stores, during which all other subsistence was obtained from the country through which the army passed. It was abundantly supplied with corn, bacon, beef, and mutton. The march was commenced without wagons except such as could be picked up. Communications were at once opened with the fleet above Vicksburg, and Gen. Grant's base for supplies was changed from Grand Gulf to the Yazoo. The movements by which this was effected are thus described in a despatch from Rear-Admiral Porter to the Secretary of the Navy:

FLAG SHIP BLACK HAWK,
HAINES'S BLUFF, YAZOO RIVER, *May 20th.*

To Hon. Gideon Welles, Secretary of the Navy:

On the morning of the 16th I came over to the Yazoo to be ready to coöperate with Gen. Grant, leaving two of the ironclads at Red River, one at Grand Gulf, one at Carthage, three at Warrenton, and two in the Yazoo, which left me a small force. Still I disposed of them

to the best advantage. On the 18th, at meridian, firing was heard in the rear of Vicksburg, which assured me that Gen. Grant was approaching the city. The cannonading was kept up furiously for some time, when, by the aid of glasses, I discovered a company of artillery advancing, taking position, and driving the rebels before them. I immediately saw that Gen. Sherman's division had come on to the left of Snyder's Bluff, and that the rebels at that place had been cut off from joining the forces in the city.

I despatched the DeKalb, Lieut.-Commander Walker, the Choctaw, Lieut.-Commander Ramsay, the Romeo, and Forest Rose, all under command of Lieut.-Commander Breese, up the Yazoo, to open communication in that way with Gens. Grant and Sherman. This I succeeded in doing, and in three hours received letters from Gens. Grant, Sherman, and Steele, informing me of this vast success, and asking me to send up provisions, which was at once done. In the mean time, Lieutenant-Commander Walker in the DeKalb pushed on to Haines's Bluff, which the enemy had commenced evacuating the day before, and a party remained behind in the hopes of destroying or taking away a large amount of ammunition on hand. When they saw the gunboats they ran out and left everything in good order, guns, forts, tents, and equipage of all kinds, which fell into our hands.

As soon as the capture of Haines's Bluff and the fourteen forts was reported to me, I shoved up the gunboats from below to fire on the hill batteries, which fire was kept up for two or three hours. At midnight they moved up to the town and opened on it for about an hour, and continued at intervals during the night to annoy the garrison. On the 19th I placed six mortars in position, with orders to fire night and day as rapidly as they could.

The works at Haines's Bluff are very formidable. There are fourteen of the heaviest kind of mounted eight and ten inch and seven and a half inch rifle guns, with ammunition enough to last a long siege. As the gun carriages might again fall into the hands of the enemy, I had them burned, blew up the magazine, and destroyed the works generally. I also burned up the encampments, which were permanently and remarkably well constructed, looking as though the rebels intended to stay some time. Their works and encampments covered many acres of ground, and the fortifications and rifle pits proper of Haines's Bluff extend about a mile and a quarter. Such a network of forts I never saw.

As soon as I got through with the destruction of the magazines and other works, I started Lieut.-Com. Walker up the Yazoo river with sufficient force to destroy all the enemy's property in that direction, with orders to return with all despatch, and only to proceed as far as Yazoo City, where the rebels have a navy yard and storehouses.

In the mean time Gen. Grant has closely invested Vicksburg, and has possession of the best commanding points. In a very short time a general assault will take place, when I hope to announce that Vicksburg has fallen after a series of the most brilliant successes that ever attended an army.

There has never been a case during the war where the rebels have been so successfully beaten at all points, and the patience and endurance shown by our army and navy for so many months is about being rewarded. It is a mere question of a few hours, and then, with the exception of Port Hudson, which will follow Vicksburg, the Mississippi will be open its entire length.

(Signed) D. D. PORTER,
Com'g Mississippi Squadron.

The result of the expedition to Yazoo City is thus described in the report of Lieut. Walker, addressed to Rear-Admiral Porter:

U. S. Steamer Baron De Kalb,
Mouth Yazoo River, *May* 23*d*.

Sir: I have the honor to report that in obedience to your order I started from Snyder's Bluff on the 20th, with the DeKalb, Choctaw, Forest Rose, Linden, and Petrel, on an expedition to Yazoo City. Arriving at Haines's Bluff, I landed a force and spiked an 8-inch gun on the fort there, and burned the carriage. I also burned some forty tents left standing, and a steam sawmill.

Arriving at Yazoo City at 1 p. m., 20th, I was met by a committee of citizens, who informed me that the place had been evacuated by the military authorities, and asking protection. The navy yard and vessels had been fired by the enemy. I sent a working party to insure the destruction of everything valuable to the rebels. The vessels burned were the Mobile, a screw vessel, ready for plating; the Republic, which was being fitted out for a ram; and a vessel on the stocks —a monster, 310 feet long, 75 feet beam. The navy yard contained five saw and planing mills, an extensive machine shop, carpenter and blacksmith shops, and all necessary fixtures for a large building and repairing yard, which, with a very large quantity of lumber, were burned. I also burned a large sawmill above the town. Most of the public stores had been removed; such as I found in town were taken on board the vessels or destroyed. Enclosed I send a list of articles removed or destroyed by Acting Volunteer Lieut. Brown, the officer detailed for that purpose. In the hospital I found and paroled 1,500 prisoners, a list of whom I enclose.

Returning, I left Yazoo City this morning, arriving here at 4 p. m. At Liverpool Landing, in a sharp bend in the river, we were attacked by some field guns, and about 200 riflemen concealed in the bushes, and for a few minutes the firing was very sharp. The enemy retreated as soon as the vessels got into position to use their guns with effect. The Petrel, Linden, and Choctaw were struck with shot, but received no particular injury. Sergt. Stockinger, of this vessel, was killed by a rifle shot. The Linden had five wounded, the Petrel two, and the Choctaw one. Most of the wounds are slight.

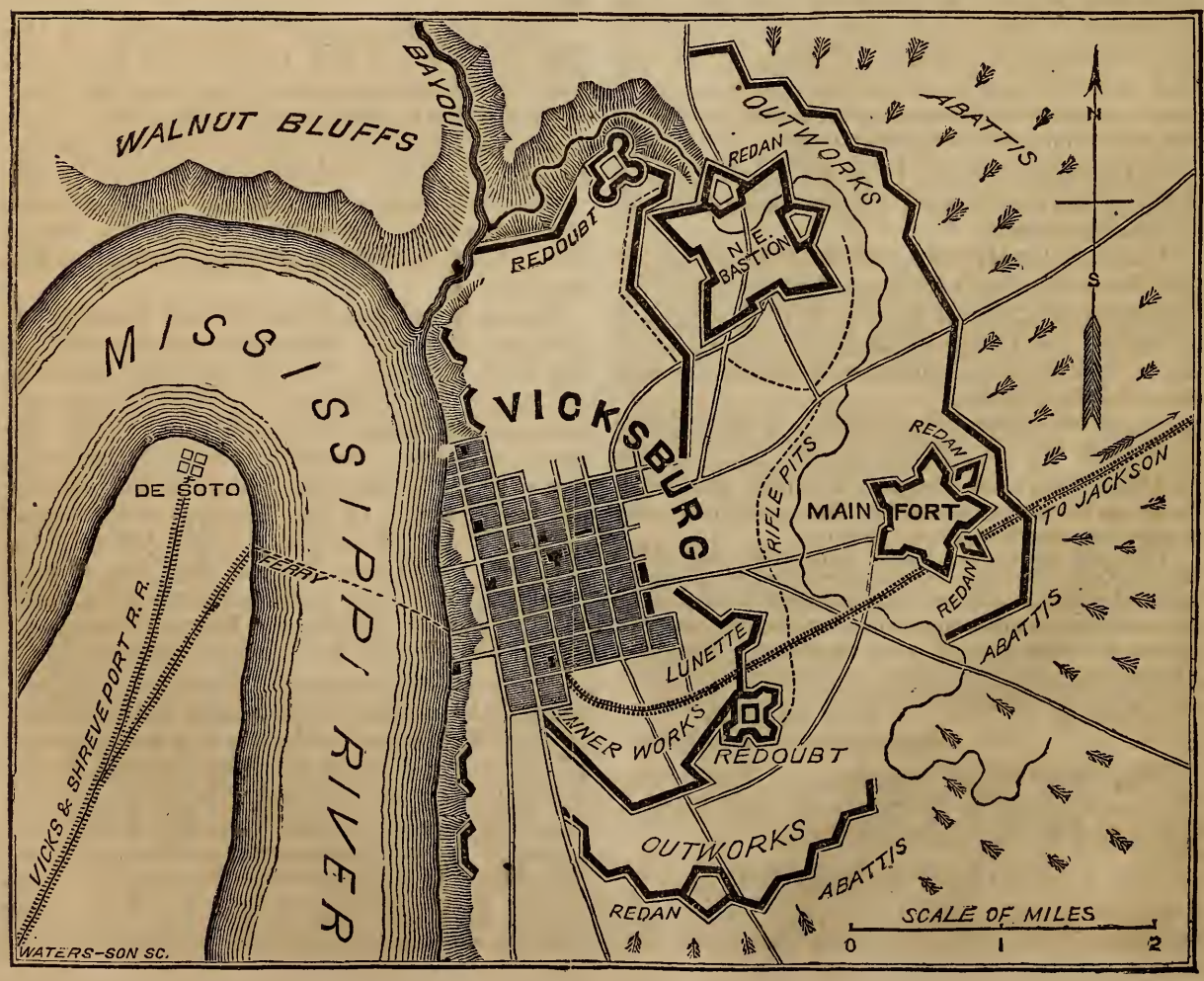
After the storming of their position on the Big Black river, the Confederate force fell back to Vicksburg, which they reached about eight o'clock on Sunday night, the 17th. Their army was immediately reorganized, and placed as follows: Gen. Smith's division on the extreme left, Major-Gen. Forney in the centre, and Major-Gen. Stephenson on the right. Brig.-Gen. Bowen's division of Missourians held the reserve.

It has been stated that by the morning of Tuesday, the 19th, Vicksburg was invested by the Federal army. During that day there was a continued skirmishing, and Gen. Grant was not without hope of carrying the works. He found his forces insufficient to entirely invest the works. There was therefore danger that the two bodies of the enemy, under Gens. Johnston and Pemberton, might yet effect a junction, as it was known that the former was receiving large reënforcemsnts from Gen. Bragg's army in Middle and Eastern Tennessee. He therefore ordered a general assault to be made at two o'clock in the afternoon. This was made by the fifteenth army corps, which arrived in time before the works on the previous day to get a good position. The thirteenth and seventeenth corps succeeded in gaining an advanced position covered from the fire of the enemy. A Confederate report of the action of Tuesday is as follows: "On Tuesday morning, before daylight, they opened fire from their batteries, our guns responding immediately and

with fine effect, compelling the enemy to shift their batteries several times. At the same time the enemy endeavored to throw forward a body of sharpshooters, but were prevented by the fire of our men from so doing. The artillery duel and sharpshooting continued for about three hours, when Gen. Pemberton rode up and ordered our men to cease firing, as he desired no artillery duels. In obedience to the order, our men ceased firing, and the result was that next morning, the enemy, emboldened by our silence, approached one hundred yards nearer than they were the day before, without any opposition. On Tuesday the enemy made their first assault on the line of works held by Brig.-Gen. Shoup's brigade of Louisianians. They marched up in one solid column, our men withholding their fire until the enemy had approached within thirty yards of the lines, when they opened a terrific volley of musketry. The enemy wavered a moment, and then marched forward. They were again met by another volley, when they broke and fled under cover of the hills. This was the only attempt made on that day to force our lines, and the attempt was evidently made more with the intention of 'feeling' our lines than with any serious idea of storming them."

By the 21st, the arrangements of Gen. Grant for drawing supplies of every description were completed, and he determined to make another effort to carry Vicksburg by assault. His reasons for this are thus stated: "I believed an assault from the position gained by this time could be made successfully. It was known that Johnston was at Canton with the force taken by him from Jackson, reënforced by other troops from the east, and that more were daily reaching him. With the force I had, a short time must have enabled him to attack me in the rear, and possibly to succeed in raising the siege. Possession of Vicksburg at that time would have enabled me to turn upon Johnston and drive him from the State, and possess myself of all the railroads and practical military highways, thus effectually securing to ourselves all territory west of the Tombigbee, and this before the season was too far advanced for campaigning in this latitude. It would have saved Government sending large reënforcements much needed elsewhere; and, finally, the troops themselves were impatient to possess Vicksburg, and would not have worked in the trenches with the same zeal, believing it unnecessary, that they did after their failure to carry the enemy's works."

Accordingly, orders were issued on the 21st for a general assault on the whole line, to commence at 10 A. M. on the next day. This assault is thus described by Gen. Grant: "All the corps commanders set their time by mine, that there should be no difference between them in the movement of assault. Promptly at the hour designated, the three army corps then



in front of the enemy's works commenced the assault. I had taken a commanding position near McPherson's front, and from which I could see all the advancing columns from his corps, and a part of each of Sherman's and McClernand's. A portion of the commands of each succeeded in planting their flags on the outer slopes of the enemy's bastions, and maintained them there until night. Each corps had many more men than could possibly be used in the assault, over such ground as intervened between them and the enemy. More men could only avail in case of breaking through the enemy's line or in repelling a sortie. The assault was gallant in the extreme on the part of all the troops, but the enemy's position was too strong, both naturally and artificially, to be taken in that way. At every point assaulted, and at all of them at the same time, the enemy was able to show all the force his works could cover. The assault failed, I regret to say, with much loss on our side in killed and wounded; but without weakening the confidence of the troops in their ability to ultimately succeed.

"No troops succeeded in entering any of the enemy's works, with the exception of Sergeant Griffith, of the Twenty-first regiment Iowa volunteers, and some eleven privates of the same regiment. Of these none returned except the sergeant and possibly one man. The work entered by him, from its position, could give us no practical advantage, unless others to the right and left of it were carried and held at the same time. The assault proved the quality of the soldiers of this army. Without entire success, and with a heavy loss, there was no murmuring or complaining, no falling back, or other evidence of demoralization."

A Confederate report thus describes the manner in which the assault was met by them: "The days intervening from the 19th to the 22d were spent in one continued bombarding and sharpshooting during the day; in the night they generally ceased firing. On the morning of the 22d, the enemy opened a terrific fire with their Parrott guns, and continued it till about eleven o clock, when the bombardment ceased, and heavy columns of the enemy could be seen forming in line of battle. Our forces were all ready for them, and eager for their advance. At about a quarter to twelve, the column of the Federal army advanced all along the lines in splendid order, and with a loud cheer dashed up to the works. They were gallantly responded to by our brave boys, and the first charge repulsed. On the extreme right of our lines, the nature of the ground prevented the enemy from making any heavy attack, but on the right of the centre, the centre, and the left of the centre, the assault was desperately made and gallantly met. But once did our lines break, and that was in Lee's brigade. The enemy gained a temporary footing on the rifle pits, but Lee quickly rallied his men, and, after a desperate hand-to-hand fight, drove them out and reoccupied the lines. The engagement at this point and at the right of the line, held by Brig.-Gen. L. Herbert, was of a terrible nature, the Federals having thrown their best troops on these works. Five times did they charge, and each time were repulsed. The last charge on the right of Brig.-Gen. Herbert's lines was made by an Irish regiment (the Seventeenth Wisconsin), carrying the green flag of Erin. They came at a double quick up the hill, each man in the front rank furnished with ladders to reach the works. Three times they essayed to plant their ladders, but were prevented by the obstinate resistance offered by the consolidated Twenty-first and Twenty-third Louisiana regiments. At the third charge they came within ten yards of the line, but two volleys of buckshot from the shotguns of our forces compelled them to make a precipitate retreat from the front of our works. At about 2 o'clock they made their last charge, and were again repulsed, when they retired, and did not attempt any further demonstration that day. The loss of the enemy on that day is estimated by competent parties at not less than from 8,000 to 10,000, while our loss was between 800 and 1,000 in killed and wounded."

The following despatch of Rear-Admiral Porter to the Secretary of the Navy, describes the part taken in this conflict by the naval force:

MISSISSIPPI SQUADRON, FLAG SHIP BLACK HAWK, *March 23d*, 1863.

SIR: On the evening of the 21st I received a communication from Gen. Grant, informing me that he intended to attack the whole of the rebel works at 10 A. M. the next day, and asking me to shell the batteries from 9.30 until 10.30, to annoy the garrisons. I kept six mortars playing rapidly on the works and town all night, and sent the Benton, Mound City, and Carondelet up to shell the water batteries and other places where troops might be resting during the night.

At seven o'clock in the morning, the Mound City proceeded across the river, and made an attack on the hill batteries opposite the canal. At eight o'clock I joined her in company with the Benton, Tuscumbia, and Carondelet. All these vessels opened on the hill batteries and finally silenced them, though the main work on the battery containing the heavy rifled gun was done by the Mound City, Lieut.-Commanding Byron Wilson. I then pushed the Benton, Mound City, and Carondelet up to the water batteries, leaving the Tuscumbia, which is still out of repair, to keep the hill batteries from firing on our vessels after they had passed by. The three gunboats passed up slowly, owing to the strong current, the Mound City leading, the Benton following, and the Carondelet astern. The water batteries opened furiously, supported by a hill battery on the starboard beam of the vessels. The vessels advanced to within 440 yards (by our marks), and returned the fire for two hours without cessation, the enemy's fire being very accurate and incessant.

Finding that the hill batteries behind us were silenced, I ordered up the Tuscumbia to within 200 yards of the batteries, but her turret was soon made untenable. Not standing the enemy's shot, I made her drop down. I had been engaged with the forts an hour longer than Gen. Grant asked. The vessels had all received severe shots under water, which we could not stop up while in motion, and not knowing what might have delayed the movement of the army, I ordered the vessels to drop out of fire, which they did in a cool, handsome manner. This was the hottest fire the gunboats have ever been under, but owing to

the water batteries being more on a level with them than usual, the gunboats threw in their shells so fast that the aim of the enemy was not very good. The enemy hit our vessels a number of times, but, fighting bow on, they did but little damage. Not a man was killed, and only a few wounded. I had only ammunition enough for a few minutes longer, and set all hands to work to fill up from our depot below.

After dropping back I found that the enemy had taken possession again of one of the lower hill batteries, and was endeavoring to remount his guns, and had mounted a 12-pounder field piece to fire at General McArthur's troops, which had landed a short time before at Warrenton. I sent the Mound City and the Carondelet to drive him off, which they did in a few moments.

I beg leave to enclose a letter from Gen. McArthur, explaining why he did not, to use his own expression, take advantage of the result gained by the gunboats.

I have since learned through General Grant, that the army did assault at the right time vigorously. In the noise and smoke we could not hear or see it. The gunboats were, therefore, still fighting when the assault had proved unsuccessful. The army had terrible work before them, and are fighting as well as soldiers ever fought before, but the works are stronger than any of us dreamed of. Gen. Grant and his soldiers are confident that the brave and energetic generals in the army will soon overcome all obstacles and carry the works.

(Signed) DAVID D. PORTER,
Acting Rear-Admiral, Com. Miss. Squadron.

Hon. G. Welles, Secretary of the Navy.

Gen. Grant now determined upon a regular siege of Vicksburg, and immediately began to mine the lines. The orders given to the enemy, by Gen. Pemberton, forbade the waste of ammunition, and thus Gen. Grant was able to commence throwing up works and erecting forts within a short distance of the opposing line of breastworks. The firing upon the town was made only during the day, until the 26th of May, after which it was continued day and night. The mortars on the peninsula opposite Vicksburg opened fire on the 25th, and continued it until the surrender. It was estimated at Vicksburg that as many as 6,000 mortar shells were thrown into the town every twenty-four hours, and on the line in the rear of the city, as many as 4,000 in the same time. Of the women and children remaining in the city, three were killed and twelve wounded during the siege. During about five days after the siege commenced, the troops in the city were allowed full rations. At the expiration of that time, they were gradually reduced to the following amount: four ounces of flour, four ounces of bacon, one and a half ounce of rice, two ounces of peas, not eatable, and three ounces of sugar, making a total of fourteen and a half ounces of food daily. The extent of the works, and the limited number of the Confederate troops, required every man to defend their lines, and no time was allowed to rest. Whole companies laid back of their breastworks for three weeks without leaving the line for a moment. The sharpshooters of Gen. Grant's army were regarded by the enemy as splendid shots, and after the first few days of the siege it was dangerous for any one of the enemy to look over their breastworks. In one instance, a hat placed on a stick, and held above a port for two minutes, was pierced by fifteen balls. The sharpshooters of the enemy were no less expert. The garrison was buoyed up with the hope of relief by an attack upon the rear of Gen. Grant's army by Gen. Johnston, who was gathering troops in Mississippi.

Meantime every effort was made to strengthen the force under the command of Gen. Grant. He had already ordered a division under Gen. Lanman and four regiments at Memphis to join him. He now brought forward the divisions of Gens. Smith and Kimball, of the sixteenth army corps, and placed them under the command of Maj.-Gen. C. C. Washburn. On the 11th of June, Maj.-Gen. F. J. Herron's division, from the department of Missouri, arrived, and on the 14th, two divisions of the ninth army corps, Maj.-Gen. J. G. Parke commanding, reached Vicksburg. These two divisions were a part of the forces of Gen. Burnside, commanding in the Department of Ohio. This increase of the forces of Gen. Grant enabled him to make the investment of Vicksburg more complete, and at the same time left him a large reserve with which to watch the movements of Gen. Johnston.

These reënforcements were arranged by placing Gen. Herron's division on the extreme left, south of the city. Gen. Lanman's division was placed between Gens. Herron and McClernand. Gen. Smith's and Gen. Kimball's divisions and the force under Gen. Parke were sent to Haines's Bluff. This place was now fortified on the land side, and every preparation made to resist a heavy force. About the 25th of June, Gen. Johnston crossed the Big Black river with a portion of his force, and everything indicated that he would make an attack. The position of Gen. Grant before Vicksburg having been made as strong against a sortie of the enemy as their works were against an assault, he placed Gen. Sherman in command of all the troops designated to look after Gen. Johnston. The force so designated, in addition to that at Haines's Bluff, was one division from the thirteenth, fifteenth, and seventeenth army corps each, and Gen. Lanman's division. As Gen. Johnston did not make the attack at the time it was expected, Gen. Grant determined to attack him as soon as Vicksburg was taken. He accordingly notified Gen. Sherman that another assault on Vicksburg would be made at daylight on the 6th of July, and ordered him to have up supplies of all descriptions, and to be ready to move upon the receipt of further orders, if the assault should prove successful. Gen. Sherman made his preparations immediately, and was ready to move earlier than the time appointed.

On the 6th of June an attack was made on Milliken's Bend, in which the enemy were repulsed. The Union loss was 101 killed, 285 wounded, and 266 missing. Gen. Halleck, in his report, says: "It is represented that the

colored troops, in this desperate engagement, fought with great bravery, and that the rebels treated this class of prisoners of war, as well as their officers, with great barbarity. It has not been possible, however, to ascertain the correctness of the representations in regard to the treatment of these prisoners." A number of skirmishes also took place along the Tensas from Lake Providence to Richmond. The great object of the enemy in these movements was ultimately to approach Vicksburg from the west. All this time the works of the siege were pushed forward. But from the 22d of May to the 25th of June, no attempt upon the city of any serious nature was made, with the exception of the attack of the gunboat Cincinnati, for the purpose of silencing one of the land batteries. The report of this attack was thus made by the officer in charge:

MISSISSIPPI SQUADRON, FLAG SHIP BLACK HAWK, ABOVE VICKSBURG, *May 27th*, 1863.

To Rear-Admiral D. D. Porter:

SIR: In obedience to your order, the Cincinnati got under way this morning at seven o'clock, and steamed slowly down until a little abreast of where the mortars lie. When we rounded to, the enemy fired several shots from a gun called "Whistling Dick," but soon gave it up. At half past eight, with a full head of steam, we stood for the position assigned us. The enemy fired rapidly and from all their batteries. When abreast of our pontoon, and rounding to, a ball entered the magazine, and she commenced sinking rapidly. Shortly after the starboard tiller was carried away. Before and after this the enemy fired with great accuracy, hitting us nearly every time. We were especially annoyed by plunging shots from the hills, and 8-inch rifled and 10-inch smooth-bore shots did us much damage. The shots went entirely through our protection—hay and wood. And now, finding that the vessel would sink, I ran her up stream as near the right-hand shore as our damaged steering apparatus would permit. About ten minutes before she sank we ran close in, got out one plank, and put the wounded ashore. We also got a hawser out to make fast to a tree to hold her until she sank. Unfortunately, the men ashore left the hawser without making it fast. The enemy were still firing, and the boat commenced drifting out. I sang out to the men to swim ashore, thinking we were in deeper water (as was reported) than we really were. I suppose about fifteen were drowned and twenty-five killed and wounded, and one probably taken prisoner. This will sum up our whole loss. The boat sank in about three fathoms of water; she lies level and can easily be raised, but lies within range of the enemy's batteries. The vessel went down with her colors nailed to her mast, or rather to the stump of one, all three having been shot away. Our fire, until the magazine was drowned, was good, and I am satisfied did damage. We only fired at a two-gun water battery.

Very respectfully, &c,
GEO. M. BACHE, Lieut. Commanding.

The progress of the mining operations was such, that on the 25th of June a fort, on the immediate right of the Jackson road, was blown up. It was occupied by the Third Louisiana regiment. Its destruction had been anticipated by the enemy, and most of the force was previously withdrawn to an inner line of intrenchments, so that only a few men were wounded by the explosion. As soon as it had been destroyed, a strong column advanced to storm the line, which was met by a force of the enemy, consisting of the Sixth Missouri, and a bloody contest ensued, in which the loss was severe on both sides. The Federal force then retired.

On the 29th of June, the same portion of the enemy's line was again blown up, but no attempt to charge was made. All attempts to countermine, on the part of the enemy, were signally unsuccessful, owing to the position of Gen. Grant's works. The state of affairs within the city at this time is thus described by a Confederate officer: "About the thirty-fifth day provisions began to get very scarce, and the advent of Gen. Johnston's relieving force was anxiously and momentarily looked for. Mule meat was the common fare of all alike, and even dogs became in request for the table. Bean meal was made into bread, and corn meal into coffee, and in these straits the garrison patiently dragged on the weary length of one day after another, under a scorching sun, the stench from the unburied corpses all around alone causing the strongest minded, firmest nerved to grow impatient for the day of deliverance. The enemy pushed their works: they blew up several forts, and with them the garrison, and attempted to charge; but the meagre and famished yet steadfast garrison still defiantly held the key of the Mississippi. But everything must have an end. Gen. Pemberton learned from Gen. Johnston that he could not afford him relief, and as the garrison was too famished and reduced to cut its way out, he determined to capitulate."

On the 3d of July, about half past seven in the morning, a flag of truce was seen on the crest of a hill above the camp of Gen. Burbridge. An officer was sent to escort the bearers of it, two Confederate officers, blindfold, to the tent of Gen. A. J. Smith, whose front they entered. These officers were Major-Gen. Bowen and Col. Montgomery, of Virginia. They were the bearers of the following despatch from Lieut.-Gen. Pemberton to Gen. Grant:

HEADQUARTERS, VICKSBURG, *July 3d*, 1863.

Maj.-Gen. U. S. Grant, commanding U. S. Forces:

GENERAL: I have the honor to propose to you an armistice for blank hours, with a view of arranging terms for the capitulation of Vicksburg. To this end, if agreeable to you, I will appoint three commissioners to meet a like number to be named by yourself, at such place and hour to-day as you may find convenient. I make this proposition to save the further effusion of blood, which must otherwise be shed to a frightful extent, feeling myself fully able to maintain my position a yet indefinite period. This communication will be handed you, under a flag of truce, by Major-Gen. James Bowen.

Very respectfully, your obedient servant,
JOHN C. PEMBERTON.

To this despatch Gen. Grant replied as follows:

HEADQUARTERS DEPARTMENT OF TENNESSEE, IN THE FIELD NEAR VICKSBURG, *July 3d*, 1863.

Lieut.-Gen. J. C. Pemberton, commanding Confederate Forces, &c.:

GENERAL: Your note of this date, just received, proposes an armistice for several hours, for the purpose of arranging terms of capitulation, through commissioners to be appointed, &c. The effusion of blood you propose stopping by this course can be ended at any time you may choose, by an unconditional surrender of the city and garrison. Men who have shown so much en-

durance and courage as those now in Vicksburg will always challenge the respect of an adversary, and I can assure you will be treated with all the respect due them as prisoners of war. I do not favor the proposition of appointing commissioners to arrange terms of capitulation, because I have no other terms than those indicated above.

I am, General, very respectfully, your obedient servant, U. S. GRANT, Major-General.

Gen. Bowen, the bearer of Gen. Pemberton's letter, expressed to Gen. Smith a strong desire to converse with Gen. Grant, and accordingly Gen. Grant, while declining this, requested Gen. Smith to say if Gen. Pemberton desired to see him, an interview would be granted between the lines, in McPherson's front, at any hour in the afternoon which Gen. Pemberton might appoint. A message was soon sent back to Gen. Smith, appointing three o'clock as the hour. At that time Gen. Grant, with his staff and Gens. McPherson, Ord, A. J. Smith, and Logan, was at the place, which was a fruit orchard midway between the front of the two contending forces. Gen. Pemberton soon came, attended by Gen. Bowen and Col. Montgomery. As the two commanders drew near each other, both, as though involuntarily, paused. The slight embarrassment was brought to a close by Col. Montgomery, who stepped forward and formally introduced them. They shook each other by the hand, and, after a few words, Gen. Grant proposed a private conversation, which was accepted, and the two generals stepped aside. The conference closed by Gen. Grant saying that he would send his proposition in writing. After an interview with his officers at his headquarters, Gen. Grant sent the following letter, by Gen. Logan and Col. Wilson, to Gen. Pemberton:

HEADQUARTERS DEPARTMENT OF THE TENNESSEE, NEAR VICKSBURG, *July 3d*, 1863.

Lieut.-Gen. J. C. Pemberton, commanding Confederate Forces, Vicksburg, Miss.:

GENERAL: In conformity with agreement of this afternoon, I will submit the following proposition for the surrender of the city of Vicksburg, public stores, &c. On your accepting the terms proposed, I will march in one division as a guard, and take possession at eight A. M. to-morrow. As soon as paroles can be made out, and signed by officers and men, you will be allowed to march out of our lines—the officers taking with them their regimental clothing, and staff, field, and cavalry officers one horse each. The rank and file will be allowed all their clothing, but no other property. If these conditions are accepted, any amount of rations you may deem necessary can be taken from the stores you now have, and also the necessary cooking utensils for preparing them. Thirty wagons also, counting two two-horse or mule teams as one, will be allowed you to transport such articles as cannot be carried along. The same conditions will be allowed to all sick and wounded officers and privates as fast as they become able to travel. The paroles for these latter must be signed, however, whilst officers are present authorized to sign the roll of prisoners.

I am, General, very respectfully,
Your obedient servant,
U. S. GRANT, Major-General.

About the dawn of day, on the morning of July 4th, the following reply was received from Gen. Pemberton:

HEADQUARTERS, VICKSBURG, *July 3d*, 1863.

Major-Gen. U. S. Grant, commanding United States Forces, etc.

GENERAL: I have the honor to acknowledge the receipt of your communication of this date, proposing terms for the surrender of this garrison and post. In the main, your terms are accepted; but in justice both to the honor and spirit of my troops, manifested in the defence of Vicksburg, I have the honor to submit the following amendments, which, if acceded to by you, will perfect the agreement between us: At ten o'clock to-morrow, I propose to evacuate the works in and around Vicksburg, and to surrender the city and garrison under my command by marching out with my colors and arms, and stacking them in front of my present lines, after which you will take possession. Officers to retain their side arms and personal property, and the rights and property of citizens to be respected. I am, General, yours, very respectfully,
J. C. PEMBERTON, Lieutenant-General.

To this letter Gen. Grant immediately replied as follows:

HEADQUARTERS DEPARTMENT OF THE TENNESSEE, BEFORE VICKSBURG, *July 4th*, 1863.

Lieut.-Gen. J. C. Pemberton, commanding Forces in Vicksburg:

GENERAL: I have the honor to acknowledge your communication of 3d July. The amendments proposed by you cannot be acceded to in full. It will be necessary to furnish every officer and man with a parole, signed by himself, which, with the completion of the rolls of prisoners, will necessarily take some time. Again, I can make no stipulation in regard to the treatment of citizens and their private property. While I do not propose to cause any of them any undue annoyance or loss, I cannot consent to leave myself under restraint by stipulations. The property which officers can be allowed to take with them will be as stated in proposition of last evening; that is, officers will be allowed their private baggage and side arms, and mounted officers one horse each. If you mean by your proposition for each brigade to march to the front of the lines now occupied by it, and stack their arms at ten o'clock A. M., and then return to the inside and remain as prisoners until properly paroled, I will make no objections to it. Should no modification be made of your acceptance of my terms by nine o'clock A. M., I shall regard them as having been rejected, and act accordingly. Should these terms be accepted, white flags will be displayed along your lines, to prevent such of my troops as may not have been notified from firing upon your men.

I am, General, very respectfully, your obedient servant. U. S. GRANT,
Major-General U. S. Army.

To this letter the following answer was received:

HEADQUARTERS VICKSBURG, *July 4th*, 1863.

Major-Gen. U. S. Grant, commanding U. S. Forces, &c.:

GENERAL: I have the honor to acknowledge the receipt of your communication of this date, and in reply to say that the terms proposed by you are accepted.

Very respectfully, your obedient servant,
J. C. PEMBERTON, Lieutenant-General.

Of the terms of the surrender, Gen. Grant thus speaks in his report: "These terms I regarded more favorable to the Government than an unconditional surrender. It saved us the transportation of them North, which at that time would have been very difficult, owing to the limited amount of river transportation on hand, and the expense of subsisting them. It left our army free to operate against Johnston, who was threatening us from the direction of Jack-

son; and our river transportation to be used for the movement of troops to any point the exigency of the service might require."

At ten o'clock on the 4th, the Confederate forces marched out and stacked arms in front of their works, while Gen. Pemberton appeared for a moment with his staff upon the parapet of the central front. The city was immediately after occupied by the divisions of Gens. Logan, J. E. Smith, and Herron.

The part taken by the naval force in these operations is thus summarily described by Rear-Admiral Porter, in a despatch to the Secretary of the Navy, as follows:

U. S. Mississippi Squadron,
Flag Ship Black Hawk, *July 4th*, 1863.

Sir: I have the honor to inform you that Vicksburg has surrendered at last to the United States forces, after a desperate but vain resistance. That she has not done so sooner has not been for want of ability on the part of our military commanders, but from the magnitude of the defences, which were intended to repulse any force the Government could possibly send there. What bearing this will have on the rebellion remains yet to be seen, but the magnitude of the success must go far toward crushing out this revolution, and establishing once more the commerce of the States bordering on this river. History has seldom had an opportunity of recording so desperate a defence on one side, with so much courage, ability, perseverance and endurance on the other; and if ever an army was entitled to the gratitude of a nation, it is the Army of the Tennessee and its gallant leaders.

The navy has necessarily performed a less conspicuous part in the capture of Vicksburg than the army; still it has been employed in a manner highly creditable to all concerned. The gunboats have been constantly below Vicksburg in shelling the works, and with success coöperating heartily with the left wing of the army. The mortar boats have been at work for forty-two days without intermission, throwing shells into all parts of the city, even reaching the works in the rear of Vicksburg and in front of our troops, a distance of three miles. Three heavy guns placed on scows, a nine-inch, ten-inch, and a one-hundred-pounder rifle were placed in position a mile from the town, and commanded all the important water batteries. They have kept up an accurate and incessant fire for fourteen days, doing all the damage that could be done by guns under such circumstances. Five eight-inch, two nine-inch, two forty-two-pounder rifles, four thirty-two-pounder shell guns have been landed, at the request of the different generals commanding corps, from the gunboats, and mounted in the rear of Vicksburg; and whenever I could spare the officers and men from our small complement, they were sent to manage the guns, with what ability I leave the general commanding the forces to say.

In the mean time, I stationed the smaller class of gunboats to keep the banks of the Mississippi clear of guerillas, who were assembling in force, and with a large number of cannon, to block up the river and cut off the transports bringing down supplies, reënforcements, and ammunition for the army. Though the rebels on several occasions built batteries, and with a large force attempted to sink or capture the transports, they never succeeded, but were defeated by the gunboats with severe loss on all occasions. Without a watchful care over the Mississippi, the operations of the army would have been much interfered with; and I can say honestly that officers never did their duty better than those who have patrolled the river from Cairo to Vicksburg. One steamer only was badly disabled since our operations commenced, and six or seven men killed and wounded.

While the army have had a troublesome enemy in front and behind them, the gunboats, marine brigade, under Gen. Ellet, and a small force under Gens. Dennis and Mower, have kept at bay a large force of rebels, over twelve thousand strong, accompanied by a large quantity of artillery. Though offered battle several times and engaged, they invariably fled, and satisfied themselves by assailing half-disciplined and unarmed blacks. The capture of Vicksburg leaves a large army and naval force free to act all along the river, and I hope soon to add to my department the vessels which have been temporarily lost to the service, viz., the Indianola and Cincinnati. The effect of this blow will be felt far up the tributaries of the Mississippi. The timid and doubtful will take heart, and the wicked will, I hope, cease to trouble us, for fear of the punishment which will sooner or later overtake them.

There has been a large expenditure of ammunition during the siege. The mortars have fired seven thousand mortar shells, and the gunboats four thousand five hundred. Four thousand five hundred have been fired from the naval guns on shore, and we have supplied six thousand to the different army corps.

DAVID D. PORTER,
A. R.-Admiral, comm'ng Mississippi Squadron.
Hon. Gideon Welles, Sec'y of the Navy.

The result of his operations is thus summed up by Gen. Grant: "The result of this campaign has been the defeat of the enemy in five battles outside of Vicksburg; the occupation of Jackson, the capital of the State of Mississippi, and the capture of Vicksburg and its garrison and munitions of war; a loss to the enemy of thirty-seven thousand (37,000) prisoners, among whom were fifteen general officers; at least ten thousand killed and wounded, and among the killed, Generals Tracy, Tilghman, and Green; and hundreds, and perhaps thousands, of stragglers, who can never be collected and reorganized. Arms and munitions of war for an army of sixty thousand men have fallen into our hands, besides a large amount of other public property, consisting of railroads, locomotives, cars, steamboats, cotton, &c., and much was destroyed to prevent our capturing it.

"Our loss in the series of battles may be summed up as follows:

	Killed.	Wounded.	Missing.
Port Gibson	130	718	—
Fourteen Mile Creek (skirmish)	4	24	5
Raymond	69	341	32
Jackson	40	240	6
Champion's Hill	426	1,842	189
Big Black railroad bridge	29	242	2
Vicksburg	545	3,688	303

"Of the wounded, many were but slightly wounded, and continued on duty; many more required but a few days or weeks for their recovery. Not more than one-half of the wounded were permanently disabled."

On Saturday, the 11th of July, the force of Gen. Pemberton, having been paroled, marched from Vicksburg, and arrived at the Big Black river at night. Thence they were distributed to different parts of the South.

On the 13th of July, the President addressed the following letter to Gen. Grant:

Executive Mansion, Washington, *July 13th*, 1863.

My dear General: I do not remember that you and I ever met personally. I write this now as a

grateful acknowledgment for the almost inestimable service you have done the country. I wish to say a word further. When you first reached the vicinity of Vicksburg, I thought you should do what you finally did—march the troops across the neck, run the batteries with the transports, and thus go below; and I never had any faith, except a general hope that you knew better than I, that the Yazoo Pass expedition and the like could succeed. When you got below and took Port Gibson, Grand Gulf, and vicinity, I thought you should go down the river and join Gen. Banks, and when you turned northward, east of the Big Black, I feared it was a mistake. I now wish to make the personal acknowledgment that you were right and I was wrong.

Yours, very truly, A. LINCOLN.

Major-General GRANT.

Major-Gen. Halleck, the General-in-Chief, in his annual report, thus speaks of Gen. Grant's operations: "When we consider the character of the country in which this army operated, the formidable obstacles to be overcome, the number of forces and the strength of the enemy's works, we cannot fail to admire the courage and endurance of the troops, and the skill and daring of their commander. No more brilliant exploit can be found in military history. It has been alleged, and the allegation has been widely circulated by the press, that Gen. Grant, in the conduct of his campaign, positively disobeyed the instructions of his superiors. It is hardly necessary to remark, that Gen. Grant never disobeyed an order or instruction, but always carried out to the best of his ability, every wish or suggestion made to him by the Government. Moreover, he has never complained that the Government did not furnish him all the means and assistance in its power, to facilitate the execution of any plan he saw fit to adopt."

After the capture of Vicksburg, Gen. Grant reported that his troops were so much fatigued and worn out with forced marches and the labors of the siege, as to absolutely require several weeks of repose, before undertaking another campaign. Nevertheless, as the exigencies of the service seemed to require it, he sent out those who were least fatigued on several important expeditions, while the others remained at Vicksburg, to put that place in a better defensive condition for a small garrison.

Immediately upon the surrender of the city, Gen. Sherman, with his force increased by the remainder of both the thirteenth and fifteenth corps, moved in pursuit of Gen. Johnston. When Gen. Grant moved his army from Jackson to Vicksburg, Gen. Johnston moved north to Canton. It now became the object of Gen. Johnston to collect a force to attack the rear of Gen. Grant. His energies were thus devoted during the whole siege of Vicksburg. Yet the country had been so exhausted of men to fill the army in Virginia, a force could not be obtained sufficient to rescue Vicksburg. With the troops which he had collected, he now approached the rear of the Federal army. The country for fifty miles around Vicksburg had —by orders of Gen. Grant on the 26th of May —been laid waste by Gen. Blair, who drove off the white inhabitants and burned the grist mills, cotton gins, and granaries, and destroyed the crops.

The result of the expedition of Gen. Sherman is thus stated in the despatches of Gen. Grant:

VICKSBURG, *July* 15*th.*

To Major-Gen. Halleck, General-in-Chief:

General Sherman has Jackson invested from Pearl river on the north to the river on the south. This has cut off many hundred cars from the Confederacy. Sherman says he has force enough, and feels no apprehension about the results.

Finding that Yazoo City was being fortified, I sent Gen. Herron there with his division. He captured several hundred prisoners, five pieces of heavy artillery, and all the public stores fell into our hands. The enemy burned three steamboats on the approach of the gunboats. The De Kalb was blown up and sunk in fifteen feet of water, by the explosion of a shell.

Finding that the enemy was crossing cattle for the rebel army at Natchez, and were said to have several thousand there, I have sent troops and steamboats to collect them, and destroy all their boats and means for making more.

(Signed) U. S. GRANT, Major-General.

VICKSBURG, *July* 18*th.*

To Major-Gen. H. W. Halleck, General-in-Chief:

Joe Johnston evacuated Jackson the night of the 16th instant. He is now in full retreat east. Sherman says most of his army must perish from heat, lack of water, and general discouragement.

The army paroled here have, to a great extent, deserted, and are scattered over the country in every direction.

General Ransom was sent to Natchez to stop the crossing of cattle for the eastern army. On arrival, he found large numbers had been driven out of the city to be pastured. Also, that munitions of war had recently been crossed over to wait for Kirby Smith. He mounted about 200 of his men and sent them in both directions. They captured a number of prisoners, 5,000 head of Texas cattle, 2,000 head of which were sent to Gen. Banks, the balance have been and will be brought here. In Louisiana they captured more prisoners, and a number of teams loaded with ammunition. Over 2,000,000 rounds of ammunition were brought back to Natchez with the teams captured; and 268,000 rounds, besides artillery ammunition, were destroyed. (Signed) U. S. GRANT, Major-Gen. Commanding.

The destruction of property at Jackson was most complete. On the south the railroad was injured as far as Brookhaven, a distance of fifty miles. On the north it was torn up at intervals for twenty miles. At Jackson extensive machine shops, five locomotives, and a large number of cars were destroyed by fire. The road east was torn up at intervals to Brandon, fifteen miles. The bridges at Jackson, some of which were costly, were also destroyed. This destruction secured Gen. Grant in the undisturbed possession of the western part of the State. The city was formerly one of the most prosperous in the Southern States. It was thus described at the time of its capture: "As the seat of government, it has the capitol buildings, the penitentiary, the governor's house, the asylum for the deaf and dumb and the insane; and in addition a fine court house, two excellent hotels, large blocks of stores, a cotton factory, a couple of founderies, grist mills, and a large number of splendid

residences. The site of the city, upon the right bank of the Pearl river—a stream of rare beauty—is very fine. The business portion is divided into small lots, and the buildings, generally of brick, are placed in compact blocks. The portion for residences, however, is in marked contrast with the other. Here the lots contain from one acre to five, and in the suburbs over ten acres, according to the ability or taste of the owners. These grounds are laid off in excellent taste. Neatly trimmed hedges line the gravelled walks. The luxuriant shrubbery and gorgeous flowers of the genial South greet the eye in endless profusion and variety. Beautiful arbors, in some cool, shady spot, invite the stranger. And trees, loaded with ripened figs and peaches, and all that is delicious, bend to the hand that will pluck their treasures. In the midst, as far as possible removed from the dust and din of the street, and embowered in magnificent liveoaks and grand old cedars, stand the mansions. They are as different as the varied tastes and conditions of their respective owners, but they all bear an air of comfort and luxury, which proclaims the cultivated tastes and generous fortunes of their occupants. The buildings are not only models of architectural taste, but they are furnished with unusual richness, amounting in many cases to extravagance. This was the Jackson of the past. The Jackson of to-day is quite another place, for the fortunes of war have borne heavily upon it. The penitentiary, one of her fine hotels, her cotton factory, founderies, a whole block of stores, several warehouses, and the railroad bridge and depot buildings were destroyed while the Federal troops occupied the city in May. The reoccupation and evacuation by the Confederate armies cost her another large block of stores and the other hotel. The present occupation by the Federal army has well-nigh served to blot the place from existence. The first few hours were devoted by our soldiers to ransacking the town, and appropriating whatever of value or otherwise pleased their fancy, or to the destruction of such articles as they were unable to appreciate or remove. Pianos and articles of furniture were demolished, libraries were torn to pieces and trampled in the dust, pictures thrust through with bayonets, windows broken and doors torn from their hinges. Finally, after every other excess had been committed in the destruction of property, the torch was applied. From that hour to the present, there has scarcely been a moment when the citizens could not walk the streets by the light of blazing buildings. The entire business portion of the city is in ruins, with the exception of a few old frame buildings, which the citizens must have long regarded as an injury to the place. One residence after another has been burned, until none of the really fine ones remain, save those occupied as quarters by some of our general officers. The State house and court house and insane asylum are preserved and under guard. It is not improbable, however, that they, together with all the remaining residences worth anything, will be fired by our rear guard when we leave the city to-night. Of the Jackson of a few days ago, not above one fourth of the houses remain, and they are nearly all the residences of the poorer classes."

Another circumstance attended the return of the force of Gen. Sherman to Vicksburg, which is so peculiar to army movements into the Southern States, that a mention of it should not be omitted.

The return of the army from Jackson was the occasion of a remarkable exodus of negroes. There were few able-bodied young men among them, for it is the policy of the masters to move that class farther south, and leave only the old and helpless behind them. But all the old men and women and the young children in the whole region of country around Jackson—those who have been a burden upon their masters, and will necessarily be dependent on our charity—accompanied the army on its return, in large numbers. Every species of vehicle, and an untold number of broken-down horses and mules, were pressed into the service by the contrabands *en route* for Vicksburg. Their effects consisted of a wonderful quantity of old clothing and bedding, and dilapitated furniture, which they seemed to regard as of inestimable value. The transportation, however, was not sufficient for all, and hundreds, carrying as many as possible of the movable articles, trudged along on foot. All seemed animated by a fear that our rear guard would overtake, pass, and leave them behind, and such a straining of energies, hurrying and bustling, were never before known among the whole black creation. The soldiers were particularly struck with the ludicrous appearance presented by the darkies, and the tedium and fatigue of the march were often relieved by good jokes cracked at their expense, which served to convulse the whole brigade with laughter.

"The minds of all of them are filled with the most extravagant ideas of the North. It is to them a country of ease and plenty and happiness, and say and do what you will, as soon as the military blockade is made less stringent, they will go North, if they accomplish the distance on foot. They don't feel safe here, not even those whose owners are dead."

A military and naval force was sent to Yazoo City, on the 13th. It took three hundred prisoners, captured one steamer and burned five, took six cannon, two hundred and fifty small arms, and eight hundred horses and mules. No loss on our side was reported. Small expeditions were also sent against Canton, Pontotoc, Granada, and Natchez, Mississippi. At Granada, a large amount of railroad rolling stock was destroyed. The other expeditions were also successful, meeting with very little opposition. As soon as his army was

supplied and rested, Gen. Grant sent a force under Gen. Steele to Helena, to coöperate with Gen. Schofield's troops against Little Rock, and another, under Gens. Ord and Herron, to New Orleans, to reënforce Gen. Banks for such ulterior operations as he might deem proper to undertake. Some expeditions were also sent to the Red river, and to Harrisonburg and Monroe, on the Washita, to break up and destroy guerilla bands.

After Gen. Grant left Vicksburg to assume the general command east of the Mississippi, Gen. McPherson moved with a part of his force to Canton, Mississippi, scattering the enemy's cavalry, and destroying his materials and roads in the centre of that State.

The reader's attention has thus far been occupied with the military operations before Vicksburg, which, however, were only the prominent features of a great campaign extending from Washington to New Orleans. The movements of General Banks, particularly against Port Hudson, which fell with the fall of Vicksburg, and the advance of General Lee upon Washington, one object of which was to make a diversion in favor of Vicksburg, or rather to take advantage of the concentration of so large a force at such a distance, were incidents of the same campaign, the conclusion of which cannot be justly weighed and estimated until the objects and results of these movements are considered.

In November, 1862, General Banks sailed for New Orleans, where he arrived on the 14th of December. Some time previous he had been engaged in preparing a military force to be under his command. The fleet, which sailed at the same time, consisted of twenty-six steam vessels and twenty-five sailing vessels, and the military force about ten thousand men. Some disasters happened to a few of the vessels, which led to an investigation by a committee of Congress. They reported that "economy and safety would have dictated the employment of a larger proportion of sail vessels, but they supposed these considerations were made subordinate to the necessity for despatch. The sail vessels were generally of the first class; the steam transports were of three classes—the sea steamers, the steam tugs, and the inland transports. The former were well adapted to the service; the latter were not." Immediately upon his arrival, General Banks took the position of General Butler as commander of the Department of the Gulf, and the latter reported at Washington. The leading objects of General Banks's expedition were to strengthen the military in Louisiana, and to coöperate in opening the Mississippi—two points on the banks of which were known to be strongly fortified—Port Hudson and Vicksburg. It was anticipated that these works might be reduced in a short time, and that the strength of General Banks might be sufficient for a movement on Texas. But it was soon perceived, after his arrival in New Orleans, that military affairs were in such an uncertain condition that the moment for immediate activity could not be determined. Meanwhile General Banks devoted his attention to the arrangement of affairs at New Orleans. Nothing of importance occurred, unless it was a small affair on the Teche river, in which Commander Buchanan, of the gunboat Calhoun, was killed, early in January. In March, General Banks had concentrated his force at Baton Rouge, numbering nearly twenty-five thousand men. On the 13th a military movement on Port Hudson was ostensibly commenced, to divert the attention of the enemy, while the vessels ran above the batteries. The naval force was under the command of Admiral Farragut. Its result was to transfer a portion of the fleet above Port Hudson, where it could coöperate with the force above, and also cut off supplies to the enemy from Red river. Maj.-Gen. Halleck, in his annual report, says: "Had our land forces invested Port Hudson, at this time, it would have been easily reduced, as its garrison was weak. This would have opened communication by the Mississippi river with Gen. Grant at Vicksburg. But the strength of the place was not then known."

The naval force consisted of the frigates Hartford, Mississippi, Richmond, and Monongahela, and the gunboats Albatross, Genesee, Kineo, Essex, and Sachem, and six mortar schooners. They reached Profit's Island, five miles below Port Hudson, early the next morning. At one P. M., the mortars and the gunboats Sachem and Essex, being in position, opened fire on the batteries at Port Hudson. The line of the batteries commenced below the town and extended on the face of the bluff, midway between the crest and the river bank, about three and a half miles. At nine and a half o'clock that night the signal to advance was made. The Hartford, Capt. Palmer, with Admiral Farragut on board, with the gunboat Albatross, Lieut.-Com. Hart, lashed to her side, took the lead. The Richmond, Capt. Alden, the gunboat Genesee, Commander McComb, the Monongahela, Capt. McKinstry, the Kineo, Lieut.-Com. Waters, and the Mississippi, Capt. Melancthon Smith, followed in the order named. The mortars meanwhile kept up their fire. Soon after, rockets were sent up by the enemy to give warning of the approach of the fleet. As the vessels approached the batteries opened fire, which was replied to. At the same time fires were kindled by the enemy on the opposite bank of the river, which revealed the position of the vessels. The Hartford and Albatross were successful in running above the batteries, but the smoke from their fire obscured the river before the other vessels. The Richmond received a shot through her steam drum, and was compelled to drop down out of fire and anchor. Three of her crew were killed and seven wounded. The Monongahela, after her captain was seriously injured, also dropped down the river and anchored.

The Kineo received a shot through her rudder post, and her propeller was made foul by a hawser, which rendered her unmanageable, and she floated down and anchored. After the guns of the batteries were got into range the fire was so accurate and constant as to threaten the destruction of every gunboat in the fleet. The Mississippi grounded under the guns of a battery astern, another on the bow, and others opposite to her. The enemy, upon discovering her position, concentrated their nearest guns upon her. She continued her fire for some time after getting aground. Capt. Smith, finding it to be impossible to get her off, determined to abandon her. He then ordered the engines to be destroyed, the guns to be spiked, and the vessel to be set on fire. The officers and crew were then hurried off to the shore opposite the batteries. Some of the crew are supposed to have jumped overboard, a few were taken prisoners, and the rest proceeded down the shore and were taken off by the other vessels. Of two hundred and thirty-three officers and men, twenty-nine were missing. The vessel, after becoming lighter by burning her top, drifted off, and, floating down the stream, finally blew up. Her armament consisted of nineteen eight-inch, one ten-inch, one twenty-pound Parrott, and two small howitzers in the tops.

Meanwhile, at three o'clock on Friday afternoon, Gen. Grover's division marched out of Baton Rouge, followed in the evening by Gen. Emery's division, and on the next morning by that of Gen. Augur. The army reached Springfield road crossing without a skirmish. The headquarters of Gen. Banks were established here, which was about seven miles from Port Hudson. During Saturday the entire body of cavalry and some infantry regiments were sent out on the Bayou Sara road toward Port Hudson, and down the Ross and Springfield Landing roads to reconnoitre. One or two sharp skirmishes took place with a force of Confederate cavalry and infantry sent out from Port Hudson and deployed as skirmishers in the woods. Toward evening the enemy retired within their intrenchments. Two Federal officers were wounded. On Sunday morning orders were issued to return to Baton Rouge, which was accomplished by evening. On the next day, an attempt to open communication with Admiral Farragut by sending a small force across the point of land opposite Port Hudson—the fourth effort to cross the point—was successful, but Admiral Farragut had moved up the river. The difficulties were caused by a flood. The rebels had cut the levee above.

The attention of Gen. Banks was now turned to that part of the State west of New Orleans and bordering on the Teche river. Opposite New Orleans, on the other side of the Mississippi river, commences the New Orleans and Opelousas railroad, which runs westwardly a distance of eighty miles to Brashear. This place is situated on the Atchafalaya river where it flows out of Lake Chetimacha into the Gulf of Mexico. Nearly opposite, on the western side of the river, is Berwick City, situated at the junction of the Teche river, or bayou, with the Atchafalaya. The Teche river commences in St. Landry parish, a few miles from Opelousas, and flows southeast in a very tortuous course for two hundred miles. During high water it is navigable nearly its whole length. On the banks of this river flourish the finest sugar-cane plantations in the State. The chief towns on the river are Franklin, Martinsville, and Opelousas.

A considerable force of the enemy was at this time stationed within supporting distance on the Teche. It had been kept there to repel a threatened invasion up that stream by the Federal force under Gen. Weitzel. The planters, supposing the Confederate force sufficient for their protection, had put in their crops as usual. When Gen. Weitzel made the first attempt to advance up the river, with the intention of establishing his headquarters at Franklin, the river was obstructed a few miles above its mouth. To prevent these obstructions from being removed, the enemy had thrown up earthworks, extending from the bank of the river back to an impassable swamp, and planted a battery. Here Gen. Moulton, with fifteen hundred men, aided by the gunboat Cotton, made such a stubborn resistance, that Gen. Weitzel was obliged to fall back. The enemy, supposing his object had been to capture the gunboat, removed her stores and ammunition immediately afterward, and burned her; thus showing that they apprehended a defeat on another attack. Subsequently the water washed a channel round the obstructions, and the passage up ceased to be disputed at that point. But much more formidable works were constructed a few miles above Pattersonville, and earthworks thrown up on the opposite side of the river, to prevent a flank movement by land or water. The distance at this point from the river back to the swamp was about three fourths of a mile. A small force could thus hold at bay here one greatly superior in numbers. Several thousand troops of the enemy were posted here, and those below were expected to fall back as the Federal force advanced.

It was to this region, comprising the parishes or counties of Terrebonne, Lafourche, Assumption, St. Mary, and St. Martin, that Gen. Banks now transferred his army from Baton Rouge. His object was the reclamation of this rich country, which had furnished inestimable supplies to the enemy, and which sustained a dense slave population. Having concentrated his forces at Brashear, Gen. Weitzel's brigade was crossed over to Berwick on the 10th of April. The landing was not disputed, but a reconnoissance discovered a force of the enemy, which retired. On the next day, Saturday, the infantry advanced a short distance. On Sunday, the di-

vision of Gen. Emory crossed, and the combined force made an advance, which the enemy opposed, but not obstinately. In this order the Federal column advanced, feeling its way, while the enemy, whose forces were commanded by Gen. Taylor, slowly retired upon their fortified position a few miles above Pattersonville. On the 13th there was considerable fighting, mostly with the artillery, in which the Diana, a Federal gunboat, captured about four weeks previous, bore a conspicuous part. On the morning of Saturday, the 12th, the division of Gen. Grover left Brashear on the gunboats Clifton, Estrella, Arizona, and Calhoun, and transports, and proceeded up the Atchafalaya, into Lake Chetimacha. The object was to get into the rear of the enemy, and if possible cut off his retreat if he evacuated his position, or to attack him in rear at the time of the attack in front. Some difficulties delayed the expedition, but it effected a landing early the next morning, about three miles west of Franklin, near a spot called Irish Bend. At this time the gunboat Queen of the West, which had been captured previously by the enemy, was blown up and destroyed on the lake. Skirmishing immediately ensued with a small force of the enemy, that fell back as Gen. Grover advanced. His position was about eleven miles distant from Gen. Banks. At Irish Bend the enemy seemed to be determined to make a stand, and a sharp struggle followed, in which they were forced to retire to the woods and canes. On this retreat they destroyed the gunboat Diana and the transports Gossamer, Newsboy, and Era No. 2, at Franklin. This suc cess of Gen. Grover was followed by the evacuation of the works before Gen. Banks. Early on Tuesday morning, the cavalry and artillery, followed by Gen. Weitzel's brigade, with Col. Ingraham's force of Gen. Emory's division as a support, followed the enemy. So rapid was the pursuit that the enemy was unable to remove the transports at New Iberia, and five, with all the commissary stores and ammunition with which they were loaded, were destroyed at that place, together with an incomplete iron-clad gunboat. On Thursday, the army reached New Iberia. A foundery for the manufacture of cannon and other munitions of war was immediately taken possession of, as a similar one had been seized two days before at Franklin. Two regiments were also sent to destroy the tools and machinery at the celebrated salt mine of the town. Thus far about fifteen hundred prisoners had been captured, and more than five hundred horses, mules, and beef cattle taken from the plantations. The Federal loss was small. The entire force of the enemy was about ten thousand men.

On the next day, the 17th, the army moved forward, but Gen. Grover, who had marched from New Iberia by a shorter road, and thus gained the advance, met the enemy at Bayou Vermilion. Their force consisted of a considerable number of cavalry, one thousand infantry, and six pieces of artillery, massed in a strong position on the opposite bank. They were immediately attacked and driven from their position, but not until they had succeeded in destroying by fire the bridge across the river. The night of the 17th and the next day was passed in rebuilding the bridge. On the 19th, the march was resumed, and continued to the vicinity of Grand Coteau; and on the next day the main force of Gen. Banks occupied Opelousas. At the same time, the cavalry, supported by a regiment of infantry and a section of artillery, were thrown forward six miles to Washington, on the Courtableau. On the 21st, no movement was made, but on the next day, Brig.-Gen. Dwight, of Gen. Grover's division, with detachments of artillery and cavalry, was pushed forward through Washington toward Alexandria. He found the bridges over the Cocodrie and Bœuf destroyed, and during the evening and night replaced them by a single bridge at the junction of the bayous. A steamer had just been burned by the enemy, but the principal portion of her cargo, which had been transferred to a flat, was captured. Orders were also found there from Gen. Moore to Gen. Taylor, in command of the Confederate force, directing him to retreat slowly to Alexandria, and, if pressed, to retire to Texas.

Another expedition, under Lieut.-Col. Blanchard, was sent out by way of Barre's Landing, to examine the Bayou Courtableau in the direction of Bute-a-la-Rose, but he found the roads impassable four miles beyond Barre's Landing. The steamer Ellen was captured by him, which proved a timely assistance. Previously Bute-a-la-Rose had been taken by orders of Gen. Banks, with its garrison of sixty men, two heavy guns, and a large quantity of ammunition. The result of the expedition thus far is thus stated by Gen. Banks: "We have destroyed the enemy's army and navy, and made their reorganization impossible by destroying or removing the material. We hold the key of the position. Among the evidences of our victory are two thousand prisoners, two transports, and twenty guns taken, and three gunboats and eight transports destroyed."

On the 6th of May, Admiral Porter appeared before Alexandria with a fleet of gunboats, and took possession of the town without opposition. On that evening the cavalry of Gen. Dwight dashed into the place, and the next morning the advance of Gen. Banks arrived. Alexandria is the capital of Rapides parish in Louisiana. It is situated on the Red river, about one hundred and fifty miles from its mouth, and in the centre of a rich cotton-growing region.

The country thus occupied by Gen. Banks was the most fertile portion of the State of Louisiana. His movements had been so rapid that the enemy had been allowed no opportunity to make a stand against him after their defeat near Franklin. The capture of Alexandria and the attack on Fort de Russe below, was reported by Admiral Porter, with his movements, thus:

MISSISSIPPI SQUADRON, FLAG SHIP GENERAL PRICE,
GRAND GULF, MISS., *May 13th.*

To Secretary Welles:

SIR: I had the honor to inform you from Alexandria of the capture of that place, and the forts defending the approaches to the city, by the naval force under my command. Twenty-four hours after we arrived the advance guard of United States troops came into the city. Gen. Banks arriving soon after, I turned the place over to his keeping. The water beginning to fall, I deemed it prudent to return with the largest vessels to the mouth of the Red river. I dropped down to Fort de Russe in the Benton, and undertook to destroy these works. I only succeeded, however, in destroying the three heavy casemates commanding the channel and a small water battery for two guns. About 600 yards below it I destroyed by bursting one heavy thirty-two pounder and some gun carriages left in their hurry by the enemy.

The main fort, on a hill some 900 yards from the water, I was unable to attend to. It is quite an extensive work, new and incomplete, but built with much labor and pains. It will take two or three vessels to pull it to pieces. I have not the powder to spare to blow it up. The vessels will be ordered to work on it occasionally, and it will be soon destroyed. In this last-mentioned fort was mounted the 11-inch gun, which I am led to believe lies in the middle of the river, near the fort, the rebels throwing it overboard in their panic at the approach of our gunboats. The raft which closed the entrance I have blown up, sawed in two, and presented to the poor of the neighborhood. I sent Commander Woodworth in the Price, with the Switzerland, Pittsburg, and Arizona, up Black river to make a reconnoissance, and he destroyed a large amount of stores, valued at $300,000, consisting of salt, sugar, rum, molasses, tobacco, and bacon.

(Signed) DAVID D. PORTER,
Acting Rear-Admiral,
Commanding Mississippi Squadron.

While at Opelousas, Gen. Banks issued the following order:

HEADQUARTERS DEPARTMENT OF THE GULF,
19TH ARMY CORPS, OPELOUSAS, *May 1st*, 1863.

The Major-General commanding the Department proposes the organization of a corps d'armée of colored troops, to be designated as the "Corps d'Afrique." It will consist ultimately of eighteen regiments, representing all arms—infantry, artillery, cavalry—making nine brigades, of two regiments each, and three divisions of three brigades each, with appropriate corps of engineers, and flying hospitals for each division. Appropriate uniforms, and the graduation of pay to correspond with the value of services, will be hereafter awarded.

In the field, the efficiency of each corps depends upon the influence of its officers upon the troops engaged, and the practical limits of one direct command is generally estimated at 1,000 men. The most eminent military historians and commanders, among others, Thiers and Chambray, express the opinion, upon a full review of the elements of military power, that the valor of the soldier is rather acquired than natural. Nations whose individual heroism is undisputed, have failed as soldiers in the field. The European and American continents exhibit instances of this character, and the military prowess of every nation may be estimated by the centuries it has devoted to military contest, or the traditional passion of its people for military glory. With a race unaccustomed to military service, much more depends on the immediate influence of officers upon individual members, than with those that have acquired more or less of warlike habits and spirit by centuries of contest. It is deemed best, therefore, in the organization of the Corps d'Afrique, to limit the regiment to the smallest number of men consistent with efficient service in the field, in order to secure the most thorough instruction and discipline, and the largest influence of the officers over the troops. At first they will be limited to five hundred men. The average of American regiments is less than that number.

The Commanding General desires to detail, for temporary or permanent duty, the best officers of the army, for the organization, instruction, and discipline of this corps. With their aid he is confident that the corps will render important service to the Government. It is not established upon any dogma of equality, or other theory, but as a practical and sensible matter of business. The Government makes use of mules, horses, uneducated and educated white men, in the defence of its institutions. Why should not the negro contribute whatever is in his power for the cause in which he is as deeply interested as other men? We may properly demand from him whatever service he can render. The chief defect in organizations of this character has arisen from incorrect ideas of the officers in command. Their discipline has been lax, and, in some cases, the conduct of their regiments unsatisfactory and discreditable. Controversies unnecessary and injurious to the service have arisen between them and other troops. The organization proposed will reconcile and avoid many of these troubles.

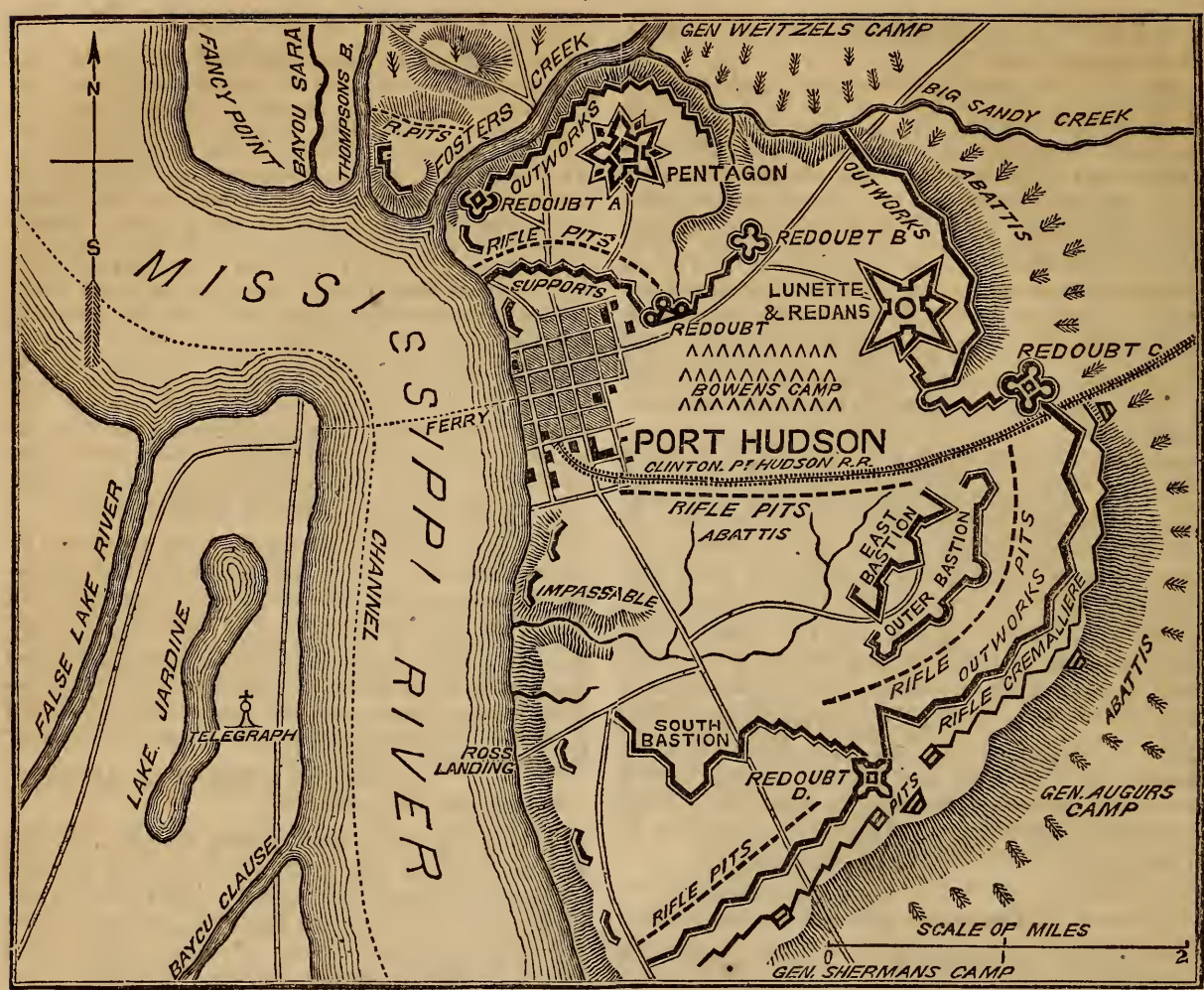
Officers and soldiers will consider the exigencies of the service in this department, and the absolute necessity of appropriating every element of power to the support of the Government. The prejudices or opinions of men are in no wise involved. The coöperation and active support of all officers and men, and the nomination of fit men from the ranks, and from the lists of non-commissioned and commissioned officers, are respectfully solicited from the Generals commanding the respective divisions.

By command of Major-Gen. BANKS.
RICHARD B. IRWIN, A. A. G.

The subsequent movements of Gen. Banks in this part of the State met with no serious opposition from the enemy. After the investment of Vicksburg, his forces were concentrated at Simmesport for an advance against Port Hudson. Meanwhile the division of Gen. Sherman, which had been quartered at New Orleans, was not inactive. A brigade was sent out under Gen. Nickerson, for the purpose of attacking any forces that the enemy might have in the neighborhood of Lake Pontchartrain. The first Texas cavalry, under Col. Davis, pushed as far as Tickfaw Station on the railroad, and captured a large amount of cotton, lumber, corn, and bacon. A lieutenant and eight men were made prisoners, among whom were fourteen Choctaw Indians. In this neighborhood a large tannery was also destroyed, and a large car shop, the Tangipaha bridge, and other valuable property. On the lake, four schooners, with cargoes of contraband goods, were burned.

The division of Gen. Augur had returned to Baton Rouge, from which a force was sent out that penetrated to a point on the railroad between Clinton and Port Hudson. A body of the enemy were encountered and routed. Of this body five were killed, several wounded, and twenty-five prisoners taken with their horses and accoutrements. About the same time Col. Grierson captured near Port Hudson three hundred head of cattle. The squadron, meanwhile, was anchored at the head of Profit's Island, not attempting any hostile demonstrations, except the mortar vessels, which at night threw a few shells into Port Hudson.

About the middle of May all the available force near the river was concentrated at Baton



Rouge, to assist in the attack on Port Hudson. Thence Gens. Augur and Sherman moved to the south and east of that position, to coöperate with Gen. Banks. From Simmesport Gen. Banks moved his army to invest Port Hudson. A portion of his infantry was transported in steamers, and the residue with the artillery and cavalry and wagon train moved down on the west bank of the river, and thence across to Bayou Sara, which is five miles above Port Hudson, on the east bank of the Mississippi river. It was on the 21st of May that Gen. Banks landed, and on the next day a junction was effected with the advance of Maj.-Gen. Augur and Brig.-Gen. Sherman. His line occupied the Bayou Sara road. On this road Gen. Augur had an encounter with a force of the enemy, which resulted in their repulse with heavy loss. On the 25th, the enemy was compelled to abandon his first line of works. On the next day Gen. Weitzel's brigade, which had covered the rear in the march from Alexandria, arrived, and on the morning of the 27th a general assault was made on the fortifications.

Port Hudson, or Hickey's Landing, as it was called some years ago, is situated on a bend in the Mississippi river, about twenty-two miles above Baton Rouge, and one hundred and forty-seven above New Orleans. Approaching Port Hudson by water from below, the first batteries were situated on a bluff about forty feet above high water mark. Thence three series of batteries extended along the river above Port Hudson to a point on Thompson's creek, making a continuous line about three and a half miles in extent. Above Thompson's creek is an impassable marsh, forming a natural defence. From the lower battery began a line of land fortifications, of semi-circular form, about ten miles in extent, with Thompson's creek for its natural terminus above. The guns were of heavy caliber; in addition to which there were light batteries, that might be easily taken to any part of the line. The position was under the command of Col. Frank Gardner.

The fire of the artillery of Gen. Banks opened about six o'clock on the morning of the 27th, and continued with animation during the day. At ten o'clock, Gen. Weitzel's brigade, with the division of Gen. Grover—reduced to about two brigades—and the division of Gen. Emory, temporarily reduced by detachments to about a brigade, under command of Col. Paine, with two regiments of colored troops, made an assault upon the right of the enemy's works, crossing Sandy creek, and driving them through the woods into their fortifications. The fight lasted on this line until four o'clock, and was very severely contested. On the left, the infantry did not come up until later in the day; but at two o'clock an assault was commenced on the works on the centre

and left of centre, by the divisions under Maj.-Gen. Augur and Brig.-Gen. Sherman. The enemy was driven into his works, and the Federal troops moved up to the fortifications, holding the opposite sides of the parapet with the enemy. On the right, the troops continued to hold their position; but on the left, after dark, the main body, being exposed to a flank fire, withdrew to a belt of woods. The skirmishers remained close upon the fortifications. On the extreme right, the first and third regiments of negro troops were posted. Of their behavior in action, Gen. Banks thus reports: "The position occupied by these troops was one of importance, and called for the utmost steadiness and bravery in those to whom it was confided. It gives me pleasure to report that they answered every expectation. In many respects their conduct was heroic. No troops could be more determined or more daring. They made during the day three charges upon the batteries of the enemy, suffering very heavy losses, and holding their position at nightfall with the other troops on the right of our line. The highest commendation is bestowed upon them by all the officers in command on the right. Whatever doubt may have existed heretofore as to the efficiency of organizations of this character, the history of this day proves conclusively to those who were in condition to observe the conduct of these regiments, that the Government will find in this class of troops effective supporters and defenders. The severe test to which they were subjected, and the determined manner in which they encountered the enemy, leaves upon my mind no doubt of their ultimate success. They require only good officers, commands of limited numbers, and careful discipline, to make them excellent soldiers." The entire loss in killed, wounded, and missing, since landing at Bayou Sara to this time, was nearly a thousand, including some of the ablest officers of the corps, among whom was Gen. Sherman.

A bombardment of the position had been made by the fleet under Admiral Farragut, for a week previous to this assault. Reconnoissances had discovered that the defences were very strong, consisting of several lines of intrenchments and rifle pits, with abatis of heavy trees felled in every direction. The upper batteries on the river were attacked by the Hartford and Albatross, which had run the blockade, and the lower by the Monongahela, Richmond, Genesee, and Essex.

On the 14th of June, after a bombardment of several days, another assault on Port Hudson was made. The position of Gen. Banks's forces at this time was somewhat changed, forming only a right and left without a centre, and, joined together, making a right angle. The division of Gen. Grover, on the upper side of Port Hudson, extended a distance of nearly four miles from the river toward the interior, within supporting distance of Gen. Augur's division. This was on the west side of the enemy's fortifications, and extended a distance of three miles to the river, and within hailing of the fleet. At this time, looking from the extreme northeasterly range of the enemy's rifle pits toward the river, on the upper side of Port Hudson, a long line of earthworks could be seen, glistening with bayonets, and protected by a deep ditch nearly twelve feet in width. Within short range, enfilading breastworks commanded every approach to the position of the enemy. The defences of the enemy formed nearly a right angle, both lines of which extended to the river, and enclosed a sharp bend. The point of attack was the extreme northeasterly angle of the enemy's position. For some days previous, several pieces of their artillery had been dismounted by the Federal fire and abandoned, while those in position were rendered useless by the fire of the sharpshooters. Two regiments were detailed as sharpshooters, who were to creep up and lie on the exterior slope of the enemy's breastworks, while another regiment—each soldier having a hand grenade besides his musket—followed. These grenades were to be thrown over into the enemy's position. Another regiment followed with bags filled with cotton, which were to be used to fill up the ditch in front of the breastworks. After these regiments came the others of Gen. Weitzel's brigade. Following these as a support were the brigades of Col. Kimball and Col. Morgan. These forces under Gen. Weitzel were designed for the attack on the right. In conjunction, on the left, moved the old division of Gen. Emory under Gen. Paine, forming a separate column. Both divisions were under the command of Gen. Grover, who planned the attack. It was expected that Gen. Weitzel's command would make a lodgment inside of the enemy's works, and thus prepare the way for Gen. Paine's division. The advance was made about daylight, through a covered way, to within three hundred yards of the enemy's position; then the field consisted of deep gullies covered by brush and creeping vines. The fire of the enemy was incessant, but a part of the skirmishers succeeded in reaching the ditch, where they were immediately repulsed by an enfilading fire. But little was therefore accomplished with the hand grenades, as they were at once caught up by the enemy, and hurled back. Meanwhile the assaulting column moved forward as rapidly as possible, and made a series of desperate assaults on the works, but the enemy were fully prepared, and lined every part of their fortifications with heavy bodies of infantry.

It was a part of the general plan of attack that a feint should be made on the extreme left by Gens. Augur and Dwight. This assault was made, and the fighting was extremely desperate on the part of the forces under Gen. Dwight. At length all the assaulting columns were compelled to fall back under the deadly fire of the enemy, and the fighting finally ceased about 11 o'clock in the morning. The loss of Gen.

Banks was nearly 700 in killed and wounded. Meantime the first parallel encircling the outer line of the enemy was pushed forward, and the skirmishers were posted in rifle pits so near that skirmishes were of constant occurrence at night. A small force of the enemy's cavalry hovered in the rear of Gen. Banks's army, without making any serious demonstrations.

The withdrawal of Gen. Banks's force from the west side of the Mississippi was followed by great activity on the part of the enemy, for the purpose of recovering the places held by a small body of Federal troops, and to cause a diversion from Port Hudson. Opelousas was reoccupied by a considerable Confederate force; the west bank of the Mississippi was lined with squads of the rebels, who fired upon every boat which passed. A raid was made upon Plaquemine by a body of Texans, who burned two steamers lying there. They were driven out by Lieut. Weaver, commanding the gunboat Winona. On the 17th of June, an attack was made on the Federal pickets at La Fourche, which was repulsed. On the next day it was repeated with the same result. On the 23d, Brashear City was captured by a confederate force under Gens. Green and Morton. A camp of slaves, or contrabands, as they were called, was attacked by the enemy, and large numbers killed. Immense quantities of ammunition, several pieces of artillery, three hundred thousand dollars' worth of sutler's goods, sugar, flour, pork, beef, and medical stores, of vast amount, were also captured. On the 28th, an attack was made on Donaldsonville, and the storming party succeeded in getting into the fort. But the gunboats opened a flanking fire above and below the fort, and drove back the supporting party, so that the enemy broke and fled. Of those who had entered the fort, one hundred and twenty were captured and nearly one hundred killed.

Other movements on the part of the enemy were made at this time, which indicated great activity, and enabled them to destroy much Federal property. No embarrassment however was caused to the position of Gen. Banks. The enemy, in short, recovered the La Fourche, Teche, Attakapas, and Opelousas country, and captured Brashear, with fifteen hundred prisoners, a large number of slaves, and nearly all the confiscated cotton.

After these two attempts to reduce Port Hudson by a land assault, on the 27th of May and 14th of June, the purpose to make another was given up by Gen. Banks, until he had fully invested the place by a series of irresistible approaches. He was thus engaged in pushing forward his works when Vicksburg was surrendered. Information of this surrender was sent to Gen. Banks, and it was made the occasion for firing salutes and a general excitement in his camp, which attracted the attention of the enemy, to whom the surrender was communicated. Gen. Gardner, upon receiving the information, sent by flag of truce, about midnight of the 7th, the following note to Gen. Banks:

HEADQUARTERS, PORT HUDSON, LA., *July 7th*, 1863.

To Maj.-Gen. Banks, commanding United States Forces near Port Hudson:

GENERAL: Having received information from your troops that Vicksburg has been surrendered, I make this communication to request you to give me the official assurance whether this is true or not, and if true, I ask for a cessation of hostilities, with a view to the consideration of terms for surrendering this position.

I am, General, very respectfully,
Your obedient servant,
FRANK GARDNER, Major-General.

To which Gen. Banks thus replied:

HEADQUARTERS DEPARTMENT OF THE GULF, BEFORE PORT HUDSON, *July 8th*, 1863.

To Maj.-Gen. Frank Gardner, commanding C. S. Forces, Port Hudson:

GENERAL: In reply to your communication, dated the 7th instant, by flag of truce, received a few moments since, I have the honor to inform you that I received, yesterday morning, July 7th, at 10.45, by the gunboat General Price, an official despatch from Major-Gen. Ulysses S. Grant, United States Army, whereof the following is a true extract:

"HEADQUARTERS DEPARTMENT OF THE TENNESSEE, NEAR VICKSBURG, *July 4th*, 1863.

"*Maj.-Gen. N. P. Banks, commanding Department of the Gulf:*

"GENERAL: The garrison of Vicksburg surrendered this morning. The number of prisoners, as given by the officer, is 27,000, field artillery 128 pieces, and a large number of siege guns, probably not less than eighty. Your obedient servant,
"U. S. GRANT, Major-General."

I regret to say, that under present circumstances, I cannot, consistently with my duty, consent to a cessation of hostilities for the purpose you indicate.

Very respectfully, your obedient servant,
N. P. BANKS.

The following further correspondence then took place:

PORT HUDSON, *July 8th*, 1863.

GENERAL: I have the honor to acknowledge the receipt of your communication of this date, giving a copy of an official communication from Major-Gen. U. S. Grant, United States Army, announcing the surrender of Vicksburg.

Having defended this position as long as I deem my duty requires, I am willing to surrender to you, and will appoint a commission of three officers to meet a similar commission appointed by yourself, at nine o'clock this morning, for the purpose of agreeing upon and drawing up the terms of the surrender, and for that purpose I ask for a cessation of hostilities.

Will you please designate a point outside of my breastworks, where the meeting shall be held for this purpose?

I am, very respectfully, your obedient servant,
FRANK GARDNER, Commanding C. S. Forces.

HEADQUARTERS U. S. FORCES, BEFORE PORT HUDSON, *July 8th*, 1863.

To Maj.-Gen. Frank Gardner, commanding Confederate States Forces, Port Hudson:

GENERAL: I have the honor to acknowledge the receipt of your communication of this date, stating that you are willing to surrender the garrison under your command to the forces under my command, and that you will appoint a commission of three officers to meet a similar commission appointed by me, at nine o'clock this morning, for the purpose of agreeing upon and drawing up the terms of the surrender.

In reply, I have the honor to state that I have designated Brig.-Gen. Charles P. Stone, Col. Henry W. Birge, and Lieut.-Col. Richard B. Irwin, as the officers to meet the commission appointed by you.

They will meet your officers at the hour designated, at a point where the flag of truce was received this morning. I will direct that active hostilities shall entirely cease on my part until further notice, for the purpose stated.

Very respectfully, your most obedient servant,
N. P. BANKS, Maj.-Gen. Commanding.

The following are the articles of capitulation mutually agreed upon and adopted:

ART. 1. Maj.-Gen. Frank Gardner surrenders to the United States forces under Maj.-Gen. Banks, the place of Port Hudson and its dependencies, with its garrison armaments, munitions, public funds, and materials of war, in the condition, as nearly as may be, in which they were at the hour of cessation of hostilities, namely, 6 o'clock A. M., July 8th, 1863.

ART. 2. The surrender stipulated in article one is qualified by no condition, save that the officers and enlisted men comprising the garrison shall receive the treatment due to prisoners of war, according to the usages of civilized warfare.

ART. 3. All private property of officers and enlisted men shall be respected, and left to their respective owners.

ART. 4. The position of Port Hudson shall be occupied to-morrow, at 7 o'clock A. M., by the forces of the United States, and its garrison received as prisoners of war by such general officers of the United States service as may be designated by Maj.-Gen. Banks, with the ordinary formalities of rendition. The Confederate troops will be drawn up in line, officers in their positions, the right of the line resting on the edge of the prairie south of the railroad depot; the left extending in the direction of the village of Port Hudson. The arms and colors will be piled conveniently, and will be received by the officers of the United States.

ART. 5. The sick and wounded of the garrison will be cared for by the authorities of the United States, assisted, if desired by either party, by the medical officers of the garrison.

CHAS. P. STONE, Brig.-Gen.
W. N. MILES, Col., commanding the Right Wing of the Army.
WM. DWIGHT, Brig. Gen.
G. W. STEEDMAN, Col., commanding Left Wing of the Army.
MARSHALL S. SMITH, Lieut.-Col., Chief Artillery.
HENRY W. BIRGE, Col., commanding 5th Brigade, Grover's Division.

Approved,
N. P. BANKS, Maj.-Gen.
Approved,
FRANK GARDNER, Maj.-Gen.

The formal surrender was made on the 9th of July. Gen. Andrews, Chief of Staff of Gen. Banks, with Col. Birge leading his column, followed by two picked regiments from each division, with Holcombe's and Rowle's batteries of light artillery, and the gunners of the naval battery, entered the fortifications. The enemy were drawn up in line, with their officers in front of them, on one side of the road, with their backs to the river. The Federal troops were drawn up in two lines on the opposite side of the road, with their officers in front. Gen. Gardner then advanced, and offered to surrender his sword with Port Hudson. In appreciation of his bravery, he was desired to retain it. He then said: "General, I will now formally surrender my command to you, and for that purpose will give the order to ground arms." The order was given, and the arms grounded. The surrender comprised, besides the position, more than 6,233 prisoners, 51 pieces of artillery, two steamers, 4,400 lbs. of cannon powder, 5,000 small arms, and 150,000 rounds of ammunition. The loss of Gen. Banks from the 23d to the 30th of May was about one thousand. The village of Port Hudson consisted of a few houses and a small church, which had been nearly destroyed by the cannonade. The wounded and sick of the garrison suffered the most from want of medical stores. The provisions of the garrison were nearly exhausted.

The surrender of Port Hudson enabled Gen. Banks to turn his attention to other points, which had been temporarily and necessarily neglected. His further movements are stated in subsequent pages.

The opposing armies in Virginia remained quiet, with the exception of one fearful struggle, until Vicksburg was hard pressed by Gen. Grant, and the prospect of its relief by Gen. Johnston became very doubtful, when Gen. Lee commenced an advance upon Washington, not only with the hope of producing some diversion in favor of Vicksburg, but especially to make a decisive test of an invasion of the Northern States, and at least secure forage and munitions of war.

After the battle of Fredericksburg, on the 13th of December, 1862, the Army of the Potomac, under Maj.-Gen. Burnside, remained inactive for some weeks. Its position was at Falmouth, opposite Fredericksburg. Indications of some movement, however, were manifest about the 16th of January. The roads were dry and hard, and on the night of the 16th, the pontoons were brought up from Belle Plain to Falmouth, and with the utmost secrecy taken near the river some distance above. An order to march had been twice issued and countermanded. On the 17th it was issued again, requiring each soldier to have three days' rations and sixty rounds of cartridges. The army at this time was as strong in numbers and material as it had ever been. It was supposed that the forces of Gen. Lee had been somewhat reduced by the withdrawal of small bodies to reënforce other points. His army was composed of eight divisions, commanded by Gens. A. P. and D. H. Hill, Early, Hood, Walker, Ransom, McLaws, and Anderson. Each division consisted of four to five brigades, and each brigade had from five to seven regiments. It was the intention of Gen. Burnside to move his army a few miles farther up the Rappahannock, and cross at the fords and make an attack upon the flank of Gen. Lee. On the next day the order was postponed. The enemy in the mean time were on the alert, and expecting an attack at any time. On Tuesday, the 20th, Gens. Hooker and Franklin moved in heavy order, with tents, &c., toward Hartwood Church, which is directly north of the United States ford of the Rappahannock, which is twelve miles above Fredericksburg. Gen. Sigel moved in the afternoon in the same

direction. The movement of Gen. Hooker was made by a road three miles north of the river, and concealed from the view of the enemy's pickets on the south bank. That night, at ten o'clock, a storm from the northeast commenced with high wind and torrents of rain. The march began the next morning at daylight, but the roads had become almost impassable. In every gully, batteries, caissons, supply wagons, ambulances, and pontoons were mired. All day there was a constant and exhausting struggle of men, horses, and mules with the mud. On Wednesday night the wearied troops lay down in their blankets. The storm still continued. During the next day an effort was made to concentrate on the high table land near Banks's Ford. It now became too manifest that it would be impossible to get the army through the freshly cut roads to the river, so that the fords could be reached. On Friday the storm abated, but further progress was necessarily suspended, and on the next day the movement was abandoned, and the army returned to its former quarters.

On Monday, the 26th, Gen. Burnside issued the following address, surrendering the command of the army to Gen. Hooker:

HEADQUARTERS ARMY OF THE POTOMAC,
CAMP NEAR FALMOUTH, *January 26th*, 1863.

By direction of the President of the United States, the Commanding General this day transfers the command of this army to Major-Gen. Joseph Hooker.

The short time that he has directed your movements has not been fruitful of victory or any considerable advancement of our lines, but it has again demonstrated an amount of courage, patience, and endurance that under more favorable circumstances would have accomplished great results.

Continue to exercise these virtues. Be true in your devotion to your country and the principles you have sworn to maintain. Give to the brave and skilful general who has long been identified with your organization, and who is now to command you, your full and cordial support and coöperation, and you will deserve success.

In taking an affectionate leave of the entire army, from which he separates with so much regret, he may be pardoned if he bids an especial farewell to his long-tried associates of the ninth corps. His prayers are that God may be with you, and grant you continued success until the rebellion is crushed.

By command of Major-Gen. BURNSIDE.
LEWIS RICHMOND, A. A. G.

At his own request, Gen. Burnside was relieved of his command, and the President immediately conferred it upon Gen. Hooker. The views under which this command had been accepted by Gen. Burnside were thus stated by him in his testimony before a committee appointed by Congress to investigate the conduct of the war:

On the 7th or 8th of November, I received an order from the President of the United States, directing me to take command of the Army of the Potomac, and also a copy of an order relieving Gen. McClellan from that command. This order was conveyed to me by Gen. Buckingham, who was attached to the War Department. After getting over my surprise, the shock, &c., I told Gen. Buckingham that it was a matter that required very serious thought; that I did not want the command; that it had been offered to me twice before, and I did not feel that I could take it; I counselled with two of my staff officers in regard to it, for, I should think, an hour and a half. They urged upon me that I had no right, as a soldier, to disobey the order, and that I had already expressed to the Government my unwillingness to take the command; I told them what my views were with reference to my ability to exercise such a command, which views were those I had unreservedly expressed, that I was not competent to command such a large army as this; I had said the same over and over again to the President and Secretary of War; and also that if matters could be satisfactorily arranged with Gen. McClellan, I thought he could command the Army of the Potomac better than any other general in it.

On the same day when Gen. Burnside retired, Gen. Hooker, on assuming the command, issued the following address to the army:

HEADQUARTERS, CAMP NEAR FALMOUTH,
January 26th, 1863.

By direction of the President of the United States the undersigned assumes command of the Army of the Potomac.

He enters upon the discharge of the duties imposed by the trust with a just appreciation of their responsibility. Since the formation of this army he has been identified with its history; he has shared with you its glories and reverses, with no other desire than that these relations might remain unchanged until its destiny should be accomplished.

In the record of your achievements there is much to be proud of, and, with the blessing of God, we will contribute something to the renown of our arms and the success of our cause. To secure these ends your commander will require the cheerful and zealous coöperation of every officer and soldier in the army. In equipment, intelligence, and valor the enemy is our inferior. Let us never hesitate to give him battle whenever we can find him.

The undersigned only gives expression to the feelings of this army when he conveys to our late commander, Maj.-Gen. Burnside, the most cordial good wishes for his future.

My staff will be announced as soon as organized.

JOSEPH HOOKER,
Maj.-Gen. Commanding Army of the Potomac.

Gens. Sumner and Franklin were at the same time relieved of the command of the right and left divisions of the army. The following is the official order of the President under which these changes were made:

HEADQUARTERS OF THE ARMY,
WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
WASHINGTON, *January 28th*, 1863.

I. The President of the United States has directed:

First. That Maj.-Gen. A. E. Burnside, at his own request, be relieved from the command of the Army of the Potomac.

Second. That Maj.-Gen. E. V. Sumner, at his own request, be relieved from duty in the Army of the Potomac.

Third. That Maj.-Gen. W. B. Franklin be relieved from duty in the Army of the Potomac.

Fourth. That Maj.-Gen. J. Hooker be assigned to the command of the Army of the Potomac.

The officers relieved as above will report in person to the Adjutant-General of the Army.

By order of the Secretary of War,

E. D. TOWNSEND,
Assistant Adjutant-General.

On the 26th of January, the Senate of the U. S. Congress adopted the following resolution:

Resolved, That the Committee on the Conduct of the War be instructed to inquire whether Maj.-Gen. A. E. Burnside has, since the battle of Fredericksburg, formed any plans for the movement of the Army of the

Potomac, or any portion of the same; and if so, whether any subordinate generals of said army have written to or visited Washington to oppose or interfere with the execution of such movements, and whether such proposed movements have been arrested or interfered with, and, if so, by what authority.

The report of the committee, which was published in April, 1863, thus states the proceedings under the resolution:

Under that resolution, your committee proceeded to take the testimony of Maj.-Gens. A. E. Burnside and John G. Parke, and Brig.-Gens. John Newton, John Cochrane, and Wm. W. Averill. That testimony brings to light the following facts:

Shortly after the battle of Fredericksburg, Gen. Burnside devised a plan for attacking the enemy in his front. The main army was to cross at a place some six or seven miles below Fredericksburg. The positions for the artillery to protect the crossings were all selected; the roads were all surveyed, and the corduroy was cut for preparing the roads. At the same time a feint of crossing was to be made some distance above Falmouth, which feint could be turned into a positive attack should the enemy discover the movement below; otherwise the main attack was to be made below.

In connection with this movement of the main army, a cavalry expedition was organized, consisting of twenty-five hundred of the best cavalry in the Army of the Potomac, one thousand of whom were picked men. The plan of that expedition was as follows: Accompanied by a brigade of infantry detailed to protect the crossing of the Rappahannock, it was to proceed to Kelly's Ford; there the thousand picked men were to cross, and to proceed to the Rapidan, and cross that river at Racoon Ford; then to go onward and cross the Virginia Central railroad at Louisa Court House; the James river at Goochland or Carter's, blowing up the locks of the James River canal at the place of crossing; cross the Richmond and Lynchburg railroad at a point south of there, blowing up the iron bridge at the place of crossing; cross the Richmond, Petersburg, and Weldon railroad where it crosses the Nottoway river, destroying the railroad bridge there; and then proceed on by Gen. Pryor's command, and effect a junction with Gen. Peck at Suffolk, where steamers were to be in waiting to take them to Aquia creek. To distract the attention of the enemy, and to deceive them in regard to which body of cavalry was the attacking column, at the time the thousand picked men crossed the Rappahannock a portion of the remaining fifteen hundred was to proceed toward Warrenton; another portion toward Culpepper Court House; and the remainder were to accompany the thousand picked men as far as Racoon Ford, and then return. While this cavalry expedition was in progress, the general movement was to be made across the river.

On the 26th of December an order was issued for the entire command to prepare three days' cooked rations; to have their wagons filled with ten days' small rations, if possible; to have from ten to twelve days' supply of beef cattle with them; to take forage for their teams and their artillery and cavalry horses, and the requisite amount of ammunition—in fact, to be in a condition to move at twelve hours' notice.

Shortly after that order was issued, Gen. John Newton and Gen. John Cochrane—the one commanding a division and the other a brigade in the left grand division, under Gen. William B. Franklin—came up to Washington on leave of absence. Previous to obtaining leave of absence from Gen. Franklin, they informed him and Gen. William F. Smith that when they came to Washington they should take the opportunity to represent to some one in authority here the dispirited condition of the army, and the danger there was of attempting any movement against the enemy at that time.

When they reached Washington, Gen. Cochrane, as he states, endeavored to find certain members of Congress, to whom to make the desired communication. Failing to find them, he determined to seek an interview with the President for the purpose of making the communication directly to him. On proceeding to the President's House, he there met Secretary Seward, to whom he explained the object of his being there, and the general purport of his proposed communication to the President, and requested him to procure an interview for them, which Mr. Seward promised to do, and which he did do.

That day the interview took place, and Gen. Newton opened the subject to the President. At first the President, as Gen. Newton expresses it, "very naturally conceived that they had come there for the purpose of injuring Gen. Burnside, and suggesting some other person to fill his place." Gen. Newton states that, while he firmly believed that the principal cause of the dispirited condition of the army was the want of confidence in the military capacity of Gen. Burnside, he deemed it improper to say so to the President "right square out," and therefore endeavored to convey the same idea indirectly. When asked if he considered it any less improper to do such a thing indirectly than it was to do it directly, he qualified his previous assertion by saying that his object was to inform the President of what he considered to be the condition of the army, in the hope that the President would make inquiry and learn the true reason for himself. Upon perceiving this impression upon the mind of the President, Gens. Newton and Cochrane state that they hastened to assure the President that he was entirely mistaken, and so far succeeded that at the close of the interview the President said to them he was glad they had called upon him, and that he hoped that good would result from the interview.

To return to General Burnside. The cavalry expedition had started; the brigade of infantry detailed to accompany it had crossed the Rappahannock at Richard's Ford, and returned by way of Ellis's Ford, leaving the way clear for the cavalry to cross at Kelly's Ford. The day they had arranged to make the crossing, General Burnside received from the President the following telegram: "I have good reason for saying that you must not make a general movement without letting me know of it."

Gen. Burnside states that he could not imagine, at the time, what reason the President could have for sending him such a telegram. None of the officers of his command, except one or two of his staff, who had remained in camp, had been told anything of his plan beyond the simple fact that a movement was to be made. He could only suppose that the despatch related in some way to important military movements in other parts of the country, in which it was necessary to have coöperation.

Upon the receipt of that telegram steps were immediately taken to halt the cavalry expedition where it then was (at Kelly's Ford) until further orders. A portion of it was shortly afterward sent off to intercept Stuart, who had just made a raid to Dumfries and the neighborhood of Fairfax Court House, which it failed to do.

Gen. Burnside came to Washington to ascertain from the President the true state of the case. He was informed by the President that some general officers from the Army of the Potomac, whose names he declined to give, had called upon him and represented that Gen. Burnside contemplated soon making a movement, and that the army was so dispirited and demoralized that any attempt to make a movement at that time must result in disaster; that no prominent officers in the Army of the Potomac were in favor of any movement at that time.

Gen. Burnside informed the President that none of his officers had been informed what his plan was, and then proceeded to explain it in detail to the President. He urged upon the President to grant him permission to carry it out, but the President declined to do so at that time. Gen. Halleck and Secretary Stanton were sent for, and then learned, for the first time, of the President's action in stopping the movement, although

Gen. Halleck was previously aware that a movement was contemplated by Gen. Burnside. Gen. Halleck, with Gen. Burnside, held that the officers who had made those representations to the President should be at once dismissed the service.

Gen. Burnside remained here at that time for two days, but no conclusion was reached upon the subject. When he returned to his camp he learned that many of the details of the general movement, and the details of the cavalry expedition, had become known to the rebel sympathizers in Washington, thereby rendering that plan impracticable. When asked to whom he had communicated his plans, he stated that he had told no one in Washington except the President, Secretary Stanton, and Gen. Halleck; and in his camp none knew of it except one or two of his staff officers, who had remained in camp all the time. He professed himself unable to tell how his plans had become known to the enemy.

A correspondence then took place between the President, Gen. Halleck, and Gen. Burnside. Gen. Burnside desired distinct authority from Gen. Halleck, or some one authorized to give it, to make a movement across the river. While urging the importance and necessity of such a movement, he candidly admitted that there was hardly a general officer in his command who approved of it. While willing to take upon himself all the responsibility of the movement, and promising to keep in view the President's caution concerning running any risk of destroying the Army of the Potomac, he desired to have at least Gen. Halleck's sanction or permission to make the movement. Gen. Halleck replied that while he had always favored a forward movement, he could not take the responsibility of giving any directions as to how and when it should be made.

Gen. Burnside then determined to make a movement without any further correspondence on the subject. He was unable to devise any as promising as the one just thwarted by this interference of his subordinate officers, which interference gave the enemy the time, if not the means, to ascertain what he had proposed to do. He, however, devised a plan of movement, and proceeded to put it in execution. As is well known, it was rendered abortive in consequence of the severe storm which took place shortly after the movement began.

Gen. Burnside states that, besides the inclemency of the weather, there was another powerful reason for abandoning the movement, viz., the almost universal feeling among his general officers against him. Some of those officers freely gave vent to their feelings in the presence of their inferiors. In consequence of this, and also what had taken place during the battle of Fredericksburg, &c., Gen. Burnside directed an order to be issued, which he styled General Order No. 8. That order dismissed some officers from the service, subject to the approval of the President, relieved others from duty with the Army of the Potomac, and also pronounced sentence of death upon some deserters who had been tried and convicted.

Gen. Burnside states that he had become satisfied that it was absolutely necessary that some such examples should be made, in order to enable him to maintain the proper authority over the army under his command. The order was duly signed and issued, and only waited publication. Two or three of his most trusted staff officers represented to Gen. Burnside that should he then publish that order, he would force upon the President the necessity of at once sanctioning it, or, by refusing his approval, assume an attitude of hostility to Gen. Burnside. The publication of the order was accordingly delayed for the time.

Gen. Burnside came to Washington and laid the order before the President, with the distinct assurance that in no other way could he exercise a proper command over the Army of the Potomac; and he asked the President to sanction the order, or accept his resignation as major-general. The President acknowledged that Gen. Burnside was right, but declined to decide without consulting with some of his advisers. To this Gen. Burnside replied, that if the President took time for consultation he would not be allowed to publish that order, and therefore asked to have his resignation accepted at once. This the President declined to do.

Gen. Burnside returned to his camp, and came again to Washington that night at the request of the President, and the next morning called upon the President for his decision. He was informed that the President declined to approve his order No. 8, but had concluded to relieve him from his command of the Army of the Potomac, and to appoint Gen. Hooker in his place. Thereupon Gen. Burnside again insisted that his resignation be accepted. This the President declined to do; and, after some urging, Gen. Burnside consented to take a leave of absence for thirty days, with the understanding that, at the end of that time, he should be assigned to duty, as he deemed it improper to hold a commission as major-general and receive his pay without rendering service therefor. Gen. Burnside objected to the wording of the order which relieved him from his command, and which stated that it was at his own request, as being unjust to him and unfounded in fact; but upon the representation that any other order would do injury to the cause, he consented to let it remain as it then read.

The foregoing statements of the facts proved, together with the testimony herewith submitted, so fully and directly meet the requirements of the resolution, referred to them, that your committee deem any comment by them to be entirely unnecessary.

Subsequently a letter appeared from Gen. Cochrane, of which the following is an extract:

I have no copy of my evidence, nor have I seen Gen. Newton's. But I remember to have stated explicitly that I knew nothing of Gen. Burnside's plan; that I knew only of the dispirited condition of the troops, and the sense of apprehension which depressed them, and that I recognized it as a duty to communicate this knowledge to those whose duty it was to apply it. This much I testified that I had said to the President; and I then further said to the committee that had I been the depository of the commanding general's plans, and the possessor of facts which would necessarily have baffled those plans, and have involved the army in irretrievable ruin, I would have considered it no less than treason not to have disclosed the facts—that I was impressed that another defeat, then and there, would have been fatal to our cause; and that it was upon my deepest loyalty that I had spoken—that the geese had doubtless disturbed the sleeping Roman sentinel, when their alarm saved the capital from the Gauls; but that I had never heard that the geese had been punished for disturbing the sentinel, though I had heard that they had been honored for saving the state.

The following has appeared as so much of the order No. 8 as relates to the dismissal and relief of certain officers:

General Order No. 8.

HEADQUARTERS ARMY OF THE POTOMAC, *Jan. 23d*, 1863.

* * * * *

First. Gen. Joseph E. Hooker, Major-General of Volunteers and Brigadier-General of the United States Army, having been guilty of unjust and unnecessary criticisms of the actions of his superior officers, and of the authorities, and having, by the general tone of his conversation, endeavored to create distrust in the minds of officers who have associated with him, and having, by omissions and otherwise, made reports and statements which were calculated to create incorrect impressions, and of habitually speaking in disparaging terms of other officers, is hereby dismissed the service of the United States, as a man unfit to hold an important commission during a crisis like the present, when so much patience, charity, confidence, consideration, and patriotism are due from every soldier in the field. The

order is issued subject to the approval of the President of the United States.

Second. Brig.-Gen. W. T. H. Brooks, commanding First Division, Sixth Army Corps, for complaining of the policy of the Government, and for using language tending to demoralize his command, is, subject to the approval of the President of the United States, dismissed from the military service of the United States.

Third. Brig.-Gen. John Newton, commanding Third Division, Sixth Army Corps, and Brig.-Gen. John Cochrane, commanding First Brigade, Third Division, Sixth Army Corps, for going to the President of the United States with criticisms upon the plans of their commanding officer, are, subject to the approval of the President, dismissed from the military service of the United States.

Fourth. It being evident that the following named officers can be of no further service to this army, they are hereby relieved from duty, and will report in person without delay to the Adjutant-General of the United States Army:

Maj.-Gen. W. B. Franklin, commanding Left Grand Division.

Maj.-Gen. W. F. Smith, commanding Sixth Army Corps.

Brig.-Gen. Sam. D. Sturgis, commanding Second Division, Ninth Army Corps.

Brig.-Gen. Edward Ferrero, commanding Second Brigade, Second Division, Ninth Army Corps.

Brig.-Gen. John Cochrane, commanding First Brigade, Third Division, Sixth Army Corps.

Lieut.-Col. J. H. Taylor, Acting Adjutant-General Right Grand Division.

By command of Maj.-Gen. A. E. BURNSIDE.
LEWIS RICHMOND, Assistant Adjutant-General.

The testimony of Gen. Burnside, in relation to this order, from which the committee condensed their abstract, was as follows:

I went to my adjutant-general's office, and issued an order, which I termed General Order No. 8. That order dismissed some officers from service, subject to the approval of the President, and relieved others from duty with the Army of the Potomac. I also had three sentences of death upon privates for desertion, which I had reviewed and approved, subject, of course, to the approval of the President, as I had no right to do any of these things without that approval. I had sent my own body guard over into Maryland, and had succeeded in capturing a large number of deserters. I had organized a court-martial, the one which is now in session down there trying some two hundred and fifty deserters.

I told my adjutant-general to issue that order (No. 8) at once. One of my advisers—only two persons knew of this—one of them, who is a very cool, sensible man, and a firm friend, told me that, in his opinion, the order was a just one, and ought to be issued; but he said that he knew my views with reference to endeavoring to make myself useful to the Government of the United States instead of placing myself in opposition to it; that all of these things had to be approved by the President of the United States, at any rate, before they could be put in force; that he did not think I intended to place the President in a position where he either had to assume the responsibility of becoming my enemy before the public, at any rate, thereby enabling a certain portion of my friends to make a martyr of me to some extent, or he had to take the responsibility of carrying out the order, which would be against the views of a great many of the most influential men in the country, particularly that portion of the order in reference to the officers I proposed to have dismissed the service. I told the staff officer that I had no desire to place myself in opposition to the President of the United States in any way; that I thought his (my staff officer's) view of the matter was the correct one; but that I had indicated in that order the only way in which I could command the Army of the Potomac. I accordingly took this order, already signed and issued in due form, with the exception of being made public, to the President of the United States, and handed him the order, together with my resignation of my commission as a major-general. I told him that he knew my views upon the subject; that I had never sought any command, more particularly that of the Army of the Potomac; that my wish was to go into civil life, after it was determined that I could no longer be of any use in the army; that I desired no public position of any kind whatever. At the same time I said that I desired not to place myself in opposition to him in any way, or to do anything to weaken the Government. I said he could now say to me, "You may take the responsibility of issuing this order, and I will approve it;" and I would take that responsibility, if he would say that it would be sustained after it was issued, because he would have to approve of it, for I had no right to dismiss a man or condemn a man to death without his approval. In case that order (No. 8) could not be approved by him, there was my resignation, which he could accept, and that would end the matter forever, so far as I was concerned; that nothing more would be said in reference to it. I told him he could be sure that my wish was to have that done which was best for the public service, and that was the only way in which I could command the Army of the Potomac. The President replied to me, "I think you are right. * * * [The suppressions here, in the body of Gen. Burnside's report of the President's answer, are made by the committee.] But I must consult with some of my advisers about this." I said to him, "If you consult with anybody you will not do it, in my opinion." He said, "I cannot help that; I must consult with them." I replied that he was the judge, and I would not question his right to do what he pleased.

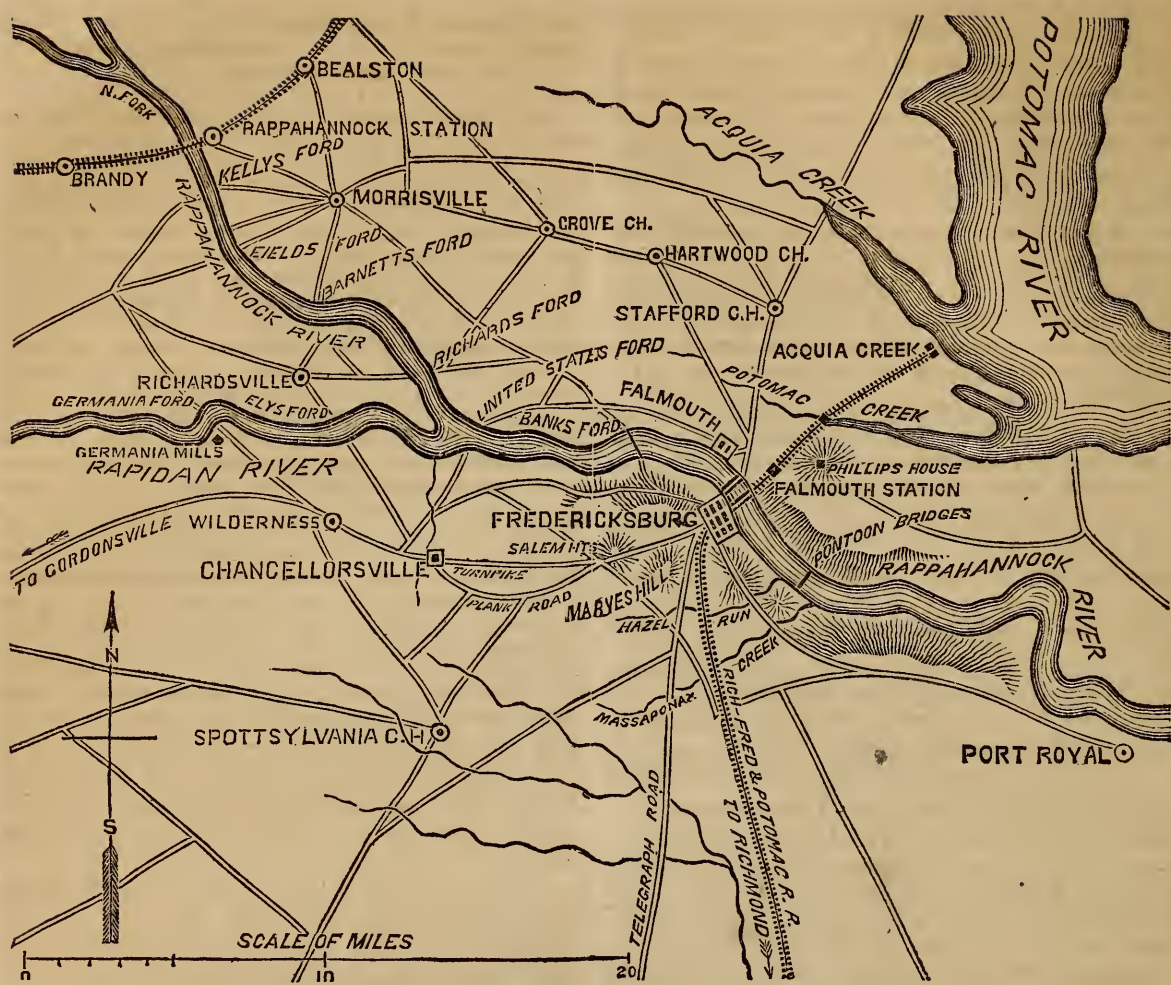
The President asked me to remain all that day. I replied that I could not remain away from my command; that he knew my views, and I was fixed and determined in them. He then asked me to come up that night again. I returned to my command, and came up again that night, and got here at six o'clock in the morning. I went to the President's, but did not see him. I went again after breakfast, and the President told me that he had concluded to relieve me from the command of the Army of the Potomac, and place Gen. Hooker in command. I told him that I was willing to accept that, as the best solution of the problem; and that neither he nor Gen. Hooker would be a happier man than I would be if Gen. Hooker gained a victory there. The President also said that he intended to relieve Gen. Sumner and Gen. Franklin. I said that I thought it would be wise to do so, if he made the change he proposed to make. Gen. Sumner was a much older officer than Gen. Hooker, and ought not to be asked to serve under him.

On the 26th of April Gen. Burnside assumed the command of the Department of the Ohio. An invasion of Kentucky was at that time threatened by the Confederate forces.

The inclemency of the season was such that no movements could now be attempted by the Army of the Potomac or its adversary on the opposite side of the Rappahannock at Fredericksburg. Some raids by the enemy and some movements of cavalry were the only operations.

On the 12th of March a bold and successful raid was made by the enemy as far within the Federal lines as Fairfax Court House in Virginia. Brig.-Gen. Stoughton was taken from his bed and carried off, and a detachment from his brigade, with guards, horses, &c., captured.

On the 17th of March a sharp conflict took place between a body of cavalry, under Gen. Averill, and a similar force of the enemy near



Kelly's Ford. About forty of Gen. Averill's force were disabled, and about eighty of the enemy made prisoners.

On the 13th of April, an expedition of cavalry, infantry, and artillery, under Major-Gen. Stoneman, proceeded in detachments to Warrenton, Bealton, Rappahannock bridge, and Liberty. Small bodies of Partisan Rangers were met with, but no opposition was encountered. Thence he moved to the fords of the Rapidan and took possession of them. These operations were made in advance of a general movement of the army across the Rappahannock to attack Gen. Lee. The stormy weather which ensued delayed this movement until the 27th of April.

The army of Gen. Lee, in its encampments near Fredericksburg, held a line running from northwest to southeast; its right wing was extended as far down as Port Royal on the Rappahannock, and its left wing rested above Fredericksburg on the same river. In this position it had only two main lines of retreat, one toward Richmond by railroad, and the other toward Gordonsville. The strength of this army was about seventy thousand men.

The army of Gen. Hooker consisted of seven corps, and numbered about one hundred and twenty thousand men. Under his plan of attack three corps were massed below Fredericksburg, to cross there and make a feint attack on the enemy, when two of the corps were to return immediately after crossing and join the other four corps, meanwhile crossing at several fords ten and twenty miles above Fredericksburg. The object of Gen. Hooker by moving down on the left of the enemy, was to force him to fight outside of his intrenchments, or to fall back on Richmond.

Falmouth, the position occupied by Gen. Hooker's army, is nearly opposite Fredericksburg, on the north bank of the Rappahannock. About twelve miles above, the Rapidan, a small river, unites with a stream heretofore called the North Fork, to form the Rappahannock. Lately, however, the North Fork has been called Rappahannock, and the Rapidan has been spoken of as a tributary. The United States Ford is about one mile below the mouth of the Rapidan. Banks's Ford is about midway between the United States Ford and Falmouth. Kelly's Ford, where the four corps crossed the North Fork, or the Rappahannock as it is now called, is about twenty miles above Falmouth. Germania Ford, where the same force crossed the Rapidan, is about twelve miles south of Kelly's Ford, at a place called Germania Mills. The troops crossed here by wading. The water was up to the armpits, and with a rapid current. The bottom of the river was rocky.

On Monday morning, April 27th, the eleventh corps, under Maj.-Gen. Howard, the twelfth, under Maj.-Gen. Slocum, and the fifth,

under Maj.-Gen. Meade, marched westward on the several roads leading to Kelly's Ford, which the advance under Gen. Howard reached on Tuesday forenoon. A brigade of this corps had been guarding the ford since the movement of cavalry under Gen. Stoneman. The pontoon boats had been moved into a creek behind the bluff at the Ford. About two hundred and fifty men of the 73d Pennsylvania and 154th New York immediately crossed in boats and occupied the bank of the river. Skirmishers were deployed to the right and left, but no enemy, excepting a few pickets who retired, was to be found. The remainder of the two regiments crossed in boats whilst the bridge was building. That evening the eleventh corps crossed, and the twelfth bivouacked on the shore.

Early on Wednesday morning, the twelfth corps crossed over, followed by Gen. Stoneman's cavalry force and the fifth corps. The wagon trains were sent back from Kelly's Ford and parked near Banks's Ford. The advance moved directly to Germania Ford on the Rapidan. The fifth corps, under Gen. Meade, crossed the Rapidan in the afternoon, a little lower down. On the next morning, Thursday, an advance was made to Chancellorsville, at the junction of the Orange Court House road with a road to Culpepper, between five and ten miles distant from the ford. The three corps were massed at this place at night, and Gen. Hooker arrived and made it his headquarters. On Wednesday, the second corps, under Gen. Couch, took a position at Banks's Ford, five miles above Fredericksburg. Some skirmishing had occurred with small bodies of the enemy, which retired. The cavalry force of Gen. Stoneman was sent to cut the communication of Gen. Lee's army by railroad with Richmond.

Meanwhile the remaining three corps of the army had been put in motion. The first corps, under Maj.-Gen. Reynolds, the third, under Maj.-Gen. Sickles, and the sixth, under Maj.-Gen. Sedgwick, moved from their camps on Monday night and took a position two miles below Fredericksburg. Early on the next morning, one division of the sixth corps crossed two miles below Fredericksburg, and one division of the first corps about one mile farther down. Some skirmishing took place, and the enemy held their position; at the same time bridges were thrown over and demonstrations made as if the intention was to cross a large force over. On the next day, Wednesday, the third corps, under Gen. Sickles, was detached and ordered to cross at United States Ford and join Gen. Hooker at Chancellorsville. On the next day Gen. Hooker issued the following order:

General Order No. 47.

HEADQUARTERS ARMY OF THE POTOMAC,
CAMP NEAR FALMOUTH, VA., *April 30th*, 1863.

It is with heartfelt satisfaction that the Commanding General announces to the army that the operations of the last three days have determined that our enemy must either ingloriously fly or come out from behind his defences and give us battle on our own ground, where certain destruction awaits him. The operations of the fifth, eleventh, and twelfth corps have been a succession of splendid achievements.

By command of Major-Gen. HOOKER.
S. WILLIAMS, Ass't Adj't-Gen.

Such was the position of Gen. Hooker's forces on Friday morning. About noon, the fifth and twelfth corps, under Gens. Meade and Slocum, were advanced by separate roads toward Fredericksburg. The former moved to the left and the latter to the right. The advance of Gen. Meade's corps was led by the second division under Gen. Sykes. In about an hour it encountered the enemy, and heavy firing ensued, which continued for three fourths of an hour, gradually extending toward the right wing. Orders were then sent by Gen. Hooker, whose headquarters were in the large house known as Chancellorsville, for the two columns to fall slowly back. This order was systematically obeyed, and everything became quiet until about four o'clock, when the enemy appeared in line of battle, in an open field fronting a dense wood, on the right of Gen. Hooker, and about a mile from Chancellorsville. A vigorous fire of artillery was opened on both sides, which continued until night, when the enemy retired. This movement was regarded as indicating a disposition on the part of Gen. Lee to feel the Federal lines and ascertain the strength of their position and force. Meanwhile Gen. Hooker had caused intrenchments to be thrown up by his army. On the next day, Saturday, the first corps, under Gen. Reynolds, was ordered to join Gen. Hooker at Chancellorsville. It arrived in the afternoon at United States Ford, and was ordered into position on the right.

During Friday night the enemy were observed cutting a road past the Federal picket line on the right, and wagons were seen passing up the road on Saturday. As no attack was made during the forenoon, it was determined to ascertain the nature of the movement on the right, by a reconnoissance in force under Gen. Sickles. The divisions of Gens. Birney and Whipple, with Gen. Barlow's brigade from Gen. Howard's corps, were pushed to the front. This force soon became more or less engaged, especially with the artillery and the sharpshooters as skirmishers. Prisoners who were taken reported that the wagon train which had been seen was composed mainly of ordnance wagons and ambulances, following a column of troops under the command of Gen. Jackson. It was perceived at once that the object of Gen. Jackson was to make a sudden and fierce attack upon the extreme right. To defeat this object Gen. Sickles was ordered to push forward, and Gen. Birney advanced with great vigor, cutting in twain a column of the enemy still moving up the road. Gen. Williams's division of Gen. Slocum's corps, which had been ordered to coöperate, then commenced a flank movement on the enemy's right, which promised great success. It was supposed that in consequence of this movement, Gen. Jackson would endeavor to retreat to escape a capture,

or, if he made an attack on the right, that the eleventh corps would be sufficient to resist him. On the contrary, about five o'clock, a terrific volley of musketry on the extreme right announced that he had commenced his operations. The division of Gen. Schurz, which he first assailed, almost instantly gave way. Thousands threw down their arms and streamed down the road toward headquarters. The enemy pressed his advantage. The division of Gen. Devens, infected by the demoralization in front, soon followed the fugitives. Gen. Howard, the commander of the corps, with all his vigor and resolution could not stem the retreating torrent. The brigades of Cols. Bush, Beck, and McLean maintained themselves as long as possible, but finally gave way in good order before superior numbers.

Gen. Hooker now sent to the aid of Gen. Howard the second division of the third corps, under Maj.-Gen. Berry. Their batteries, under Capt. Best, were moved on a ridge running across the road, and after a short but sanguinary contest, the advance of the enemy was checked. This disaster compelled the recall of Gens. Sickles and Slocum. Gen. Williams's division found a portion of their works filled with the enemy, and Gen. Sickles could not communicate with the rest of the army by the way he had advanced, and only at great risk by any other route. This was the state of affairs at dark. A bright moon soon appeared, and a night attack was ordered to restore the communications. Gen. Wood's brigade of Gen. Birney's division made the attack at eleven o'clock, aided by the guns massed on the ridge in front of the enemy. This attack was successful and restored the communications. The enemy fell back nearly half a mile. The effect of the enemy's movement was to compel Gen. Hooker to contract his lines and assume the defensive, protected by breastworks and intrenchments.

During the night, the first corps, under Maj.-Gen. Reynolds, and the fifth corps, under Maj.-Gen. Meade, were transferred to Gen. Hooker's right, and set to work vigorously to intrench themselves. The position of the latter corps on the left was taken by the eleventh corps, which was reorganized during the night, and then assigned to a point where but little fighting was anticipated, and where they were protected by the work made on the previous day by the fifth corps. At the same time the force of Gen. Lee opposite the Federal right was strongly reënforced.

At 5 o'clock on Sunday morning, the enemy could be seen up the plank road about a mile and a half from the Chancellor House, which was still retained as the headquarters of Gen. Hooker. The Federal line was formed with the division of Gen. Berry on the right, that of Gen. Birney next on the left, and Gens. Whipple and Williams supporting. By half past five, Gen. Berry became engaged, and a terrible conflict ensued. The infantry of the enemy were advanced in overwhelming numbers for the purpose of crushing the Federal line, but the forces of Gens. Sickles and Slocum held them in check. The struggle became desperate, hand to hand, and the carnage great. It continued until 8.45 A. M., without the slightest intermission, when there was a temporary suspension on the Federal side, occasioned by getting out of ammunition. The position was, however, held by the bayonet for nearly an hour, until a supply was received, and an order was given to fall back to the vicinity of the Chancellor House. The contest now raged in this vicinity. Gen. Hooker's headquarters were withdrawn at ten o'clock. The house was burned by a shell of the enemy. The engagement continued until 11.30 A. M., when the musketry fire ceased. Gen. Hooker, acting on the defensive, had been compelled to contract his lines still further, and would perhaps have recrossed the Rappahannock that day except for the advantages expected to be gained by the movement of Gen. Sedgwick below Fredericksburg, and that of the cavalry force under Gen. Stoneman.

Several attempts were made by the enemy during the afternoon to force the lines of Gen. Hooker, but without success.

The following despatch, relative to the operations of Saturday and Sunday, was sent to Richmond by Gen. Lee:

MILFORD, *May 3d*, 1863.

To President Davis :

Yesterday Gen. Jackson penetrated to the rear of the enemy. We drove him from all his positions from the Wilderness to within one mile of Chancellorsville. He was engaged at the same time in front by two of Longstreet's divisions. Many prisoners were taken, and the enemy's loss in killed and wounded is large. This morning the battle was renewed. He was dislodged from all his positions around Chancellorsville, and driven back toward the Rappahannock, over which he is now retreating. We have again to thank Almighty God for a great victory. I regret to state that Gen. Paxton was killed, Gen. Jackson severely and Gens. Heth and A. P. Hill slightly wounded.

R. E. LEE, General Commanding.

On Saturday, May 2d, Gen. Sedgwick was ordered to cross the Rappahannock, move upon Fredericksburg, and march out on the plank road toward Chancellorsville, until he connected with the right under Gen. Hooker, and to destroy any force he might meet on the road. By twelve o'clock that night, the three divisions composing the sixth corps were all across, and waiting orders. The main force of the enemy had been concentrated on their own left to resist Gen. Hooker. The first division, under Gen. Brooks, was left to guard the crossing and occupy the enemy in front. At four o'clock A. M., on Sunday, the head of the corps was in motion toward Fredericksburg. At the edge of the town it was halted, the batteries brought into position, and the first line of the enemy's intrenchments in the rear carried with considerable loss. At noon the division of Gen. Howe was scattered over the heights, looking out for and pursuing the enemy, when orders were re-

ceived to move on and join the other divisions, which had gone through the city. The height and the city were thus abandoned, to be occupied soon after by the enemy. About five o'clock, the advance was overtaken a few miles out of Fredericksburg, engaged in a brisk fight with the enemy. The division of Gen. Howe was deployed to the left of the road over a broken country, with the left wing to the rear, so as to confront the enemy reoccupying the heights and massing in the rear. In this position Gen. Sedgwick's force remained in line of battle during the night, distant about six or seven miles from Gen. Hooker. By morning of the 4th, the enemy appeared in strong force in front and on the hills to his left. About 4 P. M. they moved up to attack, and Gen. Sedgwick's artillery opened fire on every quarter, but could not check their slow and steady advance, before which he gradually fell back toward Banks's Ford. The engagement was hot, and lasted until 9 P. M., with a loss to Gen. Sedgwick of nearly four thousand. That Monday night he recrossed the Rappahannock. The crossing was effected in good order, with the camp equipage, mule trains, etc., except a few of the latter, which were taken when the enemy first appeared in rear at Fredericksburg. All the work on the left was performed by this corps of Gen. Sedgwick. It built three bridges, constantly skirmished with the enemy, stormed the heights of Fredericksburg, and advanced to support the right, when it was flanked by a heavy force of the enemy and forced to retreat across the river.

The movements of the enemy in this affair were thus reported by Gen. Lee:

To His Excellency President Davis:

At the close of the battle of Chancellorsville on Sunday, the enemy was reported advancing from Fredericksburg on our rear. Gen. McLaws was sent to arrest his progress, and repulsed him handsomely.

That afternoon, learning that his forces consisted of two corps, under Gen. Sedgwick, I determined to attack him, and marched back yesterday with Gen. Anderson, and united with McLaws early in the afternoon, and succeeded, by the blessing of Heaven, in driving Sedgwick over the river.

We have reoccupied Fredericksburg, and no enemy remains south of the Rappahannock or in the vicinity.

R. E. LEE, General Commanding.

While these operations were going on under Gen. Sedgwick, the enemy made no serious attack upon Gen. Hooker. On Monday, at daylight, they placed guns on the heights, which commanded the ground north of United States Ford, and began shelling the trains of Gen. Hooker. These guns were soon silenced by the twelfth corps, which relieved the eleventh, and now occupied the extreme left. During the day, the enemy continued to feel the lines of Gen. Hooker from the extreme left to right, making vigorous feints, driving in pickets, picking off artillery horses and officers on horseback. It was in one of these forays that Gen. Whipple was mortally wounded in the spine, while standing against a tree in his own camp, supposing himself to be in perfect security. Gen. Hooker continued during the day to strengthen his position with a second line of rifle pits. During Monday night slight skirmishing continued along the lines, with frequent volleys of musketry from some portion of the rifle pits. Batteries of flying artillery were used to shell the camps, which changed position as often as guns were brought to bear upon them. Thus the Federal troops were harassed and exhausted during the night.

Early on Tuesday all the pioneers and men, with extra tools, were employed on the roads leading from the army back to United States Ford. Old roads were repaired and new ones cut through the woods. The trains and artillery commenced moving toward the river early in the evening. The rain then was falling rapidly, and the night became quite dark. The crossing commenced at ten o'clock, and at three o'clock on Wednesday morning all the wagons and mule trains and artillery had passed the bridges, and the passage of the infantry commenced. The second corps, under Gen. Couch, led the advance. The fifth corps, under Gen. Meade, formed the rear guard, with Gen. Sykes's division of regulars to cover the retreat. The passage of the river was effected without any disturbance from the enemy. The dead on the battle field of Tuesday were left unburied, and many of the wounded remained behind. The rapid rise of the river prevented the immediate advance of Gen. Lee.

The movements of the cavalry force, under Gen. Stoneman, do not appear to have produced any advantage in favor of Gen. Hooker. As has been stated, the storms which ensued prevented active movements by Gen. Stoneman until the 29th of April. On that day he crossed at Kelly's Ford. The division of Gen. Averill moved to the Orange and Alexandria railroad, and encountered two regiments of the enemy, who retired toward Gordonsville. Thence he proceeded to Culpepper, and dispersed a force of the rebels there, capturing their rear guard, and seizing a large amount of flour, salt, and bacon. The enemy were pursued by way of Cedar mountain toward the Rapidan. Here he received a despatch from Gen. Stoneman, desiring him to push the enemy as vigorously as possible, and keep him occupied. On the 1st, scouting parties were sent up and down on both sides of the Rapidan. On the 2d, orders were received by him to join Gen. Hooker at United States Ford at once.

Gen. Stoneman, after crossing at Kelly's Ford, moved the main body of his command across Fleshman's creek, and encamped for the night in an open field. On the next day, the 3d, Gen. Buford crossed the Rapidan, two miles below Racoon Ford, and drove a body of infantry from the ford, where Gen. Gregg crossed later in the day. A lieutenant and thirteen privates of an artillery company were captured here. At night the whole force bivouacked one mile from the river. On the next day the march was commenced, and at Orange Spring a

force of the enemy, approaching by railroad, barely escaped capture. That night the command encamped at Greenwood, one mile from Louisa Court House, through which the Virginia Central railroad passes, connecting Gordonsville with Richmond. On the next day, the 2d of May, a squadron of the 10th New York, under Col. Irwin, was sent five miles above the town, and another of the same regiment, under Major Avery, was sent the same distance below, to destroy the track of the road, while Col. Kilpatrick took possession of the town. The track was torn up for some distance, the telegraph cut, and some commissary stores seized. In the afternoon the command moved to Thompson's Four Corners. From this place, as headquarters, several expeditions were sent out. On the next morning Col. Wyndham proceeded to Columbia, on the James river, where the Lynchburg and Richmond canal crosses the river. An unsuccessful attempt was made to destroy the aqueduct. Five locks were injured, three canal boats, loaded with commissary stores, and five bridges, were burned, and the the canal lock cut in several places. A large quantity of commissary stores and medicines in the town were also destroyed. Another detachment, under Capt. Drummond, of the 5th cavalry, destroyed the bridge over the James river at Centreville. Other small parties were sent out in different directions, and some skirmishing took place with small parties of the enemy. At the same time a force, consisting of the 10th New York and 1st Maine, with two pieces of artillery, was sent out under Gen. Gregg, to destroy the railroad bridge at Ashland, while Col. Kilpatrick, with the Harris Light, and 12th Illinois, Lieut.-Col. Davis, were to go between Ashland and Richmond, destroying the railroad, bridges, &c. Gen. Gregg destroyed the bridge across the South Anna on the road from Columbia to Spottsylvania; thence he moved east, and destroyed the road to Beaver Dam Station. He then turned north to the Richmond and Gordonsville turnpike, sending out a detachment to burn the Ground Squirrel bridge. That night he bivouacked eight miles from Ashland. A detachment sent out to burn the bridge at Ashland found it too strongly defended. Some portions of the railroad track, however, were destroyed. Leaving Col. Kilpatrick and Lieut.-Col. Davis, Gen. Gregg returned on the next day to Gen. Stoneman. On the night of the 4th, Gen. Gregg moved near Yanceyville, and was followed the next day by Gen. Stoneman and Gen. Buford's command. On the 5th, the retrograde movement commenced, and crossing Racoon Ford, on the Rapidan, the command arrived at Kelly's Ford, on the North Fork. Meantime, the advance of Col. Kilpatrick was made, and thus subsequently reported by him:

By directions from Maj.-Gen. Stoneman, I left Louisa Court House on the morning of the 3d instant, with one regiment (the Harris Light Cavalry) of my brigade; reached Hungary, on the Fredericksburg railroad, at daylight on the 4th; destroyed the depot and telegraph wires and railroad for several miles; passed over to Brook turnpike, drove in the rebel pickets; down the pike, across the brook, charged a battery, and forced it to retire within two miles of the city of Richmond; captured Lieut. Brown, aide-de-camp to Gen. Winder, and eleven men within the fortifications; passed down to the left of the Meadow bridge on the Chickahominy, which I burned; ran a train of cars into the river; retired to Hanovertown on the peninsula; crossed and destroyed the ferry boat just in time to check the advance of a pursuing cavalry force; burned a train of thirty wagons loaded with bacon; captured thirteen prisoners, and encamped for the night five miles from the river.

I resumed my march at 1 A. M. of the 5th; surprised a force of three hundred cavalry at Aylett's; captured two officers and thirty-three men; burned fifty-six wagons, the depot, containing upward of twenty thousand bushels of corn and wheat, quantities of clothing and commissary stores, and safely crossed the Mattapony, and destroyed the ferry again just in time to escape the advance of the rebel cavalry pursuit. Late in the evening I destroyed a third wagon train and depot a few miles above and west of the Tappahannock on the Rappahannock, and from that point made a forced march of twenty miles, being closely pursued by a superior force of cavalry, supposed to be a portion of Stuart's, from the fact that we captured prisoners from the 8th, 1st, and 10th Virginia cavalry. At sundown discovered a force of cavalry drawn up in line of battle about King and Queen Court House. Their strength was unknown, but I at once advanced to the attack, only to discover, however, that they were friends —a portion of the 10th Illinois cavalry, who had become separated from the command of Lieut.-Col. Davis, of the same regiment.

At 10 A. M., on the 7th, I found safety and rest under our own brave old flag within our lines at Gloucester Point. This raid and march around the entire rebel army—a march of nearly two hundred miles—has been made in less than five days, with a loss of one officer and thirty-seven men, having captured and paroled upward of three hundred men.

At the same time, Lieut.-Col. Davis, of the 12th Illinois, was ordered to penetrate to the Fredericksburg railroad, and, if possible, to the Virginia Central, and destroy communications. If he crossed the Virginia Central he was to make for Williamsburg on the peninsula. Leaving the main body on the South Anna, on Sunday, May 3d, he passed down the bank of that river, burning a bridge, and, dispersing a mounted party of the enemy, struck the railroad at Ashland. Here he cut the telegraph, tore up some rails, and burned the trestlework bridge south of the town. At the same time a train of cars, filled with sick and wounded, arrived, and was captured. The prisoners were paroled, and the locomotives disabled. Twenty wagons, with horses, were destroyed, and several horses taken. Leaving at 6 P. M., a train of eighteen wagons was met and destroyed, and Hanover Station reached at 8 P. M. Here thirty prisoners were captured, and the railroad line broken. The depot, storehouses, and stables, filled with government property, were destroyed, also a culvert and trestlework south of the station. Among the property destroyed were more than one hundred wagons, a thousand sacks of flour and corn, and a large quantity of clothing and horse equipments. The command then moved down within seven miles of Richmond, and bivouack-

ed until eight o'clock the next morning. It then marched for Williamsburg, but at Tunstall's Station, near White House, encountered a train of cars, filled with infantry and a battery of three guns. This force formed in rifle pits, so that Col. Davis, by a charge, could not penetrate their line: he therefore determined to cross the Pamunkey and Mattapony, and proceed to Gloucester Point. He thus reports the result of his movements:

Our total loss in the expedition has been two commissioned officers and thirty-three enlisted men; we brought with us one hundred mules and seventy-five horses, captured from the enemy. We captured, in the course of our march, a much larger number, which we could not bring in. The amount of property destroyed is estimated at over one million of dollars.

Respectfully submitted,
H. DAVIS, Lieut.-Colonel Commanding.

The army of Gen. Hooker, after recrossing, as before stated, moved immediately to its original camp opposite Fredericksburg.

On the 6th, Gen. Hooker issued the following address to his army:

General Orders No. 49.

HEADQUARTERS ARMY OF THE POTOMAC, *May 6th*, 1863.

The Major-General Commanding tenders to this army his congratulations on its achievements of the last seven days. If it has not accomplished all that was expected, the reasons are well known to the army. It is sufficient to say, they were of a character not to be foreseen or prevented by human sagacity or resource.

In withdrawing from the south bank of the Rappahannock before delivering a general battle to our adversaries, the army has given renewed evidence of its confidence in itself, and its fidelity to the principles it represents. On fighting at a disadvantage, we would have been recreant to our trust, to ourselves, our cause, and our country. Profoundly loyal and conscious of its strength, the Army of the Potomac will give or decline battle whenever its interest or honor may demand. It will also be the guardian of its own history and its own arm. By your celerity and secrecy of movement, our advance and passage of the rivers was undisputed, and on our withdrawal not a rebel ventured to follow.

The events of last week may swell with pride the heart of every officer and soldier of this army. We have added new lustre to its former renown. We have made long marches, crossed rivers, surprised the enemy in his intrenchments, and, wherever we have fought, have inflicted heavier blows than we have received. We have taken from the enemy five thousand prisoners; fifteen colors; captured and brought off seven pieces of artillery; placed *hors du combat* eighteen thousand of his chosen troops; destroyed his depots filled with vast amounts of stores; deranged his communications; captured prisoners within the fortifications of his capital, and filled his country with fear and consternation. We have no other regret than that caused by the loss of our brave companions, and in this we are consoled by the conviction that they have fallen in the holiest cause ever submitted to the arbitrament of battle.

By command of Major-General HOOKER.
S. WILLIAMS, Assistant Adjutant-General.

On the 7th, Gen. Lee issued the following address to his army:

General Orders No. 59.

HEADQUARTERS ARMY NORTHERN VIRGINIA, *May 7th*, 1863.

With heartfelt gratification, the General Commanding expresses to the army his sense of the heroic conduct displayed by officers and men, during the arduous operations in which they have just been engaged.

Under trying vicissitudes of heat and storm, you attacked the enemy, strongly intrenched in the depths of a tangled wilderness, and again on the hills of Fredericksburg, fifteen miles distant, and, by the valor that has triumphed on so many fields, forced him once more to seek safety beyond the Rappahannock. While this glorious victory entitles you to the praise and gratitude of the nation, we are especially called upon to return our grateful thanks to the only Giver of victory, for the signal deliverance He has wrought.

It is, therefore, earnestly recommended that the troops unite on Sunday next in ascribing to the Lord of Hosts the glory due His name.

Let us not forget, in our rejoicings, the brave soldiers who have fallen in defence of their country; and, while we mourn their loss, let us resolve to emulate their noble example. The army and the country alike lament the absence for a time of one to whose bravery, energy, and skill they are so much indebted for success.

The following letter from the President of the Confederate States, is communicated to the army as an expression of his appreciation of its success:

I have received your despatch, and reverently unite with you in giving praise to God for the success with which he has crowned our arms.

In the name of the people, I offer my cordial thanks to yourself and the troops under your command, for this addition to the unprecedented series of great victories which your army has achieved.

The universal rejoicing produced by this happy result will be mingled with a general regret for the good and the brave who are numbered among the killed and wounded.

R. E. LEE, General.

On the 8th, the following despatch was sent by the Secretary of War to the Governors of the Northern States:

WASHINGTON, *May 8th*, 1863.

The President and General-in-Chief have just returned from the Army of the Potomac. The principal operations of Gen. Hooker failed, but there has been no serious disaster to the organization and efficiency of the army. It is now occupying its former position on the Rappahannock, having recrossed the river without any loss in the movement. Not more than one third of Gen. Hooker's force was engaged. Gen. Stoneman's operations have been a brilliant success. Part of his force advanced to within two miles of Richmond, and the enemy's communications have been cut in every direction. The Army of the Potomac will speedily resume offensive operations.

(Signed) E. M. STANTON, Secretary of War.

On the same day, the President issued the following proclamation, preliminary to executing the law for obtaining soldiers by enrolment and draft. It would appear that the events on the Rappahannock had hastened the decision to put the law for this object in operation, and the proclamation notified all foreigners who had merely declared an intention to become citizens of the United States, that after sixty-five days they would be liable to draft, if found in the country.

By the President of the United States of America:

PROCLAMATION.

Whereas, the Congress of the United States, at its last session, enacted a law, entitled an act for the enrolling and calling out the national forces, and for other purposes, which was approved on the 3d day of March last; and whereas, it is recited in said act that there now exists in the West and South an insurrection against the authority thereof, and it is under the Constitution of the United States the duty of the Government to suppress insurrection and rebellion, to

guarantee to each State a republican form of government, and to preserve public tranquillity; and whereas, for these high purposes, a military force is indispensable, to raise and support which all persons ought willingly to contribute; and whereas, no service can be more praiseworthy and honorable than that which is rendered for the maintenance of the Constitution and Union, and consequent preservation of free government; and whereas, for the reasons thus recited, it was enacted by said statute that all able-bodied male citizens of the United States, and persons of foreign birth who shall have declared on oath their intention to become citizens under and in pursuance of the laws thereof, between the ages of 20 and 45 years, with certain exceptions not necessary to be here mentioned, are declared to constitute the national forces, and shall be liable to perform military duty in the service of the United States, when called on by the President for that purpose; and whereas, it is claimed, by and in behalf of persons of foreign birth within the ages specified in said act, who have heretofore declared on oath their intention to become citizens under and in pursuance of the laws of the United States, and who have not exercised the right of suffrage or any other political franchise under the laws of the United States or of any of the States thereof, are not absolutely concluded by their aforesaid declaration of intention from renouncing their purpose to become citizens; and that on the contrary such persons under treaties or the law of nations retain a right to renounce that purpose and to forego privilege of citizenship and residence within the United States under obligations imposed by the aforesaid act of Congress:

Now, therefore, to avoid all misapprehensions concerning liability of persons concerned to perform the service required by such enactment, and to give it full effect, I do hereby order and proclaim that no plea of alienage will be received or allowed to exempt from obligations imposed by the aforesaid act of Congress any person of foreign birth who shall have declared, on oath, his intention to become a citizen of the United States, under the laws thereof, and who shall be found within the United States at any time during the continuance of the present insurrection and rebellion at or after the expiration of the period of sixty-five days from date of this proclamation; nor shall any such plea of alienage be allowed in favor of any such person who has so as aforesaid declared his intention to become a citizen of the United States, and shall have exercised at any time the right of suffrage or any other political franchise within the United States under laws of any of the several States. In witness whereof I have hereunto set my seal and caused the seal of the United States to be affixed. Done at the City of Washington, this 8th day of May, in the year of our Lord 1863, and of the independence of the United States the 87th.

(Signed) ABRAHAM LINCOLN, President.
W. H. SEWARD, Secretary of State.

Previously, while the movements of Gen. Hooker were in progress, the following military orders were issued. The object appears to have been to prevent the transmission of premature and unreliable reports to Halifax, Nova Scotia, and by steamer to Europe:

WASHINGTON, MAY 1*st*, 1863.

To Major-Gen. Wool, commanding at New York.

By virtue of the act of Congress authorizing the President to take possession of railroad and telegraph lines, &c., passed February 4th, 1862, the President directs that you take immediate military possession of the telegraph lines lately established between Philadelphia and Boston, called the Independent Telegraph Company, and *forbid* the transmission of any intelligence relating to the movements of the Army of the Potomac or any military forces of the United States. In case this order is violated, arrest and imprison the perpetrators in Fort Delaware, reporting to this Department. If the management of the line will stipulate to transmit no military intelligence without the sanction of the War Department, they need not be interfered with so long as the engagement is fulfilled. This order will be executed so as not to interfere with the ordinary business of the Telegraph Company.

By order of the President:

E. M. STANTON, Secretary of War.

Captain Rowello, aide-de-camp, will proceed by the first conveyance to Boston and execute the above order, viz.: Take military possession of the Independent Telegraph Company's lines, and forbid any transmission of information relating to the movements of the Army of the Potomac or any military forces of the United States. If the principal or owner of the line will stipulate not to violate the condition imposed, without the sanction of the War Department, he will not be interfered with. If, however, he violates the stipulations, he will be severely dealt with.

JOHN E. WOOL, Major-General.

To E. F. Leighton, Manager Boston Office, Independent Telegraph: Do not fail to send us the news just the same as heretofore; that is, everything that is made public in Boston or New York. No military dictator can prevent a legitimate use of our facilities for the transmission to any station of intelligence already made public. J. W. STOVER,
Manager of Boston and Portland District.

The official statement of the killed and wounded of Gen. Hooker's army was as follows:

Officers killed	154
Enlisted men killed	1,358
Officers wounded	624
Enlisted men wounded	8,894
Total	11,030

Some of the wounded remained on the field of battle at least ten days, as appears by the following, which was made public:

HEADQUARTERS ARMY OF THE POTOMAC,
Tuesday, May 12th, 1863.

Dr. Luckley, medical director in charge of our wounded on the field, reports that they are all comfortable, and are about twelve hundred in number. An ambulance train has been sent for them. They are expected to return to camp by to-night.

A flag of truce from Gen. Lee stated that he had exhausted his medicines and hospital stores, and fresh supplies were sent over for the wounded of Gen. Hooker's army. The number of prisoners taken was estimated by the enemy at eight thousand. It was an overestimate.

Gen. Halleck, in his annual report, thus speaks of the losses and of these operations:

For want of official data I am unable to give any detailed account of these operations, or of our losses. It is also proper to remark in this place that from the time he was placed in the command of the Army of the Potomac till he reached Fairfax Station, on the 16th of June, a few days before he was relieved from the command, General Hooker reported directly to the President, and received instructions directly from him. I received no official information of his plans, or of their execution.

The loss of the enemy in numbers was less than that of Gen. Hooker, but far greater in the importance of the officers. Among their wounded was Gen. Jackson, who subsequently died. Upon hearing that he was wounded, Gen. Lee addressed to him the following letter:

CHANCELLORSVILLE, *May 4th.*

To Lieutenant-Gen. T. J. Jackson:

GENERAL: I have just received your note, informing me that you are wounded. I cannot express my regret at the occurrence.

Could I have directed events, I should have chosen for the good of the country to have been disabled in your stead. I congratulate you upon the victory which is due to your skill and energy.

Most truly yours,
R. E. LEE, General.

Gen. Jackson had gone some distance in front of his line of skirmishers, on Saturday evening, May 2d, and was returning about eight o'clock, attended by his staff and part of his couriers. The cavalcade, in the darkness of the night, was supposed to be a body of Federal cavalry, and fired upon by a regiment of his own corps. He was struck by three balls, one through the left arm, two inches below the shoulder joint, shattering the bone and severing the chief artery; another ball passed through the same arm between the elbow and wrist, making its exit through the palm of the hand; a third ball entered the palm of the right hand, about the middle, passed through and broke two bones. He suffered for a week, during which his wounds improved, but sunk under an attack of pneumonia. The following order was issued by Gen. Lee:

General Order No. 61.

HEADQUARTERS ARMY OF NORTHERN VIRGINIA, *May 11th*, 1863.

With deep grief the Commanding General announces to the army the death of Lieut.-Gen. T. J. Jackson, who expired on the 10th instant, at 3.15 P. M.

The daring, skill, and energy of this great and good soldier, by the decree of an all-wise Providence are now lost to us; but while we mourn his death, we feel that his spirit still lives, and will inspire the whole army with his indomitable courage and unshaken confidence in God as our hope and strength.

Let his name be a watchword to his corps, who have followed him to victory on so many fields. Let officers and soldiers emulate his invincible determination in defence of our beloved country.

R. E. LEE, General.

The armies confronting each other at Fredericksburg, now remained inactive for some time. A movement of a small force of Confederate cavalry near the Baltimore and Ohio railroad, during the last week in April, was made, by which some injury was done to that road, and an alarm created on its borders. On the 1st of June, the Federal force at West Point, on the York river, under Brig.-Gen. Gordon, was withdrawn, and a cavalry dash from Gloucester was made by Col. Kilpatrick through the adjacent counties, for the purpose of joining his force with that of Gen. Stoneman. At this time, also, some cavalry movements took place along the Rapidan, and such changes were observed in the appearance of the enemy's camp at Fredericksburg as created an impression that some of his force might have been withdrawn. This induced Gen. Hooker to make a reconnoissance in force on the 5th of June. The division of Gen. Howe, of the sixth corps, was sent across the river below Fredericksburg. Some skirmishing ensued, and the enemy developed so much strength as to create the impression that the mass of his forces had not been removed.

On Tuesday, the 9th of June, two brigades of Gen. Pleasanton's cavalry, under command of Gen. Buford, made a reconnoissance to Culpepper. The force was supported by two batteries of artillery, and two regiments of infantry, as a reserve. On Monday night, the force bivouacked near Beverly ford, on the Rappahannock. Beyond the ford was a semi-circular belt of woods, with a range of rifle pits near the edge; and a line of pickets guarded the fords on the southern bank of the river. The cavalry crossed at 4 A. M., the 10th New York in advance, and drove the pickets back to the rifle pits, and then charged upon the pits. The combat was severe, but the enemy were driven from their pits and the woods. Falling back upon their artillery, they maintained their position until twelve o'clock, when Gen. Buford's artillery reached the ground, and the action was renewed. Gen. Pleasanton took command of the Union force before it was over. Gen. Stuart also arrived on the Confederate side. The Federal loss was about three hundred and sixty. Among the killed was Col. B. F. Davis, who led the cavalry force from Harper's Ferry at the time of its surrender in 1862. The enemy's loss was somewhat larger. The number of the enemy taken prisoners was about two hundred. In reply to a communication from Gen. Pleasanton, relating to the men left in the hands of Gen. Stuart, the latter subsequently stated that the dead had been decently buried, the wounded humanely attended by his surgeons, and the prisoners sent to Richmond; but that no parties would be permitted to visit the field by flag of truce, for the purpose of procuring the remains of friends, and that all future communications must be sent by the flag-of-truce boat to City-Point, Va.

Positive information was obtained by this reconnoissance that the Confederate forces were preparing for a movement, either against Washington or into the State of Maryland. An apprehension of an aggressive blow from the enemy now existed. Where, or in what manner the attempt would be made to strike the blow, no one could foretell. A threat had been made to invade Maryland and Pennsylvania with a considerable force, in retaliation for the raids made by Col. Grierson in Mississippi and Cols. Kilpatrick and Davis in Virginia. The cavalry force of Gen. Pleasanton, on its return, brought information that the enemy had been moving in strong force westward, through the town of Sperryville, toward Luray, in the Shenandoah valley; that the column so moving was three hours and a half in passing the town, and was composed of infantry and artillery. The movement of Gen. Pleasanton also developed that the enemy were massing their cavalry on the Upper Rappahannock for some purpose. On the 11th of June, a force, consisting of two hundred and fifty of the enemy's cavalry, crossed the Potomac at Edwards's Ferry, and

attacked the company of the 6th Michigan on picket at Seneca. This company gradually fell back toward Poolesville. The enemy burnt their camp and recrossed the river, where they remained for some time, assuming a threatening appearance.

On the 8th of June, the Richmond (Va.) press spoke of a movement of Gen. Lee, in these words: "It is too generally known to raise any question of prudence in speaking of it, that Gen. Lee has put his army in motion. His designs are known only to himself, and those with whom it was his duty to confer. A few days will disclose them to the public, who are willing to wait patiently, in full confidence that the result will vindicate the wisdom of what he undertakes. A forward movement on his part has been for some time anticipated by the enemy, and is regarded with very perceptible uneasiness."

The facts were as follows: The position occupied by Gen. Hooker, opposite Fredericksburg, being one in which he could not be attacked to advantage, Gen. Lee determined to draw him from it. The execution of this purpose by him embraced the relief of the Shenandoah valley from the Federal troops that had occupied the lower part of it during the winter and spring, and, if practicable, the transfer of the scene of hostilities north of the Potomac. It was thought that the corresponding movements on the part of Gen. Hooker, to which those contemplated by Gen. Lee would probably give rise, might offer a fair opportunity to strike a blow at the army under Gen. Hooker, and that in any event that army would be compelled to leave Virginia, and possibly to draw to its support troops designed to operate against other parts of the Confederacy. In this way it was supposed that the Federal plan of campaign for the summer would be broken up, and a part of the season of active operations be consumed in the formation of new combinations and the preparations that they would require. Other valuable results, it was hoped by Gen. Lee, would be attained by military success.

The movement of Gen. Lee began on the 3d of June. Gen. McLaws's division of Gen. Longstreet's corps left Fredericksburg for Culpepper Court House; and Gen. Hood's division, which was encamped on the Rapidan, marched to the same place. They were followed, on the 4th and 5th, by Gen. Ewell's corps, leaving that of Gen. A. P. Hill to occupy the Confederate lines at Fredericksburg. The forces of Gens. Longstreet and Ewell reached Culpepper on the 8th, at which point the Confederate cavalry under Gen. Stuart was concentrated. Gen. Jenkins, with his cavalry brigade, had been ordered to advance toward Winchester, to coöperate with the infantry in the proposed expedition in the lower part of the Shenandoah valley, and at the same time Gen. Imboden was directed with his command to make a demonstration in the direction of Romney, in order to cover the movement against Winchester, and prevent the Federal troops at that place from being reënforced by the troops on the line of the Baltimore and Ohio railroad. Both of these officers were in position when Gen. Ewell left Culpepper Court House, on the 16th of June.

On the 9th of June, the War Department issued a general order (No. 172) establishing two new military departments, as follows:

1. The Department of the Monongahela, embracing that portion of the State of Pennsylvania west of Johnstown and the Laurel Hill range of mountains, and the counties of Hancock, Brooke, and Ohio, in the State of Virginia, and the counties of Columbia, Jefferson, and Belmont, in the State of Ohio. The command of this department is assigned to Major-Gen. William T. H. Brooks, with his headquarters at Pittsburg.

2. The Department of the Susquehanna, embracing that portion of the State of Pennsylvania east of Johnstown and the Laurel Hill range of mountains. The command of this department is assigned to Major-Gen. Couch, with his headquarters at Chambersburg.

The following is the list of the military geographical departments and their commanders at this time:

Department of the Tennessee—Maj.-Gen. U. S. Grant.
Department of the Cumberland—Maj.-Gen. W. S. Rosecrans.
Department of the Ohio—Maj.-Gen. A. E. Burnside.
Department of New England—Maj.-Gen. John A. Dix.
Department of the Gulf—Maj.-Gen. N. P. Banks.
Department of North Carolina and Department of Virginia—Maj.-Gen. J. G. Foster.
Department of the Northwest—Maj.-Gen. John Pope.
Department of Washington—Maj.-Gen. S. P. Heintzelman.
Department of the Monongahela—Maj.-Gen. W. T. H. Brooks.
Department of the Susquehanna—Maj.-Gen. Darius N. Couch.
Department of Western Virginia—Brig.-Gen. B. F. Kelly.
Department of New Mexico—Brig.-Gen. James H. Carlton.
Department of the Pacific—Brig.-Gen. G. Wright.
Department of Key West—Brig.-Gen. J. M. Brannan.
Department of Kansas—Maj.-Gen. James G. Blunt.
Middle Department—Maj.-Gen. Robert C. Schenck.
Department of the South—Brig.-Gen. Q. A. Gillmore.
Department of Missouri—Maj.-Gen. John M. Schofield.

On the 12th of June, the Governor of Pennsylvania issued the following proclamation:

In the name and by the authority of the Commonwealth of Pennsylvania, by Andrew G. Curtin, Governor of the said Commonwealth:

A PROCLAMATION.

Information has been obtained by the War Department that a large rebel force, composed of cavalry, artillery, and mounted infantry, has been prepared for the purpose of making a raid into Pennsylvania. The President has therefore erected two new departments, one in Eastern Pennsylvania, to be commanded by Major-General Couch, and the other in Western Pennsylvania, to be commanded by Major-General Brooks. I earnestly invite the attention of the people of Pennsylvania to the general orders issued by these officers on assuming the command of their respective departments.

The importance of immediately raising a sufficient force for the defence of the State cannot be overrated. The corps now proposed to be established will give

permanent security to our borders. I know too well the gallantry and patriotism of the freemen of this Commonwealth to think it necessary to do more than commend this measure to the people, and earnestly urge them to respond to the call of the General Government and promptly fill the ranks of this corps, the duties of which will be mainly the defence of our own homes, firesides, and property from devastation. ANDREW G. CURTIN.

On the same day, Gen. Couch assumed the command of the Department of the Susquehanna, with his headquarters at Harrisburg, Penn. In consultation with Governor Curtin, they were of the opinion that the danger of an invasion of the State of Pennsylvania was certain. The Federal Government was therefore requested by the Governor to suspend all recruiting for the regular or volunteer service within the State, so that the citizens could be available in its defence. The request was granted. At the same time Gen. Couch issued the following order, calling for volunteers:

DEPARTMENT OF THE SUSQUEHANNA,
CHAMBERSBURG, *June 12th*, 1863.

The undersigned assumes command of this department. In view of the danger of the invasion now threatening the State of Pennsylvania by the enemies of the Government, a new military department has been made by direction of the War Department, embracing all the territory of Pennsylvania east of Johnstown and Laurel Hill range of mountains; headquarters at Chambersburg.

To prevent serious raids by the enemy, it is deemed necessary to call upon the citizens of Pennsylvania to furnish promptly all the men necessary to organize an army corps of volunteer infantry, artillery, and cavalry, to be designated the "Army Corps of the Susquehanna." They will all be enrolled and organized in accordance with the regulations of the United States service, for the protection and defence of the public and private property within the department, and will be mustered into the service of the United States to serve during the pleasure of the President or the continuance of the war. The company and field officers of the departmental corps will be provisionally commissioned by the President upon the recommendation of the General Commanding. They will be armed, uniformed, and equipped, and, while in active service, subsisted and supplied as active troops of the United States. When not required for active service to defend the department, they will be returned to their homes subject to the call of the Commanding General.

Cavalry volunteers may furnish their own horses, to be turned over to the United States at their appraised value, or allowance will be made for the time of actual service, at the rate authorized by law. All able-bodied volunteers between the ages of eighteen and sixty will be enrolled and received into this corps.

The volunteers for the State defence will receive no bounty, but will be paid the same as like service in the army of the United States, for the time they may be in actual service, as soon as Congress may make an appropriation for that purpose.

If volunteers belonging to this army corps desire, they can be transferred to the volunteer service for three years or during the war, when they will be entitled to all the bounties and privileges granted by the acts of Congress.

The General Commanding, in accordance with the foregoing general authority, calls upon all citizens within his department to come forward promptly to perfect the company organizations under United States regulations, to wit: one captain, one first lieutenant, one second lieutenant, sixty-four privates as the minimum and eighty-two as the maximum standard of each company.

The General Commanding specially desires that citizens of this district recently in the army should volunteer for duty in this army corps; thereby, from their experience, adding greatly to the efficiency of the force for immediate defensive operations; each company organization to be perfected as soon as possible, and report the name of the officers in command, the number of men, and the place of its headquarters, in order that they may be promptly furnished with transportation to the general rendezvous, which will be at Harrisburg. Any person who will furnish forty or more men who will be enrolled, if otherwise unobjectionable, will be entitled to a captaincy.

Any person who will bring twenty-five or more men, under the above conditions, will be entitled to a first lieutenancy, and every person who will bring fifteen or more men, under the same conditions, to a second lieutenancy. On their arrival at the place of rendezvous they will be formed into regiments. So far as practicable, and as may be found consistent with the interests of the public service, companies from the same locality will be put together in the regimental organizations.

For the present all communications will be addressed to Harrisburg. The chiefs of the respective organizations will report accordingly.

DARIUS N. COUCH, Major-Gen'l Commanding.

At the same time Gen. Brooks assumed command of the Department of Monongahela, with his headquarters at Pittsburg, and proceeded to prepare to resist any attempt at an invasion.

Meantime, the force which Gen. Hooker had sent across the Rappahannock on a reconnoissance had intrenched its position and remained on the plain below Fredericksburg, and two bridges were constructed over the river. The enemy fortified themselves strongly, and waited for any demonstration. There were evidently about ten thousand men in their first line of defences, and others were visible upon the ridges and in the woods, within supporting distance. New earthworks appeared every morning on the heights; picket firing was constant, and occasionally their artillery opened fire. It was known that troops had been hurrying up for some time from Southeastern Virginia and North Carolina, and that the army of Gen. Lee had been reorganized and made to consist of three large corps, under Gens. Longstreet, Ewell, and A. P. Hill. Although the force displayed in Fredericksburg was large, yet Gen. Lee was supposed to be at Culpepper on the 12th, with the corps of Gens. Longstreet and Ewell, for the purpose of attacking the right of Gen. Hooker, and preparations were made to resist him. On the 13th it was manifest that the movements of Gen. Lee in the direction of Culpepper, had been made on a larger and more extensive scale than was at first supposed, and embraced nearly the whole of his army, leaving near Fredericksburg not more than ten thousand men. Such a movement removed every doubt of his intention to assume the offensive.

There existed at this time many considerations to encourage Gen. Lee in this movement. The army of Gen. Hooker had been reduced, not only by the losses in the battle of Chancellorsville, but by the departure of nearly twenty thousand men, who had enlisted, some

for two years, and some for nine months, and whose term of service had now expired. No aid to him could be expected from the West. The Confederate authorities had declared that Gen. Johnston should be strengthened sufficiently to attack Gen. Grant in the rear and raise the siege of Vicksburg. This declaration, on their part, had caused the Federal Government to make every exertion to defeat it. All the troops which could be spared in the West were sent to Gen. Grant. The force of Gen. Burnside, in the Department of Ohio, was included. This not only compelled the latter to remain inactive, but actually exposed Ohio and Western Virginia. The entire levy of nine-months' men would go home in June, and the Federal Government had made no call for others in their place, and had not in reality succeeded in obtaining by enlistment any number of troops except the free and slave blacks it had been successful in organizing. There were also reasons why the army of Gen. Lee should take the field. It was now well known to the Confederate Government that it would be unable to reënforce Gen. Johnston, so that the siege of Vicksburg could be raised; a counteracting effort was therefore necessary in some quarter. The supplies which might be obtained by an invasion of the North were also greatly needed.

It was the purpose of Gen. Lee, if possible, to strike a most decisive blow. For this object an army of nearly one hundred thousand men had been collected in the field. It was first contemplated by Gen. Lee to enter Pennsylvania, and keep the army of Gen. Hooker fully occupied. Meantime, a body of chosen troops were to be detached from the forces of Gen. Beauregard, at Charleston, and Gen. Bragg, in Tennessee, and concentrate at Culpepper, for the purpose of making an attack on Washington. It was thought that the Federal Government, thus divided between a fear of leaving Pennsylvania defenceless, and the necessity of protecting the seat of government, would be obliged to fail signally in one quarter or the other. Either Washington would fall, or the chief towns of Pennsylvania and all the rich regions surrounding them would come into the possession of Gen. Lee's army.

Gen. Hooker penetrated the object of Gen. Lee in concentrating upon the Upper Rappahannock before it was too late. As early as the 12th of June he began to send his sick and wounded to Washington, and to remove his stores. A most formidable invasion by Gen. Lee was soon developed.

On Friday, the 12th of June, it was ascertained at Winchester that a large body of the enemy were moving up the Shenandoah valley. On Saturday an attack was made by the advance of the enemy, under Gen. Rhodes, upon Berryville, which was held by Gen. McReynolds as an outpost of Winchester. The force of Gen. McReynolds was about three thousand men, and the position was midway between Winchester and Snicker's Gap, through which the enemy advanced. The attack was repelled with vigor and firmness for some time, when, in consequence of overwhelming numbers, a retreat upon Winchester was commenced. The 6th Maryland, Col. Horne, with Capt. Alexander's 1st Maryland battery covered the retreat, and maintained their ground until, the enemy closing around them, they were compelled to abandon their guns. A large part of the regiment were made prisoners, but were not disarmed, and, in the confusion which ensued during the darkness of the evening, withdrew unobserved, being familiar with the roads, and escaped.

On the same day, early in the morning, the pickets of Maj.-Gen. Milroy, at Winchester, were driven in by the advance of Gen. Ewell, with the divisions of Gens. Early and Johnson. A detachment was sent out to feel their strength, and an artillery fire was kept up for some time. Gen. Milroy, then in command at Winchester, had a force of seven thousand men, with three batteries of field artillery, and six siege pieces, in a fort. As the forces of the enemy increased during the day, the advanced regiments of Gen. Milroy were compelled to fall back to the cover of the town. Some guns, posted in the outskirts, prevented the enemy from crossing Mill creek that day; but all the country southward from the creek was free to them. During the morning of Sunday, and, in fact, all day, skirmishing took place between the 18th Connecticut and 87th Pennsylvania regiments and the skirmishers of the enemy's force, who were posted in the woods, a mile east of Winchester, on the Berryville road, and extending across to the Front Royal road on the southeast. The Federal troops kept close in upon the town, while the enemy came up to the eastern side of the public cemetery, across which the principal firing took place. About half past four P. M. the skirmishers of the enemy charged up the Berryville and Front Royal roads to the edge of the town, but by a well-directed fire were repulsed in confusion. A charge was now ordered by Gen. Milroy to be made by these two regiments, but the enemy were found to be so well supported in the distant woods that the regiments were compelled to get back as soon as they could.

About five o'clock P. M. the enemy appeared in strong force, with two eight-gun batteries, directly west of the main fort north of the Romney road, which runs directly west from the town, and about fifteen hundred yards from the outworks. These were held by the 110th Ohio, and company L, 5th regiment artillery. After getting his batteries into position and opening fire, Gen. Ewell massed his infantry, and charged across the fields to the very muzzles of the Federal guns, although the latter were fired vigorously. Without a pause, the enemy crossed the ditch, came over the breastworks, and planted their colors on the embankment. The Ohio regiment was driven from the works at the point of the bayonet. Some escaped back

HOLLIDAYSBURG
PENNSYLVANIA
HARRISBURG
CARLISLE
KINGSTON
MECHANICSBURG
SUSQUEHANNA RIV.
COLUMBIA
WRIGHTSVILLE
BRIDGE
YORK
BROAD TOP
HOPEWELL
OAKVILLE
BEDFORD
BLOODY RUN
SHIPPENSBURG
SCOTLAND
MC CONNELLSBURG
CHAMBERSBURG
MARION
GETTYSBURG
HANOVER JUNC
GREEN CASTLE
FAIRFIELD
STATE LINE
BONAUGHTOWN
MARYLAND
HANCOCKS
MORGANTOWN
EMMITSBURG
FRIZLESBURG
CUMBERLAND
TANEYTOWN
HAGERSTOWN
FUNKTOWN
MECHANICSBURG
POTOMAC RIV.
BALTIMORE & OHIO R.R.
WILLIAMSPORT
UNION
WESTMINSTER
FALLING WATERS
BOONSBORO
MIDDLETOWN
MARTINSBURG
SHARPSBURG
FREDERICK
SHEPHARDSTOWN
ROMNEY
BERLIN
BALT. & OHIO R.R.
BALTIMORE
HARPERS FERRY
HALL TOWN
LOVETTSVILLE
CHARLESTOWN
WINCHESTER
WATERFORD
BERRYVILLE
EDWARDS FERRY
POOLESVILLE
LEESBURG
SNICKERS GAP
SENECA
ROCKVILLE
MILL CREEK
SHENANDOAH RIVER
UNION
POTOMAC RIVER
STRASBURG
UPPERVILLE
ASHBY'S GAP
ALDIE
MIDDLEBURG
TENALLYTOWN
GEORGETOWN
WASHINGTON
FRONT ROYAL
SALEM
FAIRFAX C.H.
MANASSAS GAP
THOROUGHFARE GAP
CENTREVILLE
ALEXANDRIA
FAIRFAX ST.
MT. JACKSON
NEW BALTIMORE
GREENWICH
WARRENTON
MANASSAS JUNC.
WASHINGTON
BRISTOL R.R.
OCCOQUAN RIVER
WHITE SULPH. SP.
CURAY C.H.
SPERRYVILLE
DUMFRIES
WARRENTON JUNC.
PORT TOBACCO
BEALTON
RAPPAHANNOCK
CULPEPPER C.H.
ORANGE
RAPIDAN RIV.
ACQUIA CREEK
GERMANIA FORD
MADISON
FALMOUTH
LOCUST GROVE
WILDERNESS
FREDERICKSBURG
STANNARDSVILLE
CHANCELLORSVILLE
MINE RUN
ORANGE C.H.
RAPPAHANNOCK RIVER
RICH. & FREDBG. R.R.
POTOMAC RIVER
GORDONSVILLE
CHARLOTTESVILLE
NORTH ANNA RIV.
HANOVER C.H.
SCALE OF MILES
0 10 20 30 40
WATERS-SON SC NY

to the main fort, and the remainder were captured or killed.

Gen. Milroy, finding that the enemy were on the east, south, and west of him, and were moving toward the Martinsburg road, which runs north from the town, ordered all the troops and artillery from the south and east into the line of earthworks encircling the main works, when the contest between the Federal artillery and that of the enemy continued until night. At that time the second brigade, under Col. Ely, occupied the town and the space to the main fort on the northwest; the first brigade, under Gen. Elliott, occupied the main fort, and the third, under Col. McReynolds, was posted in the Star fort, north of the main fort. Soon after dark the enemy charged across the ravine between their new position and the main fort, but met such a fire as quickly repulsed them. Quiet then prevailed.

At one o'clock, on Monday morning, Gen. Milroy called a council of brigade commanders, and it was decided to abandon the position, and retreat to Harper's Ferry. The troops were then quickly put in motion, taking nothing except what they had upon their persons. They marched on the road to Martinsburg about four miles, when they encountered a strong force of the enemy, upon whom an advance was made and repulsed. The 18th Connecticut and 5th Maryland regiments, being on the left of the line, were captured almost entire. Of the remainder, about 1,600 reached Maryland Heights; about 400 Hancock and Cumberland, and about 1,700 Bloody Run. Three full batteries of field artillery, and all the siege guns in the Star fort and the main fort, were taken by the enemy; also the quartermaster's and commissary's stores, the ammunition of all kinds, 6,000 muskets, 200 wagons with horses and mules, and all the private baggage of officers and men. The dead and wounded were left on the field and along the roadside as they fell. On Tuesday a large train of wagons, which had left Gen. Milroy early on Sunday, arrived at Harrisburg. It had not been molested.

Maj.-Gen. Milroy had previously rendered himself very obnoxious to the enemy, in consequence of rigorous measures adopted by him in Western Virginia. Their hatred to him was so bitter that a reward of ten thousand dollars was offered for his head.

Subsequently a court of inquiry was ordered, preliminary to a court martial, upon the conduct of Gen. Milroy at Winchester. The report of the Judge Advocate-General, with the evidence elicited, was laid before the President, who rendered the following decision:

In June last a division was substantially lost at and near Winchester, Va. At the time it was under Gen. Milroy, as immediate commander in the field, Gen. Schenck, as department commander at Baltimore, and Gen. Halleck, as commander-in-chief at Washington. Gen. Milroy, as immediate commander, was put under arrest, and subsequently a court of inquiry examined chiefly with reference to disobedience of orders, and reported the evidence.

The foregoing is a synoptical statement of the evidence, together with the Judge Advocate-General's conclusions. The disaster, when it came, was a surprise to all. It was well known to Gen. Schenck and Gen. Milroy for some time before that Gen. Halleck thought that the division was in general danger of a surprise at Winchester; that it was of no service there commensurate with the risk it incurred, and that it ought to be withdrawn. But, although he more than once advised its withdrawal, he never positively ordered it.

Gen. Schenck, on the contrary, believed the service of the force at Winchester was worth the hazard, and so did not positively order its withdrawal until it was so late that the enemy cut the wire and prevented the order reaching Gen. Milroy. Gen. Milroy seems to have concurred with Gen. Schenck in the opinion that the forces should be kept at Winchester, at least until the approach of danger; but he disobeyed no order upon the subject.

Some question can be made whether some of Gen. Halleck's despatches to Gen. Schenck should not have been construed to be orders to withdraw the force and obeyed accordingly; but no such question can be made against Gen. Milroy. In fact, the last order he received was to be prepared to withdraw, but not actually to withdraw till further order—which further order never reached him.

Serious blame is not necessarily due to every serious disaster, and I cannot say that in this case either of these officers is deserving of serious blame. No court martial is deemed necessary or proper in the case.

A. LINCOLN.

Maj.-Gen. Halleck, in his annual report, dated Nov. 15th, says:

Winchester and Martinsburg were at this time occupied by us simply as outposts. Neither place was susceptible of a good defence. Directions were therefore given on the 11th of June to withdraw those garrisons to Harper's Ferry; but these orders were not obeyed, and on the 13th Winchester was attacked and its armament and a part of the garrison captured.

On Sunday, the 14th, about 4 P. M., Gen. Rhodes, who had been instructed, after dislodging the force at Berryville, to cut off the communications between Winchester and the Potomac, appeared before Martinsburg, north of Winchester, and demanded its surrender of Gen. Tyler, who was in command. This was refused, and an attack was made, which Gen. Tyler resisted until dark. He then prepared to evacuate the position. This movement being discovered by the enemy, the attack was renewed, and a bloody contest followed, which was kept up until he reached the Potomac river. He then crossed at Shepherdstown, and subsequently moved to Harper's Ferry with his forces.

The following is Gen. Lee's report of the taking of Martinsburg:

CULPEPPER COURT HOUSE, *June 18th*, 1863.

Gen. S. Cooper, Adjutant and Inspector-General:

GENERAL: On the afternoon of the 14th, Gen. Rhodes took possession of Martinsburg, capturing several pieces of artillery, more than two hundred prisoners, and a supply of ammunition and grain.

Our loss was one killed and two wounded.

R. E. LEE, General.

Gen. Lee subsequently reported that more than four thousand prisoners, twenty-nine pieces of artillery, two hundred and seventy wagons and ambulances, with four hundred horses, were captured in these operations, besides a large amount of military stores.

On Monday morning a body of the enemy's cavalry, under Col. Jenkins, estimated at two thousand in number, crossed the Potomac at Williamsport, north of Martinsburg, without opposition, and immediately moved northward through Hagerstown to Greencastle, Pennsylvania, and thence to Chambersburg, where they arrived on Tuesday night. There was no Federal force at either of these places to oppose them. The only hostile acts of this force were the seizure of horses, cattle, and forage; goods were purchased at stores and paid for in Confederate scrip. On Tuesday afternoon a small force of Confederate infantry crossed the Potomac at Williamsport, for the purpose of guarding the passage until the return of the cavalry expedition.

The Baltimore and Ohio railroad managers, on seeing the approaching danger, had removed from their road all cars and engines for the space of one hundred miles, between Harper's Ferry and Cumberland.

The rest of the force which advanced up the Shenandoah valley was massed in the vicinity of Harper's Ferry, apparently threatening an attack upon that place, although it remained quiet. A band of guerrillas, under Col. Moseby, numbering about one hundred and fifty, on Saturday entered Loudon county, Va., and spread themselves about from Halltown to Waterford in small squads. On Sunday and Monday they were slightly reënforced. On Wednesday this force crossed the Potomac, and captured a small squad of home guards stationed there. They afterward intercepted a train of twenty-two freight cars, most of which were empty, that were returning to Baltimore from Harper's Ferry. The cars were burned, and the locomotives badly injured. The enemy then returned to the Virginia side of the river, but maintained their pickets along the banks. The force at Chambersburg, taking all the negroes with them, returned on Wednesday night to Hagerstown. The bridge at Scotland, five miles east of Chambersburg, was burned by them. From Hagerstown a detachment was sent to McConnellsburg, where it arrived on Friday morning, the 19th. The town was completely surprised, and large numbers of horses and cattle were captured. Many of the horses were returned upon the intercession of the owners. Goods were obtained from the stores in large quantities. The enemy then retired, but on the next day, a small body of them were captured in the neighborhood by a regiment of New York cavalry.

McConnellsburg is the capital of Fulton county, Pennsylvania. It is situated on the turnpike from Philadelphia to Pittsburg, and is seventy miles west of southwest from Harrisburg. The population is about eight hundred.

A small force appeared at Hancock, Md., on the 18th, and burned the canal boats there, but were driven off by a cavalry force from the command of Col. Gallagher, attached to the corps of Gen. Kelly. Cumberland, further west on the Potomac, was occupied by about nine hundred cavalry under Col. Imboden, on the 17th. No damage, however, was done. All the bridges on the Baltimore and Ohio railroad, from Harper's Ferry to Cumberland, a distance of one hundred miles, were destroyed. West of Cumberland the road was torn up at Brady's Station, which was east of New Creek, where the Federal forces were stationed. Meantime small bands of cavalry were sent out from Hagerstown and Frederick, to seize horses and cattle, large numbers of which were captured and driven across the Potomac to the Confederate army. These operations produced an unparalleled excitement in Washington and throughout the Northern States. They were regarded as indicating the approach of Gen. Lee with an immense army. It was known that he had commenced a movement, and that the Army of the Potomac was also in motion, but all information of the position of each army was carefully withheld from the knowledge of the public. Under this uncertainty, all measures taken by the Government for defence, which became known, tended to increase the excitement. Vast efforts were made with the utmost promptness and vigor, to prepare to resist successfully the invasion.

Upon the first complete news of the attack upon Winchester, the President issued the following proclamation:

Whereas, the armed insurrectionary combinations now existing in several of the States are threatening to make inroads into the States of Maryland, West Virginia, Pennsylvania, and Ohio, requiring immediately an additional military force for the service of the United States:

Now, therefore, I, Abraham Lincoln, President of the United States, and Commander-in-Chief of the Army and Navy thereof, and of the militia of the several States when called into actual service, do hereby call into the service of the United States one hundred thousand militia from the States following, namely:

From the State of Maryland ten thousand.
From the State of Pennsylvania fifty thousand.
From the State of Ohio thirty thousand.
From the State of West Virginia ten thousand.

To be mustered into the service of the United States forthwith, and to serve for the period of six months from the date of such muster into said service, unless sooner discharged; to be mustered in as infantry, artillery, and cavalry, in proportions which will be made known through the War Department, which department will also designate the several places of rendezvous.

These militia are to be organized according to the rules and regulations of the volunteer service, and such orders as may hereafter be issued.

The States aforesaid will be respectively credited under the enrolment act for the militia service rendered under this proclamation.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 15th day of June, in the year of our Lord 1863, and of the independence of the United States the eighty-seventh.

By the President: ABRAHAM LINCOLN.
WM. H. SEWARD, Secretary of State.

On the same day, a telegraphic despatch was sent to Governor Seymour of New York, calling for twenty thousand militia immedi-

ately. On the same day the Governor replied, and ordered the troops out, as appears by the following sub-orders:

HEADQUARTERS FIRST BRIGADE N. Y. S. N. G.,
NEW YORK, *June* 15*th*, 1863.

By order of the Commander-in-Chief of the State of New York, the several regiments of this brigade will hold themselves in readiness to depart for Philadelphia at once, on short notice. By order of

Brigadier-General C. B. SPICER.

R. H. HOADLEY, Brigade Major and Inspector.
WILLIAM D. DIMOCK, Aide-de-Camp.

Order No. 3.

HEADQUARTERS, 543 BROADWAY,
NEW YORK, *June* 15*th*, 1863.

Commandants of regiments of the Third Brigade N. Y. N. G., are hereby directed to report to General Wm. Hall, at his quarters, at six o'clock on Tuesday morning, by order of the Commander-in-Chief, Horatio Seymour, to be ready to go to Philadelphia at once, on short service.

The brigade drill for the 17th inst. is hereby countermanded. By order, General WM. HALL.

J. K. SMITH, Quartermaster.

The response of the Governor of New York was thus approved by the authorities at Washington:

WASHINGTON, *June* 15*th*, 1863.

GOVERNOR SEYMOUR: The President directs me to return his thanks, with those of the Department, for your prompt response. A strong movement of your city regiments to Philadelphia would be a very encouraging movement, and do great good in giving strength to that State.

EDWIN M. STANTON, Secretary of War.

The Governor of Pennsylvania, on the same day, issued the following proclamation:

The State of Pennsylvania is again threatened with invasion, and an army of rebels is approaching our borders. The President of the United States has issued his proclamation, calling upon the State for fifty thousand men. I now appeal to all the citizens of Pennsylvania, who love liberty and are mindful of the history and traditions of their Revolutionary fathers, and who feel that it is a sacred duty to guard and maintain the free institutions of our country, who hate treason and its abettors, and who are willing to defend their homes and firesides, and do invoke them to rise in their might and rush to the rescue in this hour of imminent peril. The issue is one of preservation or destruction. It involves considerations paramount to all matters of mere expediency, and all questions of local interest. All ties—social and political—all ties of a personal and partisan character, sink by comparison into insignificance. It is now to be determined by deeds, and not by words alone, who are for us and who are against us. That it is the purpose of the enemy to invade our borders with all the strength he can command, is now apparent. Our only defence rests upon the determined action of the citizens of our free commonwealth.

I therefore call upon the people of Pennsylvania, capable of bearing arms, to enroll themselves in military organizations, and to encourage all others to give aid and assistance to the efforts which will be put forth for the protection of the State and the salvation of our common country.

ANDREW J. CURTIN, Governor.

At the same time, he sent a message to the Governor of New Jersey, requesting the aid of troops from that State. The Secretary of War also sent a request to the Governor for troops. The Governor of New Jersey immediately issued the following call for men:

EXECUTIVE CHAMBER, TRENTON, N. J., *June* 16, 1863.

JERSEYMEN: The State of Pennsylvania is invaded. A hostile army is now occupying and despoiling the towns of our sister State. She appeals to New Jersey, through her Governor, to aid in driving back the invading army. Let us respond to this call upon our patriotic State with unprecedented zeal.

I therefore call upon the citizens of this State to meet and organize into companies, and report to the Adjutant-General of the State as soon as possible, to be organized into regiments as the militia of New Jersey, and press forward to the assistance of Pennsylvania in this emergency. The organization of these troops will be given in general orders as soon as practicable.

JOEL PARKER.

S. M. DICKINSON, Private Secretary.

On the 16th, the Governor of Maryland issued the following proclamation:

Whereas, the President of the United States, by his proclamation of the 15th instant, calling into the service of the Government the militia of several of the States now threatened with invasion by the insurgents in arms against the Union, has designated ten thousand men as the quota of Maryland, required for the special purpose of protecting her own soil, it becomes us to respond with the least possible delay earnestly and effectually to the call thus made upon us. The entire want of any efficient organization of the militia of the State makes it necessary to provide the required force either by volunteers or by draft. The term of their service will be six months, and the State will be credited under the recent enrolment act with the number thus furnished.

Whether we look to the purpose for which this force is required, to the success or efficiency of its operations, or to the probable movements of other States embraced in the same appeal, every consideration connected with the subject demands that the call should be met by an offer of volunteers. When our own territory is threatened by an invader, let it never be said that we lacked the spirit to meet the emergency or looked to others to provide for our defence.

Whilst, therefore, measures will immediately be taken to provide by draft from the recent enrolment whatever of the force now called for is not promptly furnished by volunteers, I would earnestly appeal to the patriotism and pride of every Marylander so to respond to the call now made upon them as to leave no necessity to raise a single company by any compulsory process.

The ten thousand men required of us will be organized into eight regiments of infantry, one regiment of cavalry, and two batteries of artillery, and though required to be of the maximum standard, they will be mustered into the service of the United States, armed and equipped, whenever they can muster the minimum number required in each.

The volunteer militia organizations now existing in the city of Baltimore and other parts of the State, are earnestly invited to call their members together and make their respective commands a nucleus for the formation of a complete regiment.

Whenever a battalion or company, or a majority of their respective members, shall make such offer of their services, they will report to Major Wharton, No. 65 Fayette street, who will designate a place of regimental rendezvous, and an effort will be made to obtain from the War Department permission to muster in the several companies, as soon as formed, without waiting for the complete regimental organization.

In witness whereof I have hereunto set my hand and affixed the great seal of the State, this 16th day of June, 1863. A. W. BRADFORD.

WM. B. HILL, Secretary of State.

The Governor of West Virginia issued the following order to commanding officers:

The commandants of regiments and companies of Virginia militia will immediately call their companies

and regiments together, to be held in readiness to go to the field at an hour's warning, and will provide such means as shall be effectual in giving immediate notice to all. Arms and equipments will be furnished at the several places of rendezvous.

The enemies of our liberty and prosperity are again threatening our peaceful homes.

Citizen soldiers, stand by your firesides and defend them against the common foes of a free government.

Make every available spot a rifle pit from which to slay the enemy.

You know the roads and the passes. Show yourselves to be worthy of your sires, who gave you the inestimable blessings of freedom and independence.

F. H. PIERPOINT, Governor.

The Governor of Ohio made the following appeal to the citizens of the State:

STATE OF OHIO, EXECUTIVE DEPARTMENT, COLUMBUS, O., *June 15th*, 1863.

TO THE PEOPLE OF OHIO.

Lee's rebel army is advancing in force upon Pennsylvania, Western Virginia, and the eastern portion of our own State. To meet this horde of rebels, the President of the United States has, by proclamation, called out one hundred thousand militia for the period of six months, unless sooner discharged. Of this force, thirty thousand are called from Ohio; and now, gallant men of Ohio, will you promptly respond to this necessary call, without hesitancy? I have assured the President that you would do so. Remember that our own sacred homes are threatened with pillage and destruction, and our wives and daughters with insult. To the rescue then at once, and thus save all that is dear to men. As we have but few, if any, regularly organized companies of volunteer militia, I can but invite and implore you to duty. The few companies which have been recently organized are requested to repair at once, with their entire force, to the camps hereinafter indicated. All others will go forward in squads and be organized into companies after their arrival in camp, for which purpose efficient officers will be designated. Railroad transportation has been duly provided, and every provision necessary for the comfort of the men after their arrival in camp. A reasonable allowance will be made to each volunteer for his subsistence when *en route* to the camp. The pay and allowance for clothing will be the same as that of the volunteer service. Should more respond than the Government requires, the surplus men will be returned to their homes free of all expense to themselves, with the regular pay for the period necessarily absent.

The military committees of the several counties are especially requested to exert themselves in securing a prompt response to this call. The troops will all be organized into regiments and well armed before being ordered into service.

And now, fellow citizens of the State, in the name and behalf of the best Government on earth, let me implore you to lay aside all other duties and obligations, and come forward promptly and cheerfully for the preservation of all that is dear to us. You will thus secure the gratitude of your children's children, and the smiles and blessings of Heaven.

DAVID TOD, Governor.

The utmost activity now prevailed to hasten forward troops to the centre of Pennsylvania. In New York, the Major-General of the First Division of State militia issued the following order:

HEADQUARTERS FIRST DIVISION N. Y. S. M., NEW YORK, *June 16th*, 1863.

The regiments of this division are directed to proceed forthwith to Harrisburg, in Pennsylvania, to assist in repelling the invasion of that State.

The United States Quartermaster and Commissary will furnish transportation and subsistence upon the requisition of regimental quartermasters, countersigned by the colonels.

The term of service will not exceed thirty days.

Commandants of brigades and regiments will report to the Major-General the numbers ready for transportation, and will receive directions as to the route and time of embarkation.

Each man will provide himself with two days' cooked provisions.

By order of Major-Gen. CHAS. W. SANFORD.
J. H. WILCOX, Division Inspector.

This division consisted of four brigades. The first brigade, under Gen. C. B. Spicer, was composed of the 1st, 2d, 3d, 71st, and 73d regiments. The second brigade, under Gen. Chas. Yates, was composed of the 4th, 5th, 6th, and 12th regiments. The third brigade, under Gen. Hall, was composed of the 7th, 8th, 37th, and 55th regiments. The fourth brigade, under Gen. Ewen, was composed of the 11th, 22d, and 69th regiments.

On that day there went forward the 7th regiment, 650 men. On the 18th, the 8th, 371 men; 11th, 762 men; 23d, 626 men, and 71st, 737 men. On the 19th, the 5th, 828 men; 12th, 684 men; 22d, 568 men; 37th, 693 men; 65th, 555 men, and 74th, 504 men. On the 20th, the 4th, 560 men; 13th, 496 men; 28th, 484 men; 56th, 476 men. On the 22d, the 6th, 656 men; 52d, 351 men; 69th, 600 men. On the 23d, the 67th, 400 men. On the 24th, the 55th, 350 men; 68th, 400 men. On the 26th, the 47th, 400 men. On the 27th, the 21st, 600 men. On July 3d, the 17th, 400 men; 18th, 400 men; 84th, 480 men. The total number sent between the 15th of June and the 3d of July was 13,971 men. During the same time scattered detachments of volunteers in the State to the number of 1,827 men were organized and equipped and ordered to Harrisburg.

On the 19th of June the following despatch was sent to the Adjutant-General of the State:

WAR DEPARTMENT, WASHINGTON CITY, *June 19th*, 1863.

To Adjutant-General Sprague:

The President directs me to return his thanks to His Excellency Gov. Seymour, and his staff, for their energetic and prompt action. Whether any further force is likely to be required will be communicated to you to-morrow, by which time it is expected the movements of the enemy will be more fully developed.

(Signed) EDWIN M. STANTON,
Secretary of War.

Again, on the 27th, the following despatch was sent to the governor of the State by the Secretary of War:

WAR DEPARTMENT, WASHINGTON CITY, *June 27*, 1863.

DEAR SIR: I cannot forbear expressing to you the deep obligation I feel for the prompt and cordial support you have given the Government in the present emergency. The energy and patriotism you have exhibited I may be permitted personally and officially to acknowledge, without arrogating any personal claims on my part, to such service, or any service whatever.

I shall be happy always to be esteemed your friend,
EDWIN M. STANTON.

His Excellency HORATIO SEYMOUR.

The Governor of New Jersey, in answer to the request of the Governor of Pennsylvania, for the further services of the nine months'

men, then returning from the war, immediately tendered the services of the 22d regiment, which had not been disbanded. It left for Harrisburg on the 17th. Other regiments of nine months' volunteers, then returned, tendered their services. By the 20th more than two thousand men had gone forward. Some single companies proceeded to Harrisburg. The entire State sent forward several thousand men. On the 22d the Governor ordered the troops to return home, as the emergency had apparently passed.

In Pennsylvania, the first efforts of the Governor were directed to obtain troops from Washington. These failed entirely. On the 16th he issued the following appeal to the people of Philadelphia:

To the People of Philadelphia:

For nearly a week past it has been publicly known that the rebels in force were about to enter Pennsylvania. On the 12th instant, an urgent call was made on the people to raise Department Army Corps for the defence of the State. Yesterday, under the proclamation of the President, the militia was called out. To-day a new and pressing exhortation has been given to furnish men, but Philadelphia has not responded.

Meanwhile the enemy is six miles this side of Chambersburg and advancing rapidly.

Our capital is threatened, and we may be disgraced by its fall, while the men who should be driving these outlaws from our soil are grumbling about the possible term of service for six months. It was never intended to keep them beyond the continuance of the emergency.

You all know this by what happened when the militia was called out last autumn. You then trusted your Government, and were not deceived. Trust to it again now. I will accept men without reference to the six months. If you do not wish to bear the ignominy of shirking from the defence of your State, come forward at once. Close your places of business and apply your hearts to the work. Come in such organizations as you can form. Gen. Couch has appointed Lieut.-Col. Ruff to superintend your organization. Report to him immediately. (Signed) A. G. CURTIN,
Governor.

At the same time the Governor gave notice that he would receive men without the requirement of six months' service, and arrangements were made with the railroads to furnish transportation to Harrisburg upon application of the officers of militia companies. On the 16th, Lancaster sent five hundred men to Harrisburg, and Reading a regiment. The militia at Harrisburg were reorganized and armed. On the 17th thousands of men reached Harrisburg from different parts of the State. The following list of some of the organizations shows that the interior of the State was aroused to action:

One hundred and twenty-seventh regiment (Col. Jennings), Harrisburg, 1,000 men.
First Pennsylvania Militia (Col. R. A. Lamberton), Harrisburg, 1,000.
Capt. William H. Connechan, Bradford, 105 men.
Capt. J. M. Gregory, Lehigh, 70 men.
Capt. J. H. Holion, Lehigh, 70 men.
Capt. J. M. Broomall, Delaware, 71 men.
Capt. G. T. Waters, Northampton, 53 men.
Capt. William R. Ash, Chester, 100 men.
Capt. J. G. Eicholtz, Chester, 53 men.
Capt. J. B. Davis, Northumberland, 50 men.
Capt. John McClay, Northumberland, 71 men.
Capt. William Stoel, Chester 50 men.
Capt. W. McVeigh, Chester, 60 men.
Capt. W. M. Hinkson, Chester, 45 men.
Capt. W. C. Dickey, Chester, 48 men.
Capt. E. F. James, Chester, 63 men.
Capt. George B. Thomas, Chester, 57 men.
Capt. Charles Roberts, Chester, 40 men.
Capt. R. D. Townsend, Chester, 16 men.
Capt. A. Ricketts, Luzerne, 56 men.
Capt. R. F. Clark, Columbia, 90 men.
Capt. J. B. Grantiers, Bradford, 71 men.
Capt. J. D. Jenkins, Chester, 82 men.
Capt. James Dickson, Luzerne, 40 men.
Capt. H. Bloss, Northampton, 35 men.
Capt. J. F. Ramsey, Montour, 70 men.
Capt. D. A. Smith, Schuylkill, 105 men.
Capt. T. J. Sleppy, Columbia, 31 men.
Capt. Wm. B. Mann, Philadelphia, 100 men.
Spencer Miller's battery.

By the 20th about twenty-five thousand citizens of Pennsylvania had taken the field. The imperfection of the militia law of the State was such that no regimental or brigade organizations were in existence. A few days later, as the army of Gen. Lee entered the State, and the serious character of the invasion became apparent, the Governor issued the following address:

Pennsylvanians! In the name and by the authority of the Commonwealth of Pennsylvania, Andrew G. Curtin, Governor of the said Commonwealth:

A PROCLAMATION.

The enemy is advancing in force into Pennsylvania. He has a strong column within twenty-three miles of Harrisburg, and other columns are moving by Fulton and Adams counties, and it can no longer be doubted that a formidable invasion of our State is in actual progress.

The calls already made for volunteer militia in the exigency, have not been met as fully as the crisis requires.

I therefore now issue this my proclamation, calling for sixty thousand men, to come promptly forward to defend the State. They will be mustered into the service of the State for a period of ninety days, but will be required to serve only so much of the period of muster as the safety of our people and the honor of our State may require. They will rendezvous at points to be designated in the general order to be issued this day by the Adjutant-General of Pennsylvania, which order will also set forth the details of the arrangements for organization, clothing, subsistence, equipments, and supplies.

I will not insult you by inflammatory appeals. A people who want the heart to defend their soil, their families, and their firesides, are not worthy to be counted men. Heed not the counsels of evil-disposed persons, if such there be in your midst. Show yourselves what you are—a free, loyal, spirited, brave, vigorous race. Do not undergo the disgrace of leaving your defence mainly to the citizens of other States. In defending the soil of Pennsylvania we are contributing to the support of our National Government and vindicating our fidelity to the national cause. Pennsylvania has always, heretofore, responded promptly to all the calls made by the Federal Government, and I appeal to you, now, not to be unmindful that the foe that strikes at our State, strikes through our desolation at the life of the republic.

Our people are plundered and driven from their homes solely because of their loyalty and fidelity to our free institutions.

People of Pennsylvania, I owe to you all my faculties, my labors, my life. You owe to your country your prompt and zealous services and efforts. The time has now come when we must all stand or fall together in the defence of our State, and in the support of our Gov-

ernment. Let us so discharge our duty that posterity shall not blush for us.

Come heartily and cheerfully to the rescue of our noble commonwealth. Maintain now your honor and freedom.

Given under my hand and the great seal of the State, at Harrisburg, this the 26th day of June, in the year of our Lord one thousand eight hundred and sixty-three, and of the Commonwealth the eighty-seventh.

By the Governor, A. G. CURTIN.

ELI SLIFER, Secretary of the Commonwealth.

In Maryland, on the 16th, various uniformed organizations of Baltimore tendered their services to the Governor for six months. Vigorous efforts were made to enlist recruits under the call of the President, with small success. The troops, however, which could be raised were retained for the defence of Baltimore.

From Delaware, two regiments, the 5th and 6th, numbering 1,919 men, raised for State defence, were sent into Maryland, and placed as guards of the railroads.

From West Virginia no troops came forward at this time.

Offers of troops for the emergency were made by the Governors of several States to the President. But their distance from the scene of operations, or the impression that the force at hand was sufficient, prevented the acceptance of them.

The call of the President for one hundred thousand men served to authorize the reception of troops for the emergency, which could be put into the field at once, but there was not sufficient time to create new organizations, or to fill up regiments partly organized.

Meantime the construction of defensive works was immediately commenced at Harrisburg, which was supposed to be the first point of attack. The records of the State and the specie in the banks were removed to places of security.

The scenes in that capital, on the 16th, were thus described by a spectator:

The morning broke upon a populace all astir, who had been called out of bed by the "beat of the alarming drum," the blast of the bugle, and the clanging of bells. The streets were lively with men, who were either returning from a night's work on the fortifications, or going over to relieve those who were toiling there. As the sun rose higher the excitement gathered head. All along the streets were omnibuses, wagons, and wheelbarrows, taking in trunks and valuables, and rushing them down to the depot, to be shipped out of rebel range. The stores, the female seminaries, and almost every private residence, were busy all of the forenoon in swelling the mountain of freight that lay at the depot. Every horse was impressed into service, and every porter groaned beneath his weight of responsibilities.

The scene at noon at the depots was indescribable, if not disgraceful. A sweltering mass of humanity thronged the platform, all furious to escape from the doomed city.

At the bridge and across the river the scene was equally exciting. All through the day a steady stream of people on foot and in wagons, young and old, black and white, was pouring across it from the Cumberland valley, bearing with them their household gods and all manner of goods and stock. Endless trains, laden with flour, grain, and merchandise, hourly emerged from the valley, and thundered across the bridge and through the city. Miles of retreating baggage wagons, filled with calves and sheep tied together, and great old-fashioned furnace wagons, loaded with tons of trunks and boxes, defiled in continuous procession down the pike and across the river, raising a dust that marked the outline of the road as far as the eye could see.

The proceedings at Pittsburg, for the defence of that city, were thus described on Friday, the 19th:

Work on the city defences is still progressing vigorously, and some of the more important works are now ready to receive the guns. The number of men employed on the fortifications yesterday was four thousand six hundred and five. The works are on Herron's Hill, on Harrison's Hill, on Mount Washington, on Squirrel Hill, and on Negley's Hill. There are upward of five thousand men in the trenches to-day, and with such a large working force it cannot take many days to finish the works now in hand. Gen. Bernard, with a competent staff of engineers, was engaged in laying out new works yesterday on the outer side of the Alleghany, so as to render the city secure against an advance from that direction. Works have also been laid out near Turtle creek and other important points.

The activity in Baltimore to prepare for defence is thus reported:

The work of erecting barricades progressed rapidly on Friday and Saturday, and on Sunday morning the entire circle of the city was completed and ready for military occupation at any moment that the scouts should announce the approach of the enemy. The erection of lines of intrenchments and fortifications on all the approaches to the city have also progressed rapidly. On Saturday about one thousand colored men were gathered by the police from different sections of the city, causing much excitement among that portion of our population as they were marched out to the different locations for the defensive works. At night another force was secured to relieve those who had been at work throughout the day, and another relief gang was provided on Sunday morning and evening, so that rapid progress has been made, and the works are now ready for immediate use.

Meanwhile the movements of Gen. Lee upon the headwaters of the Rappahannock had been made in such force as to lay Gen. Hooker under the necessity of hastily breaking up his camp at Falmouth, and taking new positions to meet this demonstration. On Saturday, the 13th, his army began to move from Falmouth, and during Sunday the stores were removed from Aquia Creek to Alexandria by twenty-six steamers, employed for that purpose. The storehouses and railroad buildings were not destroyed at that time, as the gunboats commanded the place. On the 21st, a small party of the enemy burned the quartermaster's buildings and the wharf. The buildings and wharf known as Urba Switch were not burned.

On Sunday morning the force on the Fredericksburg side recrossed, and on that day the last of Gen. Hooker's army left Falmouth. The corps of Gens. Longstreet and Ewell, of the Confederate army, passed through Culpepper just one week previous, and the latter marched into the Shenandoah valley against Winchester, &c.

The march of Gen. Hooker's army was rapid, and at times disorderly. Bridges broke down beneath the teams; droves of horses became frightened, and rushed through the column like a tornado; and the men, choked with dust, straggled into the fields in search of water and

rest under the inviting shadows of the trees. On Sunday night the troops encamped at Dumfries, which is about midway between Falmouth and Fairfax. The design of Gen. Lee in massing his troops at Culpepper, to fall upon the right of Gen. Hooker, and intercept his communications by land with Washington, was thus defeated. A few guns were heard in the direction of Thoroughfare Gap; but with this exception everything seemed quiet along the lines. On Monday the army advanced to the neighborhood of the Bull Run battle field. The third corps reached Manassas Junction in the morning; the first and eleventh arrived at Centreville; and the second, fifth, sixth, and twelfth corps came up at night. Thus the whole country south of the Occoquan was left to the enemy. During the march, the cavalry acted on the flanks, and rendered great service in making reconnoissances. Gen. Gregg and his division operated in the neighborhood of Warrenton and White Sulphur Springs. Gen. Duffie's division, previously Gen. Averill's, moved to the base of the Blue Ridge, near Ashby's Gap. Gen. Buford, with the regulars, occupied Thoroughfare Gap, preventing an approach of the enemy through that passage. Col. Tyler, temporarily in command of Gen. Wyndham's brigade, guarded the Orange and Alexandria railroad. The defence of Washington had been the object of Gen. Hooker's movements thus far, and he occupied the position which he considered to be best to defeat any designs of the enemy upon that city. It remained therefore for Gen. Lee to attack Gen. Hooker in the old intrenchments before Washington or to move into Maryland.

On Wednesday, the 18th, a detachment of cavalry, consisting of the 2d and 4th New York, 6th Ohio, 1st Massachusetts, under command of Col. Kilpatrick, and the 1st Maine of Gen. Gregg's brigade, encountered a body of Confederate cavalry, under Col. Rousseau. Col. Kilpatrick was leading the advance of the Federal cavalry, moving from Fairfax Court House to Aldie. The enemy's force, consisting of cavalry and mounted infantry, coming from the direction of Snicker's Gap, reached Aldie two hours in advance of the Federal force, and, learning of the approach of the latter, posted themselves in commanding positions. Col. Kilpatrick charged upon them and drove them through the town, beyond which a stand was made, at a point where a Confederate battery of four guns was posted in the road to Ashby's Gap. The enemy occupied the wooded hills and stone walls toward Snicker's Gap. Here a desperate contest ensued for three hours, during which repeated charges were made on each side. The arrival of the 1st Maine, Col. C. S. Douty, gave such strength to Col. Kilpatrick as caused the enemy to retire. During the retreat toward Ashby's Gap, they were attacked near Middleburg by the 1st Rhode Island, Col. Duffie, which had come up through Thoroughfare Gap. The loss was severe on both sides. Several prisoners were taken by Col. Kilpatrick. This force defeated was the advance of a larger force of Gen. Stuart, who was moving to the right and rear of Gen. Hooker.

On Saturday, the 21st, another cavalry contest took place, which was thus reported by Gen. Pleasanton, who commanded the Federal force:

HEADQUARTERS CAVALRY CORPS,
CAMP NEAR UPPERVILLE, 5.30 P. M., *June 21st.*

Brig.-Gen. S. Williams:

GENERAL: I moved with my command this morning to Middleburg, and attacked the cavalry force of the rebels under Stuart, and steadily drove him all day, inflicting a heavy loss at every step.

I drove him through Upperville into Ashby's Gap. We took two pieces of artillery, one being a Blakely gun, and three caissons, besides blowing up one; also, upward of sixty prisoners, and more are coming in; a lieutenant-colonel, major, and five other officers; besides a wounded colonel, and a large number of wounded rebels left in the town of Upperville. They left their dead and wounded upon the field; of the former I saw upward of twenty. We also took a large number of carbines, pistols, and sabres. In fact it was the most disastrous day to the rebel cavalry. Our loss has been very small both in men and horses. I never saw the troops behave better or under more difficult circumstances. Very heavy charges were made, and the sabre used freely, but always with great advantage to us. A. PLEASANTON, Brig.-Gen.

On Monday, June 15th, the day on which Gen. Hooker's army reached the neighborhood of Bull Run, Gen. Milroy retreated from Winchester and Gen. Tyler from Martinsburg, as above stated. It would have been dangerous for Gen. Lee to have attacked Gen. Hooker in the advantageous position which he now held. Gen. Lee reports as follows:

The whole army of Gen. Hooker withdrew from the line of the Rappahannock, pursuing the roads near the Potomac, and no favorable opportunity was offered for attack. It seemed to be the purpose of Gen. Hooker to take a position which would enable him to cover the approaches to Washington City. With a view to draw him farther from his base, and at the same time to cover the march of A. P. Hill, who, in accordance with instructions, left Fredericksburg for the valley as soon as the enemy withdrew from his front, Longstreet moved from Culpepper Court House on the 15th, and, advancing along the east side of the Blue Ridge, occupied Ashby's and Snicker's Gaps. His force had been augmented while at Culpepper by Gen. Pickett, with three brigades of his division.

The cavalry, under Gen. Stuart, was thrown out in front of Longstreet to watch the enemy, now reported to be moving into Loudon. On the 19th his cavalry encountered two brigades of ours, under Gen. Stuart, near Aldie, and was driven back with loss. The next day the engagement was renewed, the Federal cavalry being strongly supported by infantry, and Gen. Stuart was in turn compelled to retire.

The enemy advanced as far as Upperville, and then fell back.

The attention of Gen. Hooker was so occupied by the attempts to seize Thoroughfare Gap, Aldie, and portions of the Orange and Alexandria railroad, as to make it appear to be the intention of Gen. Lee to move upon the Federal army from these points. So skilfully was this done that the impression prevailed in the North that the blow would be struck at Gen. Hooker's army in its position,

and that the emergency in Pennsylvania had passed away. Thus, on this ground, the Governor of New Jersey considered it safe to recall the troops from Pennsylvania. Meanwhile, Gen. Lee was gathering the fruits of the surrender of Winchester, and preparing to move his army across the Potomac. The demonstrations of Gen. Ewell in Pennsylvania having failed to cause the army of Gen. Hooker to leave Virginia, and as it did not seem disposed to advance on Gen. Longstreet, the latter was withdrawn to the west side of the Shenandoah. At the same time the progress of Gen. Ewell rendered it necessary that Gen. Lee should be within supporting distance. As soon therefore as the fords of the Potomac between Harper's Ferry and Williamsport were well seized by his advance, his main body began to move. This was as early as Sunday, the 21st—the day of Gen. Pleasanton's cavalry skirmish. On that day, Gen. Lee issued the following order to his army:

HEADQUARTERS ARMY NORTHERN VIRGINIA, *June 21st*, 1863.

While in the enemy's country, the following regulations for procuring supplies will be strictly observed, and any violation of them promptly and rigorously punished:

I. No private property shall be injured or destroyed by any person belonging to or connected with the army, or taken, except by the officers hereinafter designated.

II. The chiefs of the commissary, quartermaster, ordnance, and medical departments of the army will make requisitions upon the local authorities or inhabitants for the necessary supplies for their respective departments, designating the places and times of delivery. All persons complying with such requisitions will be paid the market price for the articles furnished, if they so desire, and the officer making such payment shall take duplicate receipts for the same, specifying the name of the person paid, and the quantity, kind, and price of the property, one of which receipts shall be at once forwarded to the chief of the department to which such officer is attached.

III. Should the authorities or inhabitants neglect or refuse to comply with such requisitions, the supplies required shall be taken from the nearest inhabitants so refusing, by the order and under the direction of the respective chiefs of the departments named.

IV. When any command is detached from the main body, the chiefs of the several departments of such command will procure supplies for the same, and such other stores as they may be ordered to provide, in the manner and subject to the provisions herein prescribed, reporting their action to the heads of their respective departments, to which they will forward duplicates of all vouchers given or received.

V. All persons who shall decline to receive payment for property furnished on requisitions, and all from whom it shall be necessary to take stores or supplies, shall be furnished by the officer receiving or taking the same with a receipt specifying the kind and quantity of the property received or taken, as the case may be, the name of the person from whom it was received or taken, the command for the use of which it was received or taken, and the market price. A duplicate of said receipt shall be at once forwarded to the chief of the department to which the officer by whom it is executed is attached.

VI. If any person shall remove or conceal property necessary for the use of the army, or attempt to do so, the officers hereinbefore mentioned will cause such property, and all other property belonging to such person, that may be required by the army, to be seized, and the officer seizing the same will forthwith report to the chief of his department the kind, quantity, and market price of the property so seized, and the name of the owner.

By command of Gen. R. E. LEE.
R. H. CHILTON, A. A. and I. G.,
Lieut.-Gen. R. S. EWELL, Com'g 2d Army Corps.

The following correspondence, which was intercepted by Gen. Hooker, shows the general plans of Gen. Lee at this time:

ADJUTANT-GENERAL'S OFFICE, RICHMOND, *June 28th*, 1863.

Gen. R. E. Lee, commanding Army Northern Virginia, Winchester, Va.:

GENERAL: While with the President last evening, I received your letter of the 23d instant. After reading it to the President, he was embarrassed to understand that part of it which refers to the plan of assembling an army at Culpepper Court House, under Gen. Beauregard. This is the first intimation that he has had that such a plan was ever in contemplation, and, taking all things into consideration, he cannot see how it can by any possibility be carried into effect.

You will doubtless learn, before this reaches you, that the enemy has again assembled in force on the peninsula, estimated between 20,000 and 30,000 men, from 6,000 to 10,000 of whom are reported to be in the vicinity of White House, and the remainder at Yorktown. It is impossible to say whether the estimated number is correct, as the several accounts vary and are not deemed altogether trustworthy; but the estimate, making due allowance for errors, is quite near enough to satisfy the most incredulous that he is in this vicinity in sufficient force, in cavalry, artillery, and infantry, to do much harm, whether his purpose be to make a demonstration on Richmond, or to confine himself to raids in breaking your communications and devastating the country. His efforts in the last case may prove more successful than in the first, if we may judge by what took place at Hanover only two days ago, when about 1,000 or 1,200 of his cavalry suddenly appeared there, and did some execution in breaking the railroad and burning a bridge, some buildings, public stores, &c. It is important that this raid took place only about two days after Gen. Corse's brigade had left there for Gordonsville. Had it remained at Hanover Junction, it is reasonable to suppose that most of the enemy's cavalry would have been either destroyed or captured, and the property saved from injury. Every effort is being made here to be prepared for the enemy at all points, but we must look chiefly to the protection of the capital. In doing this we may be obliged to hazard some other points. You can easily estimate our strength, and I suggest for your consideration whether, in this state of things, you might not be able to spare a portion of your force to protect your line of communication against attempted raids by the enemy.

Very respectfully, your obedient servant,
S. COOPER, Adjutant-General.

LETTER FROM JEFF. DAVIS.

RICHMOND, *June 28th*, 1863.

GENERAL: Yours of the 23d I received this evening, I hasten to reply to the point presented in relation to the forces on the coasts of South Carolina and Georgia. The hopes indulged as to our operations at the time which would intervene between the discharge of the enemy's trained troops and the substitution of them by others have been disappointed by the very error against which it was sought by warning to guard. Grant reached the river, got reënforcements, made intrenchments, and Gen. Johnston continues to call for reënforcements, though his first requisition was more than filled by withdrawing troops from Gens. Beauregard and Bragg. Gen. Bragg is threatened with attack, has fallen back to his intrenched position at Tullahoma, and called on Buckner for aid.

Gen. Beauregard says that no troops have been with-

drawn by the enemy from his front since those returned to Newbern, and that his whole force is necessary to cover his line. This being in answer to a proposition to follow a movement of the enemy, said to be to the west, with all his disposable force, pointing him at the same time to the vital importance of holding the Mississippi, and communicating the fear that Vicksburg would fall unless Johnston was strongly and promptly reënforced. D. H. Hill has a small force, part of which has been brought here. Clingman's brigade is near Wilmington, Colquith's at Kingston, Martin's nominal, on the railroad at Weldon, and C. Cook's, Ransom's, and Jenkins's have been brought here; the two last temporarily from the defence of Petersburg and the country thereabout.

Wise's brigade is, as you left it, engaged in the defence of Richmond, and serving in the country to the east of the city. The enemy have been reported in large force at the White House, with indications of an advance on Richmond. We are organizing companies for home duties, and the spirit of resistance is increasing. Corse's brigade, in accordance with your orders, has been left at Hanover Junction. All the artillery, I am informed, was taken away, and the single regiment of infantry, which constituted the guard for the bridges, proved unequal to the duty, as you have no doubt learned. Reënforcements were ordered to go up, but some delay occurred, and they arrived too late to save the bridge or the brave guard which had unsuccessfully defended it. The Yankees, reported to be three regiments of cavalry, returned from the Central road in the direction of Hanover (old town), and nothing has been heard of them since.

It was stated that Gen. H. F. Lee was captured at the house of Mr. Wickham, but I trust it will prove to be one of the many startling rumors which the newsmongers invent. The advance of your army increases our want of cavalry on the north and east of the city, but except one regiment from North Carolina, I do not know of any which we can expect soon to be available to us. In yours of the 20th you say: "If any of the brigades I have left behind for the protection of Richmond can, in your opinion, be spared, I should like them to be sent to me." It has been an effort with me to answer the clamor to have troops stopped or recalled to protect the city and the railroad communications with your army. Corse's brigade has gone, and Wise's is the only other left by you. Cook's was in North Carolina, and Davis's brigade was sent to complete Heth's division in the place of Cook's; and Ransom's and Jenkins's constitute the defences of the south side as far as Weldon, and are relied on for service elsewhere from Wilmington to Richmond.

Gen. Ely is positive that the enemy intend to attack here, and his scouts bring intelligence, which, if I believed it, would render me more anxious for the city than at any former time. I do not believe that the Yankees have such force as is stated, but they have enough to render it necessary to keep some troops within reach, and some at Petersburg, at least until Suffolk is truly evacuated. Do not understand me as balancing accounts in the matter of brigades. I only repeat that I have not any to send you, and enough to form an army to threaten, if not capture Washington, as soon as it is uncovered by Hooker's army. My purpose was to show you that the force here and in North Carolina is very small, and I may add that the brigades are claimed as properly of their command. Our information as to the enemy's intentions may be more full and trustworthy hereafter. It is now materially greater than when you were here.

Very respectfully and truly yours,
JEFF. DAVIS.

The advance of the Confederate army, which crossed the Potomac, was the corps of Gen. Ewell. It passed from Williamsport to Hagerstown, which was still held by Col. Jenkins, and at noon, on the 22d, entered Greencastle, Penn., which is on the railroad from Hagerstown to Chambersburg. The distances on this line are as follows: from Hagerstown to Morganstown, 4 miles; to the State line, 5 miles; to Greencastle, 11 miles; to Marion, 16 miles; to Chambersburg, 22 miles. On the 23d, Chambersburg was reoccupied by the Confederate force under Gen. Ewell. Gen. Knipe, who was in command there, as the outpost of the Federal forces under Gen. Couch collected in the valley, fell back in the direction of Carlisle to the main body. On the 24th, Gen. Ewell issued the following order:

General Order.

HEADQUARTERS SECOND CORPS, ARMY OF NORTHERN VIRGINIA, CHAMBERSBURG, *June 24th*, 1863.

First. The sale of intoxicating liquors to this command, without written permission from a major-general, is strictly prohibited.

Second. Persons having liquor in their possession, are required to report the fact to the provost-marshal, or the nearest general officer, stating the amount and kind, that a guard may be placed over it, and the men prevented from getting it.

Third. Any violation of part one of these orders, or failure to comply with part second, will be punished by the immediate confiscation of all liquors in the possession of the offending parties, besides rendering their other property liable to seizure.

Fourth. Citizens of the country through which the army may pass, who are not in the military service, are admonished to abstain from all acts of hostility, upon the penalty of being dealt with in a summary manner. A ready acquiescence to the demands of the military authorities will serve to lessen the rigors of war. By command of Lieut.-Gen. R. J. EWELL.

A. S. PENDLETON, Assistant Adjutant-General.

In order to retain the Federal army on the east side of the mountains after it should enter Maryland, and thus leave open the Confederate communications with the Potomac through Hagerstown and Williamsport, Gen. Lee ordered Gen. Ewell to send a division eastward from Chambersburg to cross the South mountains.

On the 24th, a detachment from Gen. Ewell's force advanced within twelve miles of Carlisle, on the railroad from Chambersburg to Harrisburg. The distances on that line were as follows: from Chambersburg to Scotland, 5 miles; to Shippensburg, 11 miles; to Oakville, 18 miles; to Carlisle, 34 miles; to Mechanicsburg, 44 miles; to Harrisburg, 52 miles. On the 24th, Gen. Lee crossed the Potomac into Maryland, in the vicinity of Shepherdstown. At the same time, the main body of his army crossed at the fords at Shepherdstown and Williamsport. The movement continued up the Cumberland valley, on the west side of the Catoctin mountains. The advance was made in two divisions, one by way of the Harrisburg and Chambersburg railroad toward Harrisburg, and the other from Gettysburg eastward to the Northern Central railroad from Baltimore to Harrisburg, and thence to York and Lancaster, in Pennsylvania.

On Saturday, the 27th, Carlisle, on one line of advance, was occupied at noon, and the advance continued to Kingston, 13 miles from Harrisburg. On the other line of advance,

Gettysburg was occupied by a force from Hagerstown on the 26th; and at noon on the 27th, the same force had reached the Northern Central railroad, at a point between York and Hanover Junction. This was about fifty miles north of Baltimore, and thirty miles south of Harrisburg. The same evening, York was occupied without resistance, and several bridges on the Northern Central railroad were destroyed. On the 28th, this advance continued to the Susquehanna, opposite Columbia. The bridge across the river here consisted of twenty-eight spans, and was a mile and a quarter in length. It was burned by the order of the officer in command of the Federal force at Columbia—Col. Frick. The Confederate cavalry and artillery were close upon the structure when it was fired. On the same day, the advance from Carlisle approached within four miles of Harrisburg, where some skirmishing took place.

On the previous day, Gen. Lee, at Chambersburg, issued the following order to his army:

General Order No. 27.

HEADQUARTERS ARMY OF NORTHERN VIRGINIA,
CHAMBERSBURG, PA., *June 27th*, 1863.

The Commanding General has observed, with marked satisfaction, the conduct of the troops on the march, and confidently anticipates results commensurate with the high spirit they have manifested. No troops could have displayed greater fortitude, or better performed the arduous marches of the past ten days. Their conduct in other respects has, with few exceptions, been in keeping with their character as soldiers, and entitles them to approbation and praise.

There have, however, been instances of forgetfulness, on the part of some, that they have in keeping the yet unsullied reputation of the army, and that the duties exacted of us by civilization and Christianity are not less obligatory in the country of the enemy than in our own.

The Commanding General considers that no greater disgrace could befall the army, and through it our whole people, than the perpetration of the barbarous outrages upon the innocent and defenceless, and the wanton destruction of private property, that have marked the course of the enemy in our own country. Such proceedings not only disgrace the perpetrators and all connected with them, but are subversive of the discipline and efficiency of the army, and destructive of the ends of our present movement. It must be remembered that we make war only upon armed men, and that we cannot take vengeance for the wrongs our people have suffered, without lowering ourselves in the eyes of all whose abhorrence has been excited by the atrocities of our enemy, and offending against Him to whom vengeance belongeth, without whose favor and support our efforts must all prove in vain.

The Commanding General therefore earnestly exhorts the troops to abstain with most scrupulous care from unnecessary or wanton injury to private property; and he enjoins upon all officers to arrest and bring to summary punishment all who shall in any way offend against the orders on this subject.

R. E. LEE, General.

On the 28th, the Confederate force at York made a demand on the authorities for $100,000 in United States Treasury notes, 200 barrels of flour, 40,000 pounds of fresh beef, 30,000 bushels of corn, 1,000 pairs of shoes, socks, &c. On that day also, the enemy captured a train of one hundred and seventy-eight wagons and one thousand mules, between Rockville and Tenallytown, a few miles from Georgetown, D. C. Also a number of Federal officers, on the way to join their commands, were captured near Rockville, by a body of Confederate cavalry which had crossed the Potomac near Seneca, in the rear of Gen. Hooker's army; and at Edwards's Ferry, fifteen barges loaded with government stores were captured and burned by a body of Confederate cavalry. On the same day, this force of cavalry appeared at numerous points in Montgomery county, and seized horses. Some came as near to Washington as Silver Spring, on the Seventh-street road. No individuals were seized, but passes were given to them to go through their lines. These were portions of cavalry under Gen. Stuart. On the advance of Gen. Lee, Gen. Stuart was left to guard the passes of the mountains, and to observe the movements of the Federal army, with instructions to harass and impede as much as possible any attempt by it to cross the Potomac. With this view he followed its movements, and advanced as far east as Fairfax Court House. He then crossed the river at Seneca, and marched through Westminster to Carlisle. At this time the army of Gen. Lee was situated as follows: the main body, embracing the corps of Gens. Longstreet and Hill, were at and near Chambersburg, where Gen. Lee also was. The divisions of Gens. Rhodes and Johnson, of Gen. Ewell's corps, were in the vicinity of Carlisle and Harrisburg. The division of Gen. Early, of the same corps, was at York, where it was joined on the 27th by the brigade of Gen. Gordon. The cavalry under Col. White, had advanced to the Susquehanna.

But the extreme point of the Confederate advance had been reached. On the 28th, orders were issued for both lines of advance of Gen. Ewell's corps to fall back on Gettysburg, to which point Gens. Longstreet and Hill were moving by the Chambersburg turnpike. The reason of this was the approach of the Army of the Potomac. Gen. Lee had made preparations to march upon Harrisburg, but on the night of the 27th information was received by him that the Federal army had crossed the Potomac, and was advancing northward, and that the head of the column had reached South mountain. As his communications with the Potomac were thus menaced, he resolved to prevent the further progress of the Federal army in that direction by concentrating his forces on the east side of the mountain.

On the 22d, the army of Gen. Hooker occupied the line of the Potomac on the Virginia side of the river, up to and beyond Leesburg. At the same time it held all the gaps of the Bull Run range. By Saturday, the 27th, they had advanced, and lay at and in the vicinity of Frederick, Maryland. On that day, an order was issued by the War Department to Gen. Hooker, to transfer the command of the army to Maj.-Gen. Meade, who commanded the fifth

corps, and to report himself at Baltimore. On the next day, Gen. Hooker issued the following order:

HEADQUARTERS ARMY OF THE POTOMAC, FREDERICK, MD., *June 28th*, 1863.

In conformity with the orders of the War Department, dated June 27th, 1863, I relinquish the command of the Army of the Potomac. It is transferred to Maj.-Gen. George G. Meade, a brave and accomplished officer, who has nobly earned the confidence and esteem of the army on many a well-fought field. Impressed with the belief that my usefulness as the commander of the Army of the Potomac is impaired, I part from it, yet not without the deepest emotion. The sorrow of parting with the comrades of so many battles is relieved by the conviction that the courage and devotion of this army will never cease nor fail; that it will yield to my successor, as it has to me, a willing and hearty support. With the earnest prayer that the triumph of its arms may bring successes worthy of it and the nation, I bid it farewell.

JOSEPH HOOKER, Maj.-Gen.

This order was followed by the subjoined address from Gen. Meade:

HEADQUARTERS ARMY OF THE POTOMAC, *June 28th*, 1863.

By direction of the President of the United States I hereby assume command of the Army of the Potomac. As a soldier, in obeying this order, an order totally unexpected and unsolicited, I have no promises or pledges to make. The country looks to this army to relieve it from the devastation and disgrace of a hostile invasion. Whatever fatigues and sacrifices we may be called upon to undergo, let us have in view constantly the magnitude of the interests involved, and let each man determine to do his duty, leaving to an all-controlling Providence the decision of the contest. It is with just diffidence that I relieve, in the command of this army, an eminent and accomplished soldier, whose name must ever appear conspicuous in the history of its achievements; but I rely upon the hearty support of my companions in arms to assist me in the discharge of the duties of the important trust which has been confided to me.

GEORGE G. MEADE, Maj.-Gen. Commanding.

This change was so entirely unexpected, both by the public generally and the army, that nothing could exceed the surprise which it occasioned. The reasons for the change have not yet been made known, except that Gen. Hooker was relieved at his own request. The impression upon the army was thus described:

The report of the change soon extended to the several corps, and their commanders hastened to bid farewell to the General. By three o'clock a large number of officers had assembled, and soon after Gen. Hooker appeared in the avenue before his tent. Some time was spent in social intercourse, and to the last all formalities were dispensed with. The parting was painful to every one, particularly to those who had become endeared to the General by old associations. Gen. Hooker was deeply grieved. He had been identified with the Army of the Potomac, he said, since its organization, and had hoped to continue with it to the end. It was the best army of the country, worthy of the confidence of the nation, and could not fail of success in the approaching struggle. He spoke of his successor as a glorious soldier, and urged all to give him their earnest support.

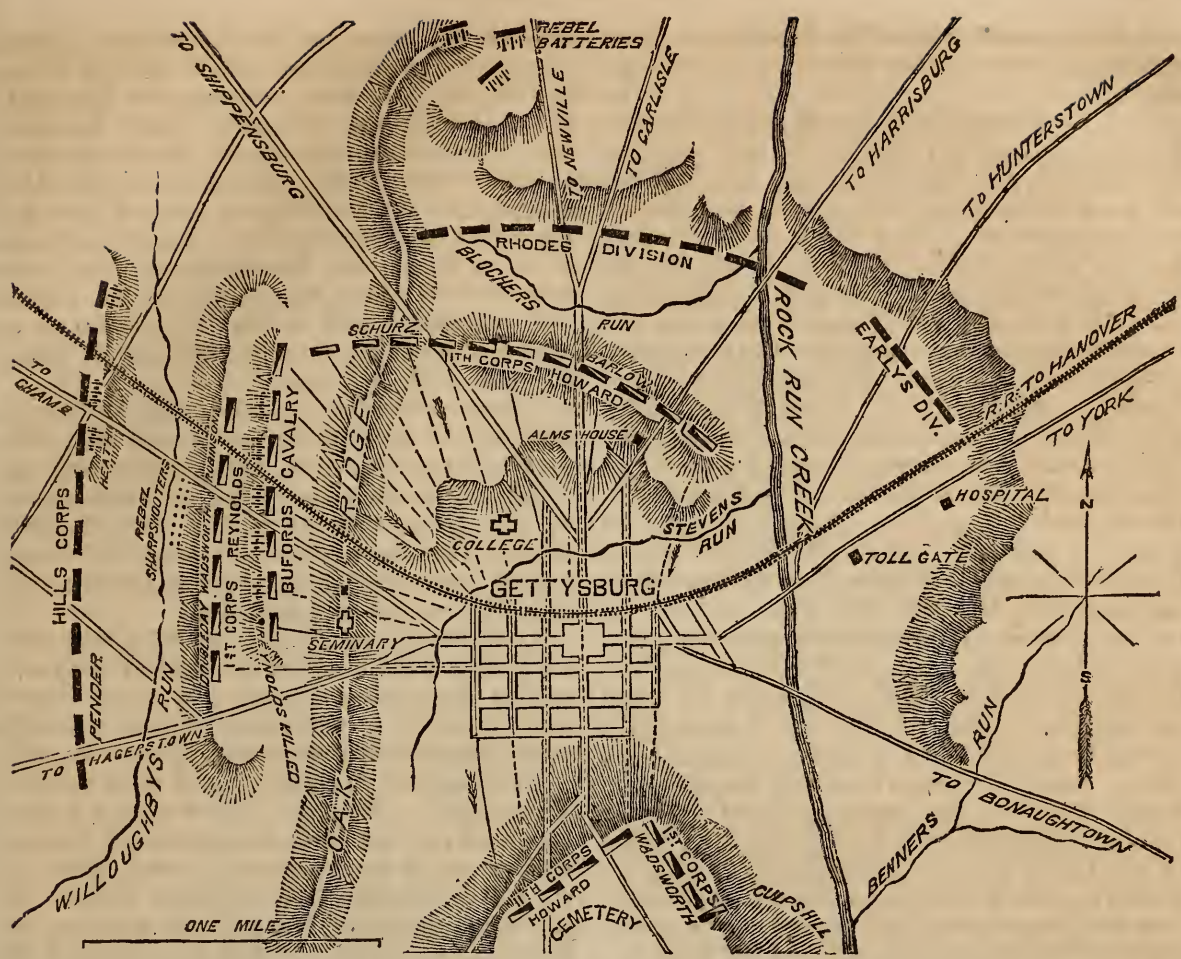
Gen. Meade was totally surprised by the order appointing him commander of the Army of the Potomac, and deeply felt the weight of responsibility resting upon him. His appointment gives universal satisfaction, and all express a determination to extend their heartiest coöperation.

An order for the movement of the army was issued on the same day by Gen. Meade. The sixth and eleventh corps, which were at Middletown, in the valley between the Catoctin and the Blue Ridge, were moved east to Frederick, and then directly up the Monocacy valley, on the west side of the stream, through Mechanicsburg and Emmitsburg, toward Gettysburg. The second and fifth corps crossed the Monocacy to the east, three miles above Frederick, and moved northeast through Union to Frizelburg, which is near the State line. The third and twelfth corps took the Middleburg road. The sixth corps crossed the Monocacy, east of Frederick, and moved to Westminster. These routes took the army into such a position that it could cover Baltimore, or cross the Susquehanna below Harrisburg, or prevent any movement of the Confederates toward Washington. On Tuesday forenoon, the first and eleventh corps were at Emmitsburg; the second and fifth at Frizelburg; the third and twelfth at Taneytown, and the sixth at Westminster. The Federal force at Harper's Ferry at this time was supposed to be about eleven thousand. It was incorrectly represented to Gen. Meade to be destitute of provisions, and that he must immediately supply it, or order the abandonment of the place. Accordingly, a few hours after he assumed the command, he assented to an order drawn up by an officer of Gen. Hooker's staff, directing Gen. French to send seven thousand men of the garrison to Frederick, and with the remainder, estimated at four thousand, to remove and escort the public property to Washington. This order was unknown in Washington till too late to be countermanded. It was not entirely executed when Gen. Meade ordered the reoccupation of that point.

At this time, Gen. Lee's forces had withdrawn from York and Carlisle, and from Chambersburg, and were concentrating on Gettysburg. The corps of Gens. Longstreet and Hill, forming the main army, were moving eastward, while Gen. Meade was moving northward. This movement would bring Gen. Lee on the flank of Gen. Meade's army. On Tuesday morning, Gen. Meade changed the line of march of all his corps, except the first and eleventh, toward Gettysburg. The first and eleventh were then moving in that direction. At the same time, Gen. Meade issued the following address to his army:

HEADQUARTERS ARMY OF THE POTOMAC, *June 30th*, 1863.

The Commanding General requests that previous to the engagement soon expected with the enemy, corps and all other commanding officers address their troops, explaining to them the immense issues involved in the struggle. The enemy is now on our soil. The whole country looks anxiously to this army to deliver it from the presence of the foe. Our failure to do so will leave us no such welcome as the swelling of millions of hearts with pride and joy at our success would give to every soldier of the army. Homes, firesides, and domestic altars are involved. The army has fought well heretofore. It is believed that it will fight more desperately and bravely than ever, if it is addressed in fitting terms.



Corps and other commanders are authorized to order the instant death of any soldier who fails to do his duty at this hour.

By command of Major-Gen. MEADE.
S. Williams, Assistant Adjutant-Gen.

Gettysburg, whither both armies were moving, was not only the capital of the county in which it is located, but a central point to which many roads converged. The road from Westminster, by which the sixth corps was advancing, comes in on the southeast; that from Taneytown, by which the third and twelfth were advancing, comes in on the south, which was the route also of the second and fifth; that from Emmitsburg, by which the first and eleventh corps were advancing, comes in on the southwest; that from Chambersburg, by which the Confederate corps of Gens. Longstreet and Hill were advancing, comes in on the northwest; and those from Harrisburg and York, by which the corps of Gen. Ewell was advancing, come in on the northeast.

On Wednesday morning, Maj.-Gen. Reynolds, in command of the first corps, advanced on the Emmitsburg road from Marsh creek to Gettysburg, where he arrived about ten o'clock, and marched directly through the town. A body of the enemy, being the advance of Gen. Heth's division of Gen. Hill's corps, was discovered to be posted on the road that came in from Chambersburg on the northwest. They were driven back by Gen. Buford's cavalry. The division, coming up, drove back the cavalry. At this time the first corps appeared. The first division, under Gen. Wadsworth, was in the advance. The division of Gen. Doubleday followed and formed on the left, and that of Gen. Robinson on the right. The position occupied was a ridge northwest of the town, which sloped to the west, into a little open valley of ploughed fields and meadows. Beyond the valley is a ridge of higher land thickly wooded. The valley runs in a southwesterly direction. Across this valley the line of Gen. Reynolds advanced somewhat hastily, almost before it was well formed, and soon encountered a heavy force of the enemy's infantry, by which it was driven, but fell back in good order. The impetuosity of the enemy caused them to press the right centre too rashly, and, by a movement of the left centre upon the flank of the foe, a large number were taken prisoners. The advance of the enemy was broken soon after, and Gen. Reynolds prepared to go forward. His line advanced as before, and drove the enemy from the valley and over the ridge at the farther side, with a heavy loss by the severe fire of the foe. His line of skirmishers was now thrown out some distance from the hill, and Gen. Reynolds, upon going out to it to reconnoitre, was killed by a shot from the enemy.

The eleventh corps now arrived, and Gen. Howard assumed the command of the whole field, while Gen. Schurz took command of the eleventh corps. Gen. Doubleday now commanded the first corps.

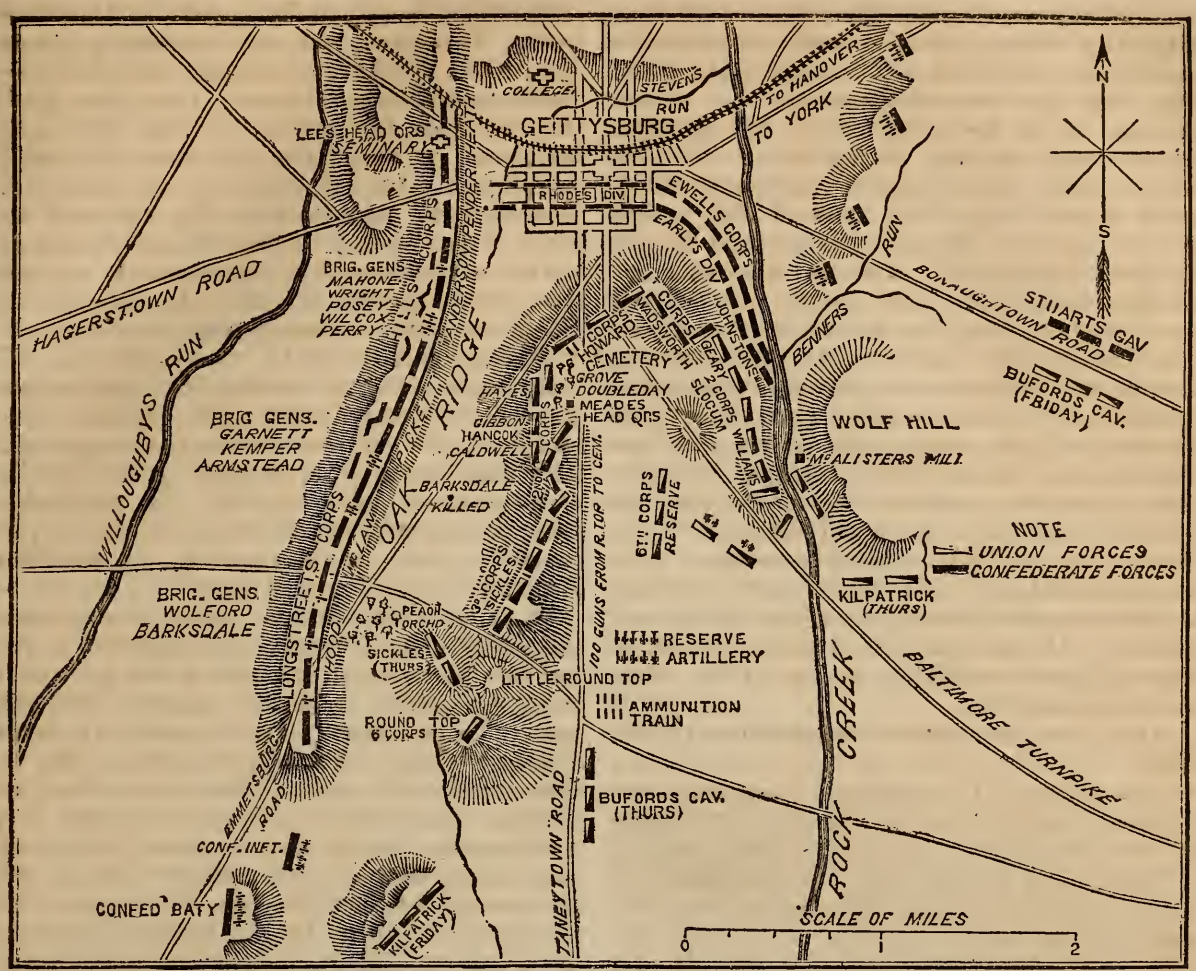
It being reported that the enemy were now massing a force north of the town to attack the rear of the first corps, the first and third divisions of the eleventh corps were ordered across the rear of the first corps to take up a position on the right, and Gen. Steinwehr was stationed as a reserve on Cemetery Hill, immediately south of the town. This force of the enemy was the advance of Gens. Rhodes and Early's divisions falling back from the Susquehanna. At this time, about half past two P. M., the enemy advanced in force against the first corps, which slowly fell back to its original position, northwest of the town. Here it was somewhat reënforced and prepared to make a stand. The force of the enemy advanced across the open space in line of battle, while their batteries shelled the position of the first corps to cover the advance. At short range it met a fire so sharp and well served as to cause it to reel and fall back. The line was again formed and reënforced, and once more advanced, but with no better success. By this time the divisions of Rhodes and Early had come up from the east, and Pender's division of Gen. Hill's moved up on the right to the support of Gen. Heth. Another charge was now made by the whole force of the enemy. Their superior numbers enabled them to threaten both flanks of the Union force. The main effort was directed against the left, and, notwithstanding a brave resistance, such advantages were gained that the first corps was ordered back to the town. By this movement the left of the eleventh was uncovered, and a heavy advance completely on its right flank compelled it to retire. The enemy advanced and took possession of the town, while the two corps fell back and occupied the western slope of the hill south of the town, held by Gen. Steinwehr.

Gen. Lee says: "The attack was not pressed that afternoon, the enemy's force being unknown, and it being considered advisable to await the arrival of the rest of our troops. It had not been intended to fight a general battle at such a distance from our base, unless attacked by the enemy; but finding ourselves unexpectedly confronted by the Federal army, it became a matter of difficulty to withdraw through the mountains with our large trains. At the same time the country was unfavorable for collecting supplies while in the presence of the enemy's main body, as he was enabled to restrain our foraging parties by occupying the passes of the mountains with regular and local troops. A battle thus became, in a measure, unavoidable. Encouraged by the successful issue of the engagement of the first day, and in view of the valuable results that would ensue from the defeat of the army of Gen. Meade, it was thought advisable to renew the attack."

At dusk the third and twelfth corps arrived and took positions, the former on the ridge extending south and to the left of Cemetery Hill, and the latter on the same ridge as it curved to the right of the hill. At 11 P. M., Gen. Meade arrived and examined the position. He then posted the several corps in the following order: the twelfth, under Gen. Slocum, on the right; the eleventh, Gen. Howard, next; the first, Gen. Doubleday, the second, Gen. Hancock, the third, Gen. Sickles, in the centre; the fifth, Gen. Sykes, arrived the next morning, and was placed on the extreme left. The line stretched in a semicircle, having its convex centre toward Gettysburg, with the extreme toward the southwest and south. The heights on which the troops were posted sloped gently down from their front.

On the part of the enemy, Gen. Anderson's division of Gen. Hill's corps, and Gen. McLaws's division of Gen. Longstreet's corps arrived late in the evening within a mile or two of the town, and bivouacked for the night. Early on the next morning, Gen. Hood's division of Longstreet's corps arrived, and their line of battle was soon after formed.

The key of Gen. Meade's position was Cemetery Hill, a little distance south of the town, and on the northern slope of which the town itself is situated. It was so called because the burial place of the town was there. Its summit was east of the road which runs south to Taneytown. The ridge passed to the west of this road and ran south along its west side, and was occupied by the second, third, fifth, and sixth corps respectively, in line of battle. On the continuation of the ridge to the east and southeast was a part of the eleventh and the twelfth corps. On this part of the line the ridge was rocky and thickly wooded, and some defences were thrown up on Thursday morning by Gens. Geary and Williams. The ridge from Cemetery Hill directly south was open and clear, and the troops there faced to the west. The left flank of Gen. Meade rested upon a sharp, rugged, and almost perpendicular peak, covered with original forest growth. At the foot of the ridge on the west was a narrow valley between one and two miles in width, on the western side of which is another ridge, somewhat lower and running nearly parallel, and mostly covered with heavy timber. The line of battle of the enemy was formed on the slope of this ridge, with Gen. Ewell's corps on the left. Beginning at the town, Gen. Early's division was at the extreme right, then Gen. Rhodes's; on the right of his division was the left of Gen. Hill's corps, commencing with Gen. Heth's division, then Gens. Pender and Anderson's divisions. On the right of Gen. Anderson's division was the left of Gen. Longstreet's corps, Gen. McLaws's division being next to Gen. Anderson's, and Gen. Hood's on the extreme right of their line and opposite the extreme left of Gen. Meade. Neither the division of Gen. Ewell's corps nor that of Gen. Pickett of Longstreet's corps had at this time arrived. Gen. Pickett had been left at Chambersburg to protect the Confederate rear and escort their reserve train. Gen. Johnson had been operating near Harrisburg.



On the ridge occupied by Gen. Meade, a hundred guns were in position facing the enemy. The reserve artillery was in the rear, about equidistant from the extreme points of the line. The Union cavalry was east of the creek on the road to Baltimore. The artillery of the enemy in position was nearly one hundred and fifty guns.

During Thursday forenoon some skirmishing took place, but no movement of importance was made. On the Confederate side, about the middle of the afternoon, Gen. Lee issued orders for the commanders to prepare for a general attack upon the Federal centre and left. The movement was to be commenced by Gen. Longstreet and followed up on his left in quick succession by the respective divisions of Gen. Hill's corps. The movements in consequence of these orders were in progress when sharpshooters were sent out by Gen. Sickles, being one regiment, under command of Col. Berdan. They advanced in the woods about a mile beyond the Emmitsburg turnpike, reconnoitering, and reported that the enemy were moving large masses to turn the Union left. On this report Gen. Sickles moved up to a ridge in front, which he deemed a more commanding position to repel the attack. On this ridge, which he considered as commanding to a great extent the position he previously occupied, he formed his line. His right rested in the peach orchard, which is in the angle formed by the Emmitsburg road and a cross road running about southeast and connecting the Emmitsburg road with the road to Taneytown. The rest of the line extended in a southerly direction, with the left resting on the Round Top Hill. He had hardly got into position when the enemy made their anticipated attack. After resisting it about two hours, and the fifth corps failing to come to his support as promptly as was expected, he fell back to his original position upon the crest of the hill, where a most desperate assault was made by the troops of Gen. Longstreet. The line was strengthened by Gen. Meade, by ordering up the fifth corps to the position it afterward occupied on the left of the third. Two divisions were also sent from the twelfth corps, as no attack was threatened on the right. This formidable opposition and the precipitate and rugged character of the slope effectually repulsed all the efforts of Gen. Longstreet, with great loss, however, on both sides. According to the order of Gen. Lee, the advance was to commence from the right and be taken up along the whole line. With the advance of Gen. Longstreet a part of the division of Gen. Anderson moved upon the centre of Gen. Meade. As Gen. Sickles fell back, the second corps, under Gen. Hancock, came to his aid on his right, assisted by a portion of the first corps. These troops encountered a part of McLaws's and Anderson's divisions. The battle grew fearful. The enemy pressed forward unrestrained. Gen. Sickles was wounded in the

leg, and the command of his corps devolved on Maj.-Gen. Birney. Gen. Hancock was wounded in the thigh, and Gen. Gibbons in the shoulder. The first and second wavered. The enemy pressed up to the very guns of the batteries, which were exposed to capture. The sixth corps, under Gen. Sedgwick, although weary with a march that day, hurried with shouts to the support, and the enemy staggered and drifted slowly back. A strong force was now pushed on their left flank, which pressed well to their rear along the Emmitsburg road, and the Confederates retired. At this time Gen. Ewell got his forces forward and made a desperate dash on the twelfth corps, under Gen. Slocum, on the extreme right, which had been weakened to support the centre and left. For fifteen minutes the attack was furious, but the sixth corps came to its support followed by the first corps, and the struggle continued with some advantages to the enemy until 9 o'clock, when he retired, having lost the day in every quarter. It was stated that the divisions of Gens. Pender and Heth, of Gen. Hill's corps, remained inactive.

Gen. Lee thus reports the operations of the day:

In front of Gen. Longstreet, the enemy held a position from which, if he could be driven, it was thought that our army could be used to advantage in assailing the more elevated ground beyond, and thus enable us to reach the crest of the ridge. That officer was directed to endeavor to carry this position, while Gen. Ewell attacked directly the high ground on the enemy's right, which had already been partially fortified. Gen. Hill was instructed to threaten the centre of the Federal line, in order to prevent reënforcements being sent to either wing, and to avail himself of any opportunity that might present itself to attack.

After a severe struggle, Longstreet succeeded in getting possession of and holding the desired ground. Ewell also carried some of the strong positions which he assailed, and the result was such as to lead to the belief that he would ultimately be able to dislodge the enemy. The battle ceased at dark.

During the night, Gen. Meade sent the following despatch to Washington:

The enemy attacked me about four P. M. this day, and, after one of the severest contests of the war, he was repulsed at all points. We have suffered considerably in killed and wounded. Among the former are Brig.-Gens. Paul and Zook, and among the wounded, Gens. Sickles, Barlow, Graham, and Warren slightly. We have taken a large number of prisoners.

On the next morning, the following further despatch was sent:

The action commenced again at early daylight upon various parts of the line. The enemy thus far have made no impression upon my position. All accounts agree in placing the whole (rebel) army here. Prisoners report Longstreet's and A. P. Hill's forces much injured yesterday, and many general officers killed. Gen. Barksdale's (of Mississippi) dead body is within our lines. We have thus far about sixteen hundred prisoners.

The action thus commenced was chiefly an artillery fire directed upon the line of Gen. Meade, which slackened after a few hours. On the right of Gen. Meade, the contest was close and more severe. It commenced at daylight, by an attempt on the part of the twelfth corps, under Gen. Slocum, to drive Gen. Ewell farther back. This attack met with a prompt response from Gen. Ewell. The fiercest assaults were made upon the positions of Gens. Geary and Berry, which fell back a short distance until supported by Gen. Sykes's division of the fifth corps and Gen. Humphrey's of the third. The struggle was now evenly contested for some time, when a further reënforcement arrived and took such a position as to enfilade the enemy, causing his force to retire, and at 11 o'clock A. M. a general quiet prevailed.

The movements of the enemy thus far had been made rather to cover up his designs than as serious efforts against Gen. Meade. The battle of the previous day had demonstrated that the issue of the struggle turned on the occupation of Cemetery Hill. To get possession of this spot was therefore the object of the enemy. Early in the morning, preparations had been made by Gen. Lee for a general attack upon Gen. Meade's whole line, while a large force was concentrated against his centre for the purpose of taking the ground it occupied. Gen. Longstreet massed fifty-five guns of long range upon the crest of a slight eminence, just in front of the extreme right of Gen. Hill's corps, and a little to the left of the heights upon which they were to open fire. At the same time, Gen. Hill massed some sixty guns along the hill, still farther to his left and in front of the same heights. The position of these guns was near the Bonaughton road, near the York road, near the Harrisburg road, and along the Seminary ridge to a point beyond Round Top. The artillery on Cemetery Hill was thus subject to more than a half circle of cross fires. At 1 o'clock the signal gun was fired, and the cannonading commenced. The fire of the enemy was thus concentrated on the position held by the eleventh and second corps. It drew a most terrific response from the Federal batteries. It is thus described by a spectator in the Union army:

"The storm broke upon us so suddenly that soldiers and officers—who leaped, as it began, from their tents, or from lazy siestas on the grass—were stricken in their rising with mortal wounds, and died, some with cigars between their teeth, some with pieces of food in their fingers, and one at least—a pale young German, from Pennsylvania—with a miniature of his sister in his hands. Horses fell, shrieking such awful cries as Cooper told of, and writhing themselves about in hopeless agony. The boards of fences, scattered by explosion, flew in splinters through the air. The earth, torn up in clouds, blinded the eyes of hurrying men; and through the branches of the trees and among the gravestones of the cemetery a shower of destruction crashed ceaselessly. As, with hundreds of others, I groped through this tempest of death for the shelter of the bluff, an old man, a private in a company belonging to the 24th Michigan, was struck, scarcely ten feet away, by a cannon ball, which tore through

him, extorting such a low, intense cry of mortal pain as I pray God I may never again hear. The hill, which seemed alone devoted to this rain of death, was clear in nearly all its unsheltered places within five minutes after the fire began."

A spectator in the Confederate army has thus described this artillery contest: "I have never yet heard such tremendous artillery firing. The enemy must have had over one hundred guns, which, in addition to our one hundred and fifteen, made the air hideous with most discordant noise. The very earth shook beneath our feet, and the hills and rocks seemed to reel like a drunken man. For one hour and a half this most terrific fire was continued, during which time the shrieking of shell, the crash of fallen timbers, the fragments of rocks flying through the air, shattered from the cliffs by solid shot, the heavy mutterings from the valley between the opposing armies, the splash of bursting shrapnel, and the fierce neighing of wounded artillery horses, made a picture terribly grand and sublime, but which my pen utterly fails to describe. After the firing had continued for little more than an hour, the enemy's guns began to slacken, and finally all were silenced save some six or eight, which were in a clump of woods a little to the left of the stone fence." After the firing had continued about three hours, Gen. Howard, of the second corps, slackened his fire to allow his guns to cool: it was supposed by the enemy that they were silenced, and that the time had now come to make an irresistible attack. Their storming party was now moved up. The division of Gen. Pickett, which had arrived since the previous day, led the advance, supported on the right by Gen. Wilcox's brigade of Gen. Anderson's division, and on the left by Gen. Heth's division, commanded by Gen. Pettigrew. The troops of Gen. Pickett's division advanced in splendid order. On his left, the command of Gen. Pettigrew emerged from the woods, and swept down the slope of the hill to the valley beneath, and some two or three hundred yards in the rear of Gen. Pickett. As it entered the conflict, the line wavered, being raw soldiers, and wanting the firmness of nerve and steadiness of tread of the advance. As the advance came under the fire of the first and second corps, the enemy ceased firing from their batteries. Their ammunition was exhausted. The advance of Gen. Pickett, composed chiefly of Virginians, pressed forward. A terrible fire of grape, shell, and canister from forty guns is opened upon them. They waver not, but cross the Emmitsburg road, and approach the masses of infantry. Gen. Gibbon, in command now of the second corps, walks composedly along the ranks, saying: "Hold your fire, boys—they are not near enough yet." They come still nearer—then, with bayonets at the charge, sweep up to the rifle pits. A line of fire flashes from the second corps, and hundreds go down, but they do not falter. They charge over the pits. Gen. Gibbon orders his men to fall back to the rear of the batteries. It is done without confusion, to allow the artillery to use grape. Still on they press, up to the muzzles of the guns. Meanwhile, the hot fire has thrown the division of Gen. Pettigrew into the utmost confusion. Their line is broken; they are scattered over the plain, and flying panic stricken to the rear. Gen. Pettigrew was wounded, but still retained command, and vainly strove to rally his men. The moving mass rushes to the rear, and Gen. Pickett was left to contend alone. Strong flanking bodies were moved round to gain his rear. His officers were falling on every side, and he gave the order to fall back. In doing this they were pressed with great vigor, and a large number were made prisoners. Their retreat was finally covered by a brigade under Gen. Wright, which was moved forward by Gen. Lee for that purpose. While this assault was made, the extreme right and left were threatened by Gens. Ewell and Longstreet. Nothing further transpired during the evening and night.

The following despatch was, soon after the conflict, sent by Gen. Meade to Gen. Halleck:

HEADQUARTERS ARMY OF THE POTOMAC,
NEAR GETTYSBURG, *July 3d*—8.30 P. M.

To Major-General Halleck, General-in-Chief:

The enemy opened at one o'clock P. M., from about one hundred and fifty guns. They concentrated upon my left centre, continuing without intermission for about three hours, at the expiration of which time he assaulted my left centre twice, being, upon both occasions, handsomely repulsed with severe loss to them, leaving in our hands nearly three thousand prisoners. Among the prisoners are Maj.-Gen. Armistead, and many colonels and officers of lesser note. The enemy left many dead upon the field, and a large number of wounded in our hands. The loss upon our side has been considerable. Maj.-Gen. Hancock and Brig.-Gen. Gibbon were wounded.

After the repelling of the assault, indications leading to the belief that the enemy might be withdrawing, an armed reconnoissance was pushed forward from the left, and the enemy found to be in force. At the present hour all is quiet.

The New York cavalry have been engaged all day on both flanks of the enemy, harassing and vigorously attacking him with great success, notwithstanding they encountered superior numbers, both of cavalry and artillery. The army is in fine spirits.

(Signed) GEORGE G. MEADE,
Major-General Commanding.

On the next day, Gen. Meade issued the following address to his army:

General Order No. 68.

HEADQUARTERS ARMY OF THE POTOMAC,
NEAR GETTYSBURG, *July 4th.*

The Commanding General, in behalf of the country, thanks the Army of the Potomac for the glorious result of the recent operations. Our enemy, superior in numbers and flushed with the pride of a successful invasion, attempted to overcome or destroy this army. Utterly baffled and defeated, he has now withdrawn from the contest.

The privations and fatigues the army has endured, and the heroic courage and gallantry it has displayed, will be matters of history to be ever remembered.

Our task is not yet accomplished, and the Commanding General looks to the army for greater efforts, to

drive from our soil every vestige of the presence of the invader.

It is right and proper that we should, on suitable occasions, return our grateful thanks to the Almighty Disposer of events that, in the goodness of His providence, He has thought fit to give victory to the cause of the just.

By command of Major-General MEADE.
S. WILLIAMS, A. A. General.

On the same day, President Lincoln issued the following announcement:

WASHINGTON, D. C., *July 4th*, 1863—10 A. M.

The President of the United States announces to the country, that the news from the Army of the Potomac, up to 10 o'clock P. M., of the 3d, is such as to cover the army with the highest honor—to promise great success to the cause of the Union—and to claim the condolence of all for the many gallant fallen; and that for this he especially desires that on this day, "He whose will, not ours, should ever be done," be everywhere remembered and reverenced with the profoundest gratitude.

(Signed) ABRAHAM LINCOLN.

On Saturday, the 4th, Gen. Ewell's division was withdrawn from its position in the town and the hills southeast of it, and placed behind the defences on the Seminary ridge, and both armies were engaged, with strong working parties, in burying their dead and taking care of the wounded. The morning was hazy, and from noon until night the rain fell in torrents. During the whole day the enemy sent forward such of their wounded as could bear removal, toward Hagerstown. Late in the afternoon their artillery and wagon trains also commenced moving in the same direction. At dark their whole army was put in motion, taking the road to Fairfield, and crossing South Mountain at Waterloo Gap. The position of Gen. Meade's army was now looked upon by the enemy as almost impregnable. The fighting for three days had nearly exhausted the ammunition of the Confederate army.

On Monday, the 6th, Gen. Lee reached Hagerstown, and took position with his army. On Tuesday the advance of Gen. Meade reached Funktown, six miles south of Hagerstown.

Meanwhile, Gen. Couch, who was in command of this department, had proceeded to organize the raw troops which had been called out, as they came in. His nucleus for this provisional army was the troops from New York. The first division organized was put under the command of Gen. W. F. Smith, and placed opposite Harrisburg, to resist an attack. Upon the retreat of the enemy from the neighborhood of that place, Gen. Smith immediately followed them with about six thousand men, a small number of cavalry, and two batteries of artillery. He advanced to Carlisle, where he was met by W. H. F. Lee, who expected to find Gen. Ewell there, and attacked with artillery. Gen. Smith was so strongly posted, that Lee soon retired and Gen. Smith followed. Meantime, Gen. Couch organized another division, and placed it under the command of Maj.-Gen. Dana. Before this was on its way, Gen. Couch moved his headquarters to Chambersburg, to superintend the entire movement. Gen. Smith, with his troops shoeless and living upon the country, joined the Army of the Potomac; and Gen. Dana pushed forward, and had reached Greencastle when Gen. Lee crossed the Potomac. Other reënforcements were sent to Gen. Meade. The entire Federal loss at Gettysburg was 2,834 killed, 13,790 wounded, and 6,643 missing. That of the enemy was larger: 4,500 of his dead were buried by the Union soldiers, 26,500 wounded fell into their hands, and 13,621 prisoners were taken; also three guns, forty-one standards, and 24,978 small arms.

Meanwhile, Gen. Lee's forces fell back toward the river at Williamsport. On the 11th, Gen. Lee issued the following address to his troops:

General Order No. 16.

HEADQUARTERS ARMY OF NORTHERN VIRGINIA, *July 11th*, 1863.

After the long and trying marches, endured with the fortitude that has ever characterized the soldiers of the Army of Northern Virginia, you have penetrated to the country of our enemies, and recalled to the defences of their own soil, those who are engaged in the invasion of ours. You have fought a fierce and sanguinary battle, which, if not attended with the success that has hitherto crowned your efforts, was marked by the same heroic spirit that has commanded the respect of your enemies, the gratitude of your country, and the admiration of mankind.

Once more you are called upon to meet the enemy, from whom you have torn so many field names that will never die. Once more the eyes of your countrymen are turned upon you, and again do wives and sisters, fathers and mothers, and helpless children lean for defence on your strong arms and brave hearts. Let every soldier remember, that on his courage and fidelity depends all that makes life worth having—the freedom of his country, the honor of his people, and the security of his home. Let each heart grow strong in the remembrance of our glorious past, and in the thought of the inestimable blessings for which we contend; and, invoking the assistance of that higher Power, which has so signally blessed our former efforts, let us go forth in confidence to secure the peace and safety of our country. Soldiers, your old enemy is before you. Win from him honor worthy of your right cause, worthy of your comrades dead on so many illustrious fields.

R. E. LEE, General Commanding.

The pursuit by Gen. Meade is thus stated in his report: "The 5th and 6th of July were employed in succoring the wounded and burying the dead. Major-Gen. Sedgwick, commanding the sixth corps, having pushed the pursuit of the enemy as far as the Fairfield pass and the mountains, and reporting that the pass was very strong—one in which a small force of the enemy could hold in check and delay for a considerable time any pursuing force—I determined to follow the enemy by a flank movement, and accordingly, leaving McIntosh's brigade of cavalry and Neil's brigade of infantry to continue harassing the enemy, I put the army in motion for Middletown, and orders were immediately sent to Major-Gen. French, at Frederick, to reoccupy Harper's Ferry, and send a force to occupy Turner's Pass, in South Mountain. I subsequently ascertained that Major-Gen. French had not only anticipated

these orders in part, but had pushed a cavalry force to Williamsport and Falling Waters, where they destroyed the enemy's pontoon bridge, and captured its guard. Buford was at the same time sent to Williamsport and Hagerstown. The duty above assigned to the cavalry was most successfully accomplished, the enemy being greatly harassed, his trains destroyed, and many captures of guns and prisoners made.

"After halting a day at Middletown to procure necessary supplies and bring up trains, the army moved through South Mountain, and by the 12th of July was in front of the enemy, who occupied a strong position on the heights near the marsh which runs in advance of Williamsport. In taking this position, several skirmishes and affairs had been had with the enemy, principally by the cavalry and the eleventh and sixth corps. The 13th was occupied in reconnoissances of the enemy's position and preparations for an attack. But on advancing on the morning of the 14th, it was ascertained that he had retired the night previous by the bridge at Falling Waters and ford at Williamsport. The cavalry in pursuit overtook the rear guard at Falling Waters, capturing two guns and numerous prisoners. Previous to the retreat of the enemy, Gregg's division of cavalry was crossed at Harper's Ferry, and, coming up with the rear of the enemy at Charlestown and Shepardstown, had a spirited contest, in which the enemy was driven to Martinsburg and Winchester, and pursued and harassed in his retreat.

"The pursuit was resumed by a flank movement of the army, crossing the Potomac at Berlin and moving down the Loudon Valley. The cavalry were immediately pushed into several passes of the Blue Ridge, and having learned from servants of the withdrawal of the Confederate army from the lower valley of the Shenandoah, the army (the third corps, Maj.-Gen. French, being in advance) was moved into Manassas Gap, in the hope of being able to intercept a portion of the enemy in possession of the Gap, which was disputed so successfully as to enable the rear guard to withdraw by the way of Strasburg. The Confederate army retiring to the Rapidan, a position was taken with this army on the line of the Rappahannock, and the campaign terminated about the close of July."

On the 14th, Gen. Meade sent the following despatches to Washington:

HEADQUARTERS ARMY OF THE POTOMAC, *July 14th*—3 P. M.

H. W. Halleck, General-in-Chief:

My cavalry now occupy Falling Waters, having overtaken and captured a brigade of infantry, 1,500 strong, two guns, two caissons, two battle-flags, and a large number of small arms. The enemy are all across the Potomac. GEO. G. MEADE, Major-General.

HEADQUARTERS ARMY OF THE POTOMAC, *July 14th*—8.30 P. M.

Major-Gen. Halleck, General-in-Chief:

My cavalry have captured five hundred prisoners, in addition to those previously reported. Gen. Pettigrew, of the Confederate army, was killed this morning in the attack on the enemy's rear-guard. His body is in our hands. G. G. MEADE, Major-General.

The first of these despatches was subsequently denied by Gen. Lee, as follows:

HEADQUARTERS ARMY NORTHERN VIRGINIA, *July 21st* 1863.

Gen. S. Cooper, Adj't and Inspector-General C. S. A.:

GENERAL: I have seen in the Northern papers what purports to be an official despatch from Gen. Meade, stating that he had captured a brigade of infantry, two pieces of artillery, two caissons, and a large number of small arms, as this army retired to the south bank of the Potomac on the 13th and 14th instant. This despatch has been copied into the Richmond papers; and as its official character may cause it to be believed, I desire to state that it is incorrect. The enemy did not capture any organized body of men on that occasion, but only stragglers and such as were left asleep on the road, exhausted by the fatigue and exposure of one of the most inclement nights I have ever known at this season of the year. It rained without cessation, rendering the road by which our troops marched toward the bridge at Falling Waters very difficult to pass, and causing so much delay that the last of the troops did not cross the river at the bridge until 1 A. M. on the morning of the 14th.

While the column was thus detained on the road, a number of men, worn down with fatigue, laid down in barns and by the roadside, and though officers were sent back to arouse them as the troops moved on, the darkness and rain prevented them from finding all, and many were in this way left behind. Two guns were left on the road; the horses that drew them became exhausted, and the officers went back to procure others. When they returned, the rear of the column had passed the guns so far that it was deemed unsafe to send back for them, and they were thus lost. No arms, cannon, or prisoners were taken by the enemy in battle, but only such as were left behind, as I have described, under the circumstances. The number of stragglers thus lost I am unable to state with accuracy, but it is greatly exaggerated in the despatch referred to.

I am, with great respect, your obedient servant,
R. E. LEE, General.

This despatch of Gen. Lee was subsequently contradicted by Gen. Meade in the following statement, which is important, as containing the details of some of the operations to harass the retreat of the Confederate army across the river:

HEADQUARTERS ARMY OF THE POTOMAC, *August 9th*, 1863.

Major-Gen. Halleck, General-in-Chief:

My attention has been called to what purports to be an official despatch of Gen. R. E. Lee, commanding the rebel army, to Gen. S. Cooper, Adjutant and Inspector-General, denying the accuracy of my telegram to you, of July 14th, announcing the result of the cavalry affair at Falling Waters.

I have delayed taking any notice of Lee's report until the return of Brig.-Gen. Kilpatrick, absent on leave, who commanded the cavalry on the occasion referred to, and on whose report from the field my telegram was based. I now enclose the official report of Brig.-Gen. Kilpatrick, made after his attention had been called to Lee's report. You will see that he reiterates and confirms all that my despatch averred, and proves most conclusively that Gen. Lee has been deceived by his subordinates, or he would never in the face of the facts now alleged have made the assertion his report claims.

It appears that I was in error in stating that the body of Gen. Pettigrew was left in our hands, although I did not communicate that fact until an officer from the field reported to me he had seen the body. It is now ascertained from the Richmond papers that Gen. Pettigrew, though mortally wounded in the affair,

PENNSYLVANIA
MARYLAND
VIRGINIA
CHAMBERSBURG
GETTYSBURG
HANOVER
HANCOCKS
EMMETSBURG
HAGERSTOWN
BATH
WILLIAMSPORT
WESTMINSTER
BOONSBORO
SHARPSBURG
MARTINSBURG
MIDDLETOWN
FREDERICK
SHEPHERDSTOWN
WHITE OAK SPR.
MONROVIA
MONOCACY
BOLIVAR HEIGHTS
HARPERS FERRY
MARYLAND HEIGHTS
HALLTOWN
CHARLESTOWN
LOVETTSVILLE
POINT OF ROCKS
SUGAR LOAF MT
NOLANDS FORD
WIN. & POT. R.R.
WINCHESTER
BERRYVILLE
KERRTOWN
PORCELLVILLE
LEESBURG
POOLESVILLE
EDWARDS FERRY
DARNESTOWN
ROCKVILLE
NEWTOWN
SNICKERS GAP
MIDDLETOWN
STRASBURG
PARIS
ALDIE
MIDDLEBURG
DRAINESVILLE
FRONT ROYAL
RECTORTOWN
HOPEVILLE
WHITE PLAINS
HOPEVILLE GAP
MANASSAS GAP
SALEM
THOROFARE
THOROFARE GAP
HAYMARKET
GAINESVILLE
CHAIN BRIDGE
VIENNA
GERMANTOWN
OX HILL
CENTREVILLE
FAIRFAX C.H.
BURKES
SPRINGFIELD
SANGSTERS
FAIRFAX ST.
UNION MILLS
ALEXANDRIA
WARRENTON
MANASSAS JUNCTION
BRISTOW
OCCOQUAN
LURAY C.H.
WASHINGTON
SPERRYVILLE
WATERLOO BRIDGE
WARRENTON SPRINGS
CATLETTS
WARRENTON JUNCTION
FAYETTEVILLE
DUMFRIES
HAZEL R. BRIDGE
HAZEL RIVER
BEALSTON
KELLYS FORD
BRANDY
RAPPAHANNOCK STA.
CULPEPPER C.H.
STAFFORD C.H.
ACQUIA CREEK
CEDAR MT
MITCHELLS STA.
MADISON C.H.
RAPIDAN
RACOON FORD
FREDERICKSBURG
RAPIDAN STA.
BURNETTS FORD
ORANGE C.H.
SPOTTSYLVANIA C.H.
PORT ROYAL
GORDONSVILLE
LOUISA C.H.
SCALE OF MILES
0 10 20

was taken to Winchester, where he subsequently died. The three battle flags captured on this occasion and sent to Washington, belonged to the 40th, 47th, and 55th Virginia regiments of infantry.

Gen. Lee will surely acknowledge these were not left in the hands of stragglers asleep in barns.

(Signed) GEO. G. MEADE,
Major-General Commanding.

HEADQUARTERS THIRD DIVISION CAVALRY CORPS,
WARRENTON JUNCTION, VA., *August 7th.*

To Colonel A. J. Alexander, Chief of Staff of Cavalry Corps:

COLONEL: In compliance with a letter just received from the headquarters of the cavalry corps of the Army of the Potomac, directing me to give the facts connected with the fight at Falling Waters, I have the honor to state that, at 3 A. M. of the 14th ult., I learned that the enemy's pickets were retiring in my front. Having been previously ordered to attack at 7 A. M., I was ready to move at once.

At daylight I had reached the crest of hills occupied by the enemy an hour before, and, a few minutes before 6, Gen. Costar drove the rear guard of the enemy into the river at Williamsport. Learning from citizens that a portion of the enemy had retreated in the direction of Falling Waters, I at once moved rapidly for that point, and came up with this rear guard of the enemy at 7.30 A. M., at a point two miles distant from Falling Waters. We pressed on, driving them before us, capturing many prisoners and one gun. When within a mile and a half of Falling Waters, the enemy was found in large force, drawn up in line of battle on the crest of a hill, commanding the road on which I was advancing. His left was protected by earthworks, and his right extended to the woods on our left.

The enemy was, when first seen, in two lines of battle, with arms stacked, within less than 1,000 yards of the large force. A second piece of artillery, with its support, consisting of infantry, was captured while attempting to get into position. The gun was taken to the rear. A portion of the 6th Michigan cavalry, seeing only that portion of the enemy behind the earthworks, charged. This charge was led by Major Webber, and was the most gallant ever made. At a trot he passed up the hill, received the fire from the whole line, and the next moment rode through and over the earthworks, and passed to the right, sabring the rebels along the entire line, and returned with a loss of thirty killed, wounded, and missing, including the gallant Major Webber, killed.

I directed Gen. Costar to send forward one regiment as skirmishers. They were repulsed before support could be sent them, and driven back, closely followed by the rebels, until checked by the 1st Michigan and a squadron of the 8th New York. The 2d brigade having come up, it was quickly thrown into position, and, after a fight of two hours and thirty minutes, routed the enemy at all points and drove him toward the river.

When within a short distance of the bridge, Gen. Buford's command came up and took the advance. We lost twenty-nine killed, thirty-six wounded, and forty missing. We found upon the field 125 dead rebels, and brought away upward of fifty wounded. A large number of the enemy's wounded were left upon the field in charge of their own surgeons. We captured two guns, three battle flags, and upward of fifteen hundred prisoners.

To Gen. Costar and his brigade, Lieut. Pennington and his battery, and one squadron of the 8th New York cavalry of Gen. Buford's command, all praise is due. Very respectfully, your ob't servant,

J. KILPATRICK, Brigadier-General.

On the 7th of July, despatches were received at Washington announcing the surrender of Vicksburg, and, on the 14th, further despatches announcing the surrender of Port Hudson. The news of the surrender of Vicksburg was welcomed with salutes of artillery in a large number of the principal cities in the Northern States.

On the 15th, the President issued the following proclamation:

By the President of the United States of America:

A PROCLAMATION.

It has pleased Almighty God to hearken to the supplications and prayers of an afflicted people, and to vouchsafe to the army and the navy of the United States, victories on the land and on the sea so signal and so effective, as to furnish reasonable ground for augmented confidence that the Union of these States will be maintained, their Constitution preserved, and their peace and prosperity permanently restored. But these victories have been accorded not without sacrifices of life, limb, health, and liberty, incurred by brave, loyal, and patriotic citizens. Domestic affliction, in every part of the country, follows in the train of these fearful bereavements. It is meet and right to recognize and confess the presence of the Almighty Father, and the power of His Hand, equally in these triumphs and in these sorrows.

Now, therefore, be it known that I do set apart Thursday, the 6th day of August next, to be observed as a day for National Thanksgiving, Praise, and Prayer, and I invite the people of the United States to assemble on that occasion in their customary places of worship, and, in the forms approved by their own consciences, render the homage due to the Divine Majesty for the wonderful things He has done in the nation's behalf, and invoke the influence of His Holy Spirit to subdue the anger which has produced and so long sustained a needless and cruel rebellion, to change the hearts of the insurgents, to guide the counsels of the Government with wisdom adequate to so great a national emergency, and to visit with tender care and consolation throughout the length and breadth of our land all those who, through the vicissitudes of marches, voyages, battles, and sieges, have been brought to suffer in mind, body, or estate, and finally to lead the whole nation—through the paths of repentance and submission to the Divine Will—back to the perfect enjoyment of union and fraternal peace.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this fifteenth day of July, in the year of our Lord one thousand eight hundred and sixty-three, and of the Independence of the United States of America the eighty-eighth.

[L. S.]

By the President: ABRAHAM LINCOLN.
WILLIAM H. SEWARD, Secretary of State.

The movements of Gen. Meade in pursuit of Gen. Lee were in detail as follows:

On the 18th, his headquarters were moved across the Potomac; on the 19th, they were at Lovettsville; on the 20th and 21st, at Union; on the 22d, at Upperville; on the 23d, at Markham Station; on the 24th, at Salem; and on the 25th, at Warrenton, with the army occupying the same line which it did two months previous. Active operations now closed, and on the 30th, Gen. Meade issued the following proclamation to the inhabitants:

HEADQUARTERS ARMY OF THE POTOMAC,
July 30th, 1863.

The numerous depredations committed by citizens, or rebel soldiers in disguise, harbored or concealed by citizens, along the Orange and Alexandria railroad, within our lines, call for prompt and exemplary punishment.

Under the instruction of the Government, therefore, every citizen against whom there is sufficient evidence of his having engaged in these practices, will be ar-

rested and confined for punishment or sent beyond the lines. The people within ten miles of the railroad are notified that they will be held responsible in their persons and property for any injury done to the trains, road, depot, or stations, by citizens, guerillas, or persons in disguise; and in case of such injury they will be impressed as laborers to repair all damages. If these measures should not stop such depredations, it will become the unpleasant duty of the undersigned, in the execution of his instructions, to direct that the entire inhabitants of the district of country along the railroad be put across the lines, and their property taken for Government purposes.

GEORGE G. MEADE, Maj.-Gen. Commanding.

Some movements were made during the advance of Gen. Lee into Pennsylvania, which were important, being intended to serve as diversions. One made by a portion of the forces under Gen. Dix, from Fortress Monroe, up the peninsula toward Richmond, is mentioned in the correspondence between Mr. Davis and Gen. Lee, on a preceding page. The effect of this movement is there stated. Gen. Getty, of the seventh corps, was sent by Gen. Dix to the White House, at the junction of the Pamunkey with the York river. In this position he threatened both Richmond and the communications of Gen. Lee. From the White House a force was sent out to occupy Tunstall's Station, on the railroad to Richmond. Lanesville, on the other side of the Pamunkey, was also occupied, and an advance was made to Hanover, by which several prisoners were captured, among whom was Brig.-Gen. H. F. Lee, a son of Gen. R. E. Lee.

The advance of Gen. Rosecrans against the army of Gen. Bragg commenced at this time. It is hereafter stated. On the Confederate side a "raid" was made by the Partisan Ranger, John Morgan, into the States of Kentucky, Indiana, and Ohio, in which he designed to sweep everything before him, attracting the public attention entirely to himself, and breaking all the railroad communications by which reënforcements for the defence of Louisville, Kentucky, could be sent. Immediately upon this, Gen. Buckner, from Tennessee, was to dash into Kentucky with the force under his command, which was very considerable, capture Louisville, and then, in coöperation with Gen. Morgan, make an attack upon Cincinnati. By the advance of Gen. Rosecrans sooner than was expected, Gen. Buckner could not be spared for this movement.

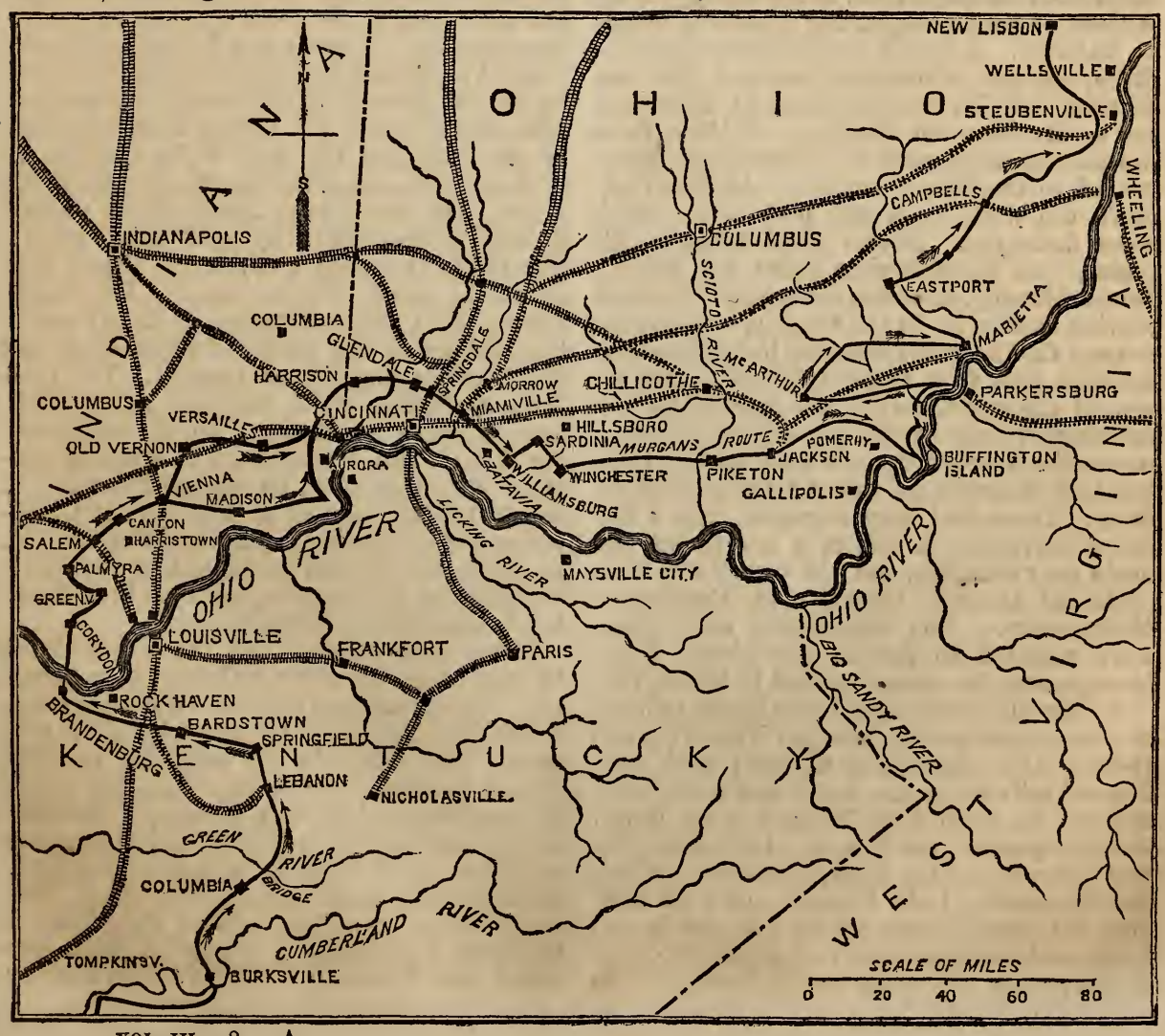
Gen. Morgan, with about four thousand men, was in Tennessee at this time, south of the Cumberland river, and making a feint upon Tompkinsville, just over the line in Kentucky. Tompkinsville is the capital of Monroe county, 140 miles south of southwest of Frankfort, the capital of the State, and 10 miles from the Cumberland river. A small Union force was stationed at Columbia, the capital of Adair county, Kentucky, an important position to defend the State from a threatening enemy on the south bank of the Cumberland. On the 20th of June, Brig.-Gen. Hobson was ordered by Gen. Judah to move to Tompkinsville, then apparently threatened by Gen. Morgan. This opened the gate for Gen. Morgan, who immediately crossed the Cumberland at Burksville, the capital of Cumberland county. Thus having the start, Gen. Morgan moved rapidly on to Columbia, where a brave defence was made by Capt. Carter, with one hundred and fifty men of Col. Wolford's Kentucky regiment, who were, however, forced to retire with the loss of their leader. Thence Gen. Morgan attacked, on July 4th, Col. Moore, posted with a few hundred men at Green river bridge, who made a firm resistance. He next marched, on the 5th, to Lebanon, and demanded the surrender of the place by Col. Hanson, who, with his regiment, the 20th Kentucky, was stationed there. This was refused, and an attack was immediately made and bravely resisted for seven hours, when the enemy began to set fire to the town, and Col. Hanson surrendered to save its entire destruction. Lebanon is the capital of Marion county. It is 60 miles south by west of Frankfort. All the northern portion of the town, with the county clerk's office and the records, was burned. The soldiers who surrendered were marched in front to Springfield, and compelled to keep pace with the cavalry. The distance was ten miles, and passed in an hour and a half. The Union loss was five killed and several wounded; the Confederate loss was six killed and ten wounded. From Springfield, Gen. Morgan moved to Shepherdsville; thence to Bardstown, on the 6th.

On Tuesday, the 7th, the advance of his force reached Brandenburg on the Ohio river, forty miles below Louisville. During the day, the steamer McCombs, bound up the river, stopped, as usual, at Brandenburg, to take on passengers and freight. As soon as she touched the shore she was boarded by a number of the enemy and seized. Everything was taken that would serve the purpose of the captors, and the boat was run out into the river and anchored. Some time afterward, the steamer Alice Dean approached, when signals of distress were raised on the McCombs, and the Dean was induced to come alongside without a suspicion of the actual circumstances. She was then boarded and seized. On the next day, Wednesday, the force of Gen. Morgan, consisting of eleven regiments and over four thousand men, with ten pieces of artillery, including two howitzers, were taken across the river in these boats. The Dean was then burned, and also the wharf at Brandenburg, but the McCombs was given up.

In the mean time, Gen. Hobson, after some delay, commenced the pursuit. He started on the 4th, but being encumbered by a wagon train, and the roads being bad, he advanced only ten miles in five hours. On the next morning, the infantry, wagons, and artillery were left behind, and the pursuit made with cavalry. From 4 P. M. to 11 P. M. a halt was made. The march was then continued during the remainder of the night, and, on the next morning, Brig.-Gen. Shackelford was met with cavalry

and artillery. Proceeding to Lebanon, Col. Wolford and his brigade there joined. Orders were also received by Gen. Hobson from Gen. Burnside, in command of the department, directing him to assume full command, and to pursue until the enemy was captured. The command then marched toward Bardstown, until 1 A. M. After two hours' rest the pursuit was resumed. At night, a halt was made until rations could be obtained by the Louisville and Nashville railroad. The pursuit was renewed early on Tuesday, the 7th, and by night the force was within nine miles of Brandenburg. Gen. Hobson, wishing to coöperate with the gunboats and make a night attack, proceeded with a small escort to Rock Haven. Here he found that the gunboats had gone up the river. It was 1 A. M. before he returned. The men being so overcome with fatigue and want of sleep that it was almost impossible to arouse them, he reluctantly concluded to wait until daybreak. Pushing on at that time, he reached the river as the last boat with the enemy had crossed.

During the night the enemy marched toward Corydon, in Indiana, which they reached early the next forenoon. Some opposition was made to their progress by the inhabitants. Great excitement, however, prevailed in the State. A proclamation was issued by Gov. Morton, ordering all the able-bodied citizens in the southern counties of the State under arms. From Corydon, Gen. Morgan moved by the way of Greenville and Palmyra to Salem. At Palmyra a force of three hundred and fifty Home Guards had concentrated, having fallen back from near Corydon to that place. Considering their inability to retard the progress of the enemy, they also fell back to Salem. So sudden, however, was the entrance of the enemy into Salem, that these Guards were all made prisoners and subsequently paroled. At Salem, the depot of the Louisville and Chicago railroad was burned. Orders were also issued by Gen. Morgan to burn all the mills and factories in the town, but upon the payment of one thousand dollars for each mill and factory, they were spared. The railroad track was torn up, the water tank near the town burned, and one passenger and three freight cars. Three bridges between Salem and Farrabee's Station were also destroyed. Good horses were taken wherever found, and the whole command was remounted. From Salem the enemy moved to Canton, in Washington county, four and a half miles distant. Here over one hundred horses were taken, and, joining his left column with the right, which entered the town by way of Harristown, Gen. Morgan moved in the direction of Vienna, in Scott county, on the line of the Jeffersonville railroad. About 11



P. M. on Friday night the advance reached Vienna, and at 2 o'clock on the next morning the rear guard arrived. Here a railroad bridge was burned, and the depot and station house. Private property for the first time was here respected. At Vienna, the force of the enemy was divided into two columns, one of which marched north and the other started in the direction of Madison. The advance of the column marching north, appeared before Old Vernon, in Jennings county, on Saturday, at 6 P. M., the 11th of July. The place was held by a force under Gen. Love or Col. Barkham. A surrender was demanded by Gen. Morgan and refused. A half hour was then given for the removal of women and children. At the expiration of that time the Union force moved out to meet the enemy, and found that they had retired. Pursuit was made and a number captured. From Vernon they moved southward and tore up the track of the Madison and Indianapolis railroad, and cut the telegraph wires. They also destroyed a portion of the Ohio and Mississippi railroad west of Vernon. Thence the enemy moved eastward, and reached Versailles at 1 P. M. on Sunday. A party of sixty-three advanced to Osgood, and burned the bridge on the Ohio and Mississippi railroad. The enemy now moved in several parties. A large body encamped ten miles northwest of Aurora, on Sunday night, and proceeded thence to Harrison. Another portion crossed the Indianapolis and Cincinnati railroad, between Sunman and Van Wedden's stations, and passed on to Harrison on Monday. A large force crossed the same road at Harman's, and proceeded to the Ohio State line. At Van Wedden's the water tank and part of the track were destroyed. Horses were taken in all places, and those broken down left behind. During Monday, the 13th, the enemy continued moving eastward. In the evening, one division crossed the Coleraine turnpike just beyond the ten-mile post from Cincinnati, and thence advanced through Glendale and Springdale. A detachment went by the way of Camp Monroe, where the Government had been keeping large numbers of horses and mules for the use of the army. These had been removed only a few hours previous. A halt of a few hours was made near Glendale, and the march was then continued through Sharon and Reading to Montgomery. The inhabitants everywhere were required to furnish provisions. From Montgomery the enemy crossed to Miamiville.

A body also crossed the Little Miami railroad at Dangerous Crossing, between Miamiville and Branch Hill. At this spot they placed some ties and rails across the track near a declivity, and as the train from Morrow came down, about a quarter past 7 A. M., the locomotive was thrown from the track, the fireman killed, and the engineer badly bruised. In a few minutes the enemy came out of the woods and fields, and made prisoners of about two hundred recruits who were on the train. While the cars were burning they were paroled. Some skirmishing took place during the day. Arrangements were now made by means of gunboats to cut off the retreat of the enemy across the river, if they should attempt it. Forces were also gathering to stop the progress of Gen. Morgan, and his movements became more rapid. On Tuesday afternoon, the 14th, he reached Williamsburg, east of Batavia, in Clermont county, and near the line of Brown county. On Wednesday, he passed through Brown county, and, on Thursday morning at 9 A. M., through the town of Sardinia, sixteen miles southwest of Hillsboro, the capital of Highland county. At noon he was at Winchester, southeast of Hillsboro, and forced the citizens to prepare a dinner for his men. Afterward he moved to Piketown, which surrendered without opposition. Very little depredation was done except taking horses and provisions. Burning the bridge over the Scioto, he next moved toward Jackson, where he arrived in the evening, and remained until joined by his whole force. Thence he started for the Ohio river near Pomeroy.

In the mean time, Gen. Hobson, who arrived at the Ohio river in pursuit as the last of the enemy's force had crossed, sent the steamer McCombs to Louisville, to obtain other boats to aid in crossing. By night, quite a fleet had arrived, and the force was taken over before morning. Pursuit was immediately commenced on Wednesday. The command was fed by the inhabitants of the towns, but as Gen. Morgan had swept the horses from both sides of the road, and left only those which were broken down, the advantage was greatly in his favor. The men whose horses failed, pressed forward on foot until they could obtain others. Day after day passed, but still the enemy kept about the same distance ahead. For nearly twenty days and a distance of nearly seven hundred miles, this pursuit continued day and night, before the foe was reached. The local force of Indiana which was sent against Gen. Morgan, came no farther than the borders of the State. The first attempt to check his advance was made when he reached Piketon. A considerable force was at this time at Chillicothe, north of the latter place, and Col. Runkle, in command, planned to move over the Marietta railroad to Hampden, and then to Jackson, in advance of Gen. Morgan.

It was now manifest that the enemy aimed to reach the Ohio river at Gallipolis or Pomeroy. The inhabitants commenced cutting trees, which fell across the roads and delayed his progress. The militia in the adjoining counties rushed to arms. At the same time, the forces of Gen. Morgan had been constantly diminishing, by the exhaustion of some and the capture of others, until scarcely a fourth remained. These were harassed now at every step. Notwithstanding several skirmishes, they reached the river, and attempted to cross at Buffington island, near Pomeroy, but were driven back by

the gunboats. Gen. Hobson had thus overtaken him, and a large portion of the force was captured, on the 21st, near Kyger's creek. Gen. Morgan and about five hundred, however, escaped, and were not captured until the 26th, about three miles south of New Lisbon, near Wellsville, where he hoped to cross the river. Gen. Shackelford immediately sent to Gen. Burnside's headquarters the following despatch:

HEADQUARTERS IN THE FIELD,
Three miles south of New Lisbon, Ohio, *July 26th*, 1863.

To Col. Lewis Richmond, A. A. G.:

By the blessing of Almighty God I have succeeded in capturing Gen. John H. Morgan, Col. Chike, and the remainder of the command, amounting to about four hundred prisoners. I will start with Morgan and staff on the first train for Cincinnati, and await the General's order for transportation for the remainder.

J. M. SHACKELFORD, Col. Commanding.

Before proceeding to state the important movements of the army under Gen. Rosecrans which took place at this time, it may be proper to notice its situation subsequent to the battle of Stone river in the beginning of the year. The operations of the army of the Cumberland, under Maj.-Gen. Rosecrans, during 1862, closed with the battle of Stone river, near Murfreesboro. This battle took place on the last days of 1862 and the first of 1863. (*See* ANNUAL CYCLOPÆDIA, 1862, ARMY OPERATIONS.) On the 5th of January, the headquarters of the army were established at Murfreesboro. The army occupied a position in front of the town, and a series of extensive earthworks, completely encircling it, were constructed for the purpose of making it a depot of supplies and the base of future operations. The railroad track and the bridges in the rear toward Nashville were also repaired. On the 9th of January, the army was divided into three corps, designated the fourteenth, twentieth, and twenty-first, and commanded respectively by Gens. Thomas, McCook, and Crittenden. Active operations were, however, suspended, owing to the rains of the season. Large supplies were collected in consequence of the rise of the Cumberland river at Nashville and Murfreesboro. But the enemy was not idle. His cavalry overran the country, and men and wagons belonging to Gen. Rosecrans were often captured by him. The object was to cut off the communications of the army of the Cumberland and its supplies. Thus also many of the steamers on the Cumberland river were captured and burned.

On the 31st, Brig.-Gen. Jeff. C. Davis, with a division of infantry and two brigades of cavalry, under Col. Minty, moved from camp on an expedition in the direction of Rover and Franklin. The force was absent thirteen days, and during that time some portion of it visited Middletown, Unionville, Versailles, Peytonville, Franklin, Hillsboro, Kinderhook, and Triune. The cavalry captured one hundred and forty-one prisoners, including two colonels, one major, four captains, and several lieutenants, with one man severely injured, and one dangerously wounded.

On the 3d of February, an attack was made on Fort Donelson, in another part of this department. On the 2d, the Confederate Col. Forrest, with nine hundred men, had taken a position at Palmyra, for the purpose of interrupting the navigation of the Cumberland. On the next day he advanced upon the fort both from above and below. The garrison consisted of nine companies of the 83d Illinois, a battalion of the 5th Iowa cavalry, Flood's battery, and some wounded men, under command of Col. A. C. Harding. The battery consisted of four rifled guns, and in addition there was a pivot of thirty-two pounder rifled, mounted on the northwest corner of the fort. At half past one in the afternoon a flag of truce was sent in by Col. Forrest, demanding a surrender of the fort and garrison. This was promptly refused, and preparations for defence were made. The attack was immediately commenced, and kept up, with numerous charges, which were gallantly repulsed, until eight o'clock in the evening, when another demand for a surrender was made. It was again promptly refused, and the enemy retired in confusion. The Federal loss was thirteen killed, fifty-one wounded, and twenty taken prisoners, without including a captain and twenty-six men who were captured on the same day while on a scout; also one gun, twenty-five mules, and forty-two horses. The Confederate loss was estimated at two hundred and fifty killed, six hundred wounded, and one hundred and five prisoners.

A period of inactivity now ensued, which was suddenly broken by the defeat and capture of a Federal brigade at Spring Hill on the 5th of March. On the preceding day an expedition, under the command of Col. John Colburn, consisting of part of the 33d and 85th Indiana, 22d Wisconsin, and 19th Michigan, numbering fifteen hundred and eighty-nine men, together with the 124th Ohio, and six hundred cavalry, and one battery of six small guns, was ordered to proceed from Franklin to Spring Hill, ten miles south, on the Columbia turnpike. Soon after commencing the march, the enemy were encountered, and, after a sharp skirmish, repulsed. Moving forward about two miles, they were again encountered, but, owing to the late hour, the command encamped. Starting again on the next morning, the 124th Ohio being in the rear of the wagon train, the enemy was again met, after an advance of two miles, and sharp skirmishing was kept up for some distance. The enemy was then found in full force under Gen. Van Dorn and Col. Forrest. A severe struggle ensued, which was protracted until Col. Forrest had taken a position in the rear, when Col. Colburn, finding his ammunition failing, and his retreat cut off, surrendered. Thirteen hundred and six men were made prisoners. The cavalry were not engaged, and, with the artillery, escaped. The Confederate force consisted of cavalry and mounted infantry, composing six brigades, under the command of Maj.-Gen. Van Dorn. The whole force of Gen. Van Dorn had

been at Spring Hill for three days, preparing to make an attack on Franklin.

Meanwhile a successful expedition was made by Gen. Sheridan, with his division, and Col. Minty, with a force of eight hundred cavalry. Several sharp skirmishes took place, and a portion of the force which captured Col. Colburn was overtaken at Thompson Station and driven from the field, and the force of Gen. Van Dorn was followed to Duck river, when the expedition returned to Franklin.

On the 18th of March, an expedition, consisting of the 105th Ohio, 80th and 123d Illinois, and an Indiana battery, and one company of 1st Middle Tennessee cavalry, numbering about fourteen hundred men, under the command of Col. A. S. Hall, left Murfreesboro and moved in the direction of Liberty. That night Gainesville was occupied, and on the next morning an advance was made, when a slight skirmish ensued. The enemy slowly retired on the turnpike down Smith's Fork, followed by Col. Hall, until they were found drawn up in line across the road. Finding, upon a reconnoissance, that he was greatly outnumbered, Col. Hall fell back toward Murfreesboro, with the object of drawing the enemy after him. That night he encamped at Auburn, seven miles from Liberty, and on the next morning, the 20th, took up a position at Milton, twelve miles northeast of Murfreesboro. Here he was attacked by the Confederate force under Gen. John Morgan, who, after a fight of three and a half hours, withdrew from the field. Four captains, two lieutenants, and fifty-seven men were left on the field as dead or mortally wounded. Their total loss was estimated at nearly four hundred. Ten prisoners, eight horses, and fifty-three stands of arms were captured. The loss of Col. Hall was six killed, forty-two wounded, and seven missing. The force of the enemy was about two thousand.

A large number of expeditions, similar to those above stated, were sent out at different times; often with much success. About the 10th of April another attack was made on Maj.-Gen. Gordon Granger, at Franklin, by the Confederate force, under Maj.-Gen. Van Dorn. The force of Gen. Granger consisted of the divisions of Brig.-Gens. Baird and Gilbert, sixteen hundred men and sixteen guns, and Brig.-Gen. Smith's cavalry brigade of eleven hundred and twenty-eight men; also a cavalry force of sixteen hundred men and two guns, under Col. Stanley. The only artificial defence was an uncompleted fort, which mounted two siege guns and two three-inch rifled guns. Its elevation was about forty feet above the surrounding country, and it commanded most of the approaches to Franklin, north of the Harpeth, and all from the south except a small portion of the surface covered by a few blocks of houses. Gen. Granger's camp was on the north side of the river, about two thirds of a mile distant from the town. Gen. Baird was ordered to hold in check any force attempting to cross the fords below the town, and Gen. Gilbert was placed in a position to meet any attack in front, or to reenforce either flank. Gen. Stanley was stationed out four miles on the road to Murfreesboro, and Gen. Smith's cavalry were held in reserve to reënforce Gen. Stanley. This force, however, was sent under a misapprehension to Brentwood. An attack was made by Gen. Van Dorn upon Gen. Granger's front, which was repelled and afterward turned upon Gen. Stanley, who was driven back by overpowering numbers before reënforcements could reach him. After this the enemy withdrew. The force of the enemy was estimated at nine thousand cavalry and two regiments of infantry, and his loss at about three hundred. The loss of Gen. Granger was thirty-seven killed, wounded, and missing.

On the 20th of April, a force, consisting of Maj.-Gen. Reynolds's division, Col. Wilder's mounted brigade, and seventeen hundred cavalry, under Col. Minty, left Murfreesboro to capture or disperse any Confederate force at McMinnsville. At night the cavalry encamped between Readyville and Woodbury. Early the next morning the force moved on, and, approaching the town, the pickets of the enemy were discovered. Forming a line, they opened fire, and were charged upon and driven through the town. The entire force thus dispersed consisted of seven hundred men. The wagon train had left the town for Chattanooga about an hour before the arrival of the Federal force, but, by hard pressing, three wagons were captured, and eight or nine men. Other movements were made by this force, which resulted in the capture of one hundred and thirty prisoners, the destruction of a trestlework below Morrison's, the burning of the railroad buildings, one locomotive, and two cars, at that place, the burning of the railroad bridge across Hickory creek, and the capture there of a large amount of bacon and other commissary stores. A large amount of property and stores, including a cotton factory and other Government buildings, was destroyed at McMinnsville, and a large number of horses and mules brought in. No casualties occurred to the Federal force.

On the 29th of April, a force of five hundred men, under Col. Watkins, captured a camp of the enemy, taking one hundred and thirty-eight prisoners.

About the same time an expedition was fitted out for Northern Georgia, consisting of the 51st Indiana, 80th Illinois, and portions of two Ohio regiments, under command of Col. A. D. Streight. The force numbered about eighteen hundred men, and the instructions given to Col. Streight were as follows:

HEADQUARTERS, DEPOT OF THE CUMBERLAND,
MURFREESBORO, *April 8th*, 1863.

Colonel A. D. Streight, 51st Indiana Volunteers:

By special field order, No. 94, paragraph 8, you have been assigned to the command of an Independent Provisional Brigade, for temporary purposes. After fitting out your command with equipments and supplies, as you have already been directed in the ver-

bal instructions of the General commanding this department, you will then proceed by a route of which you will be advised by telegraph, to some good steamboat landing on the Tennessee river, not far above Fort Henry, where you will embark your command, and proceed up the river. At Hamburg you will communicate with Brig.-Gen. Dodge, who will probably have a messenger there, awaiting your arrival. If it should then appear unsafe to move farther up the river, you will debark at Hamburg, and, without delay, join the force of Gen. Dodge, which will then be *en route* for Iuka, Mississippi. If, however, it should be deemed safe, you will land at Eastport, and form a junction with Gen. Dodge. From that point you will then march in conjunction with him to menace Tuscumbia; but you will not wait to join in the attack, unless it should be necessary for the safety of Gen. Dodge's command or your own, or unless some considerable advantage can be gained over the enemy without interfering with the general object of your expedition. After having marched long enough with Gen. Dodge to create a general impression that you are a part of his expedition, you will push to the southward and reach Russellville or Moulton. From there your route will be governed by circumstances; but you will with all reasonable despatch push on to Western Georgia, and cut the railroads which supply the rebel army by way of Chattanooga. To accomplish this is the chief object of your expedition; and you must not allow collateral or incidental schemes, even though promising great results, to delay you so as to endanger your return. Your quartermaster has been furnished with funds sufficient for the necessary expenses of your command; you will draw your supplies and keep your command well mounted from the country through which you pass. For all property taken for the legitimate use of your command, you will make cash payments in full to men of undoubted loyalty, give the usual conditional receipts to men whose loyalty is doubtful; but to rebels, nothing. You are particularly commanded to restrain your command from pillage and marauding; you will destroy all depots of supplies for the rebel army, all manufactories of guns, ammunition, equipments, and clothing for their use, which you can without delaying you so as to endanger your return. That you may not be trammelled with minute instructions, nothing further will be ordered than this general outline of policy and operation. In intrusting this highly important and somewhat perilous expedition to your charge, the General commanding places great reliance on your prudence, energy, and valor, and the well-attested bravery and endurance of the officers and men in your command. Whenever it is possible and reasonably safe, send us word of your progress. You may return by way of Northern Alabama or Northern Georgia. Should you be surrounded by rebel forces, and your retreat cut off, defend yourself as long as possible, and make the surrender of your command cost the enemy as many times your number as possible. A copy of the general order from the War Department, in regard to paroling prisoners, together with the necessary blanks, are herewith furnished you; you are authorized to enlist all able-bodied men who desire to join the "Army of the Union." You must return as soon as the main objects of your expedition are accomplished.

Very respectfully, your obedient servant.

J. A. GARFIELD,
Brigadier-General and Chief of Staff.

The following additional instructions were sent by telegraph to Col. Streight:

April 9th, 1863.

The written instructions you have received, are designed to cover the cases you allude to. It is not necessary that a manufactory be directly in the employ of the rebels, to come under the rule there laid down. If it produces any considerable quantity of supplies, which are likely to reach the rebel army, it is to be destroyed. Of course, small mills, that can only supply the necessaries of life to the inhabitants, should not be injured. Any considerable amount of supplies likely to reach the rebel army, are to be destroyed. If you dress your soldiers in the costume of the enemy, they will be liable to be treated as spies: you should not do this without the consent of the men, after they have been fully advised of the consequences.

J. A. GARFIELD,
Brigadier-General and Chief of Staff.

Under these instructions, Col. Streight embarked on steamers at Nashville, with his command, and landed near Fort Donelson on the Cumberland river. He then proceeded across the country to the Tennessee river, while the steamers descended to the Ohio and came up the Tennessee to meet him. Thence he proceeded to Eastport, and formed a junction with Gen. Dodge's force then marching upon Tuscumbia, and defeated the Confederate troops stationed there, with considerable loss to them. Thence he moved to Northern Georgia, aiming to reach the important points of Rome and Atlanta. Meanwhile Gen. Dodge, with his force, turned southward, to make a sweeping raid in Northern Alabama, and return to his headquarters at Corinth.

No sooner had Col. Streight commenced his march than information of his movements was received by Gen. Forrest and Col. Roddy, who, with a cavalry force, happened to be within striking distance. By a rapid movement they came upon the rear of Col. Streight, and commenced a running fight, which continued for four days, during which there were two severe battles and several spirited skirmishes. The Federal troops thus marched over a hundred miles toward the heart of the State, destroying bridges, and large supplies of corn collected for the Confederate army, a large foundery for the manufacture of cannon and shot, and seizing all the animals needed. Strict discipline was also maintained, and the inhabitants were not needlessly harassed. The Confederate force finally increased to overwhelming numbers, and Col. Streight, having expended his ammunition, and his men becoming exhausted, was compelled to surrender at a point fifteen miles from Rome, in Georgia. His men, numbering thirteen hundred, were paroled and sent to Virginia, and exchanged about two months afterward. But his officers were retained and imprisoned, on the demand of the Governor of Georgia, by whom they were claimed as having incurred the penalty fixed by a statute of the State for inciting slaves to rebellion. It was charged, at the time of the surrender, that negroes were found in Col. Streight's command, who were uniformed and bearing arms. This was denied by the privates, who asserted that only five or six negroes were with the command, and they had started with it from Nashville. This imprisonment of Col. Streight caused the Federal Government to suspend the exchange of Confederate officers, and subsequently to imprison Gen. John Morgan and his officers in the penitentiary of Ohio. Col. Streight was then released from imprisonment as a felon, and, subsequently, Gen. Morgan escaped.

At this time, the authorities at Washington were led to believe that large detachments were going from Gen. Bragg's army to reënforce Gen. Johnston in Mississippi. Gen. Rosecrans was therefore urged to take advantage of this opportunity to drive Gen. Bragg back into Georgia, and thus secure East Tennessee from the possession of the enemy. Gen. Burnside was also ordered to coöperate with him. The following correspondence occurred between Gens. Halleck and Rosecrans:

MURFREESBORO, TENN., *June 11th*, 1863.

Your despatch of to-day is received. You remember that I gave you, as a necessary condition of success, an adequate cavalry force. Since that time I have not lost a moment in mounting our dismounted cavalry as fast as we could get horses. Not more than three hundred remain to be mounted. The 5th Iowa, ordered up from Donelson, arrived to-day. The 1st Wisconsin will be here by Saturday. My preliminary infantry movements have nearly all been completed, and I am preparing to strike a blow that will tell. But to show you how differently things are viewed here, I called on my corps and division commanders and generals of cavalry, for answers in writing to the questions:

First—From your best information, do you think the enemy materially weakened in our front? Second—Do you think this army can advance at this time with reasonable prospect of fighting a great and successful battle? Third—Do you think an advance advisable at this time? To the first, eleven answered no; six, yes, to the extent of ten thousand. To the second, four, yes, with doubts; thirteen, no. To the third, not one yes; seventeen, no.

Not one thinks an advance advisable until Vicksburg's fate is determined. Admitting these officers to have a reasonable share of military sagacity, courage, and patriotism, you perceive that there are graver and stronger reasons than probably appear at Washington, for the attitude of this army. I therefore counsel caution and patience at headquarters. Better wait a little to get all we can ready to insure the best result. If, by so doing, we, perforce of Providence, observe a great military maxim—not to risk two great and decisive battles at the same time—we might have cause to be thankful for it. At all events you see that, to expect success, I must have such thorough grounds that when I say "Forward," my word will inspire conviction and confidence where both are now wanting. I should like to have your suggestion.

W. S. ROSECRANS, Major-General.

To Maj.-Gen. H. W. HALLECK, General-in-Chief.

WASHINGTON, *June 12th*, 1863.

GENERAL: Your telegram of yesterday is just received. I do not understand your application of the military maxim not to fight two great battles at the same time. It will apply to a single army, but not to two armies acting independently of each other. Johnston and Bragg are acting on interior lines between you and Grant, and it is for their interest, not ours, that they should fight at different times, so as to use the same force against both of you. It is for our interest to fight them, if possible, while divided. If you are not strong enough to fight Bragg with a part of his force absent, you will not be able to fight him after the affair at Vicksburg is over, and his troops return to your front.

There is another military maxim, that "councils of war never fight." If you say that you are not prepared to fight Bragg, I shall not order you to do so, for the responsibility of fighting or refusing to fight at a particular time or place, must rest upon the general in immediate command. It cannot be shared by a council of war, nor will the authorities here make you fight against your will. You ask me to counsel them to caution and patience. I have done so very often, but after five or six months of inactivity, with your force all the time diminishing and no hope of any immediate increase, you must not be surprised that their patience is pretty well exhausted. If you do not deem it prudent to risk a general battle with Bragg, why can you not harass him, or make such demonstrations as to prevent his sending more reënforcements to Johnston? I do not write this in a spirit of fault finding, but to assure you that the prolonged inactivity of so large an army in the field is causing much complaint and dissatisfaction, not only in Washington, but throughout the country.

Very respectfully, your obedient servant,

H. W. HALLECK, General-in-Chief.

Maj.-Gen. ROSECRANS, Murfreesboro, Tenn.

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND, MURFREESBORO, *June 21st*, 1863.

GENERAL: In your favor of the 12th inst., you say you do not see how the maxim of not fighting two great battles at the same time, applies to the case of this army and to Grant's. Looking at the matter practically, we and our opposing forces are so widely separated, that for Bragg to materially aid Johnston, he must abandon our front substantially, and then we can move to our ultimate work with more rapidity, and less waste of material on natural obstacles. If Grant is defeated, both forces will come here, and then we ought to be near our base. The same maxim that forbids, as you take it, a single army fighting two great battles at the same time—by the way, a very awkward thing to do—would forbid this nation's engaging all its forces in the great West at the same time, so as to leave it without a single reserve to stem the current of possible disaster. This is, I think, sustained by high military and political considerations. We ought to fight here, if we have a strong prospect of winning a decisive battle over the opposing force, and upon this ground I shall act. I shall be careful not to risk our last reserve without strong grounds to expect success.

W. S. ROSECRANS, Major-General.

Maj.-Gen. H. W. HALLECK, General-in-Chief.

On the 24th of June, Gen. Rosecrans commenced a series of movements for the purpose of bringing on a conflict between his forces and those under the command of Gen. Bragg, or to cause the latter to retire. His plan was to create the impression of a main advance from Murfreesboro upon Gen. Bragg's centre and left, by feint movements and demonstrations with the smaller portion of the army in the direction of Shelbyville, while the decisive blow should be struck by marching rapidly with the main body upon Gen. Bragg's right, and, after turning or defeating it, to move upon Tullahoma, by way of Manchester. Thus he would seize the enemy's base and lines of communication from that point.

The twentieth corps, under Gen. McCook, was selected to make the advance on the right. About 7 o'clock on the morning of the 24th, the division of Gen. Sheridan advanced on the Shelbyville road, preceded by five companies of the 30th Indiana mounted infantry, under Lieut.-Col. Jones. As it came in sight of the enemy's outposts, it halted and bivouacked on each side of the road in the wood. The divisions of Gens. Johnson and Davis advanced six miles on the same road, and then turned to the left on the road to Liberty Gap.

The morning was stormy, but, before daybreak, the mounted infantry, under Col. Wilder, marched along the road leading to Manchester,

followed by Gen. Reynolds with the remainder of his division. After some hours, Gens. Negley and Rousseau followed in the same direction. The instructions to Col. Wilder were to advance within a few miles of Hoover's Gap, and there halt until the infantry came up, and then to carry the works. Learning, however, that the works commanding the Gap were not occupied, he moved forward and took possession of them, before the enemy were sufficiently aware of his approach to make any serious resistance. At the same time he pushed forward to the other extremity of the Gap, and took up a position commanding the road and the enemy's camp. In this movement he captured a train of nine wagons and a drove of beef cattle. The enemy immediately prepared for an attack, and came on in such overwhelming numbers that they would have been successful, had not reënforcements arrived to the aid of Col. Wilder. The fighting continued for two hours, during which the loss of the command was sixty-three killed and wounded. The loss of the enemy was represented by prisoners as exceeding five hundred.

Meanwhile, the portion of the corps of Gen. McCook which took the road to Liberty Gap, encountered a force of the enemy near the entrance of the Gap. Gen. Willich, whose brigade led the column, was ordered by Gen. Johnson to drive the enemy. This was done so promptly that their tents, baggage, and supplies were captured. Col. Baldwin was then sent forward to clear the upper end of the Gap, where the enemy were soon found, in a force consisting of a brigade of infantry and a battery of artillery. After a sharp and short combat they were driven out, and their position occupied. On the next day, Gen. Johnson held the position which his command had won, in order to continue the delusion of the enemy as to the real designs of Gen. Rosecrans. Skirmishing was kept up by the enemy along the front, and, between three and four o'clock in the afternoon, a formal attack in line of battle was made. A sharp struggle ensued, but after two hours the enemy abandoned the contest. The occupation of these gaps gave to Gen. Rosecrans the command of the position, and as soon as he advanced through them to Manchester and Winchester, he flanked Gen. Bragg at Tullahoma, and obliged him to retreat. This was commenced at once; and on the first of July, Gen. Rosecrans, learning of the retreat of Gen. Bragg, rapidly advanced his forces. Gen. Thomas moved on the Manchester road, and Gen. McCook on the one from Tullahoma. Gen. Thomas moved rapidly, in order to strike the enemy, who were moving directly east to the military road, five miles east of the railroad, and parallel with it. The enemy however, reached the crossing of Elk river before he was overtaken by the advance of Gen. Thomas. The division of Gen. Negley encountered the rear of Gen. Hardee at a point four miles north of Elk river. The resistance made here by Gen. Wheeler was so stubborn, that Gen. Negley was delayed until the trains of the enemy had crossed the river. During the night, their reserve of artillery, consisting of twenty-six pieces, crossed the river at Estelle Springs, and reached Tin Mountain. After crossing, the rear of the enemy burned the bridges, and took up positions in works hastily thrown up on the opposite side, in order to delay the crossing of Gen. Thomas as long as possible, and to enable their infantry and trains to get into the mountains. At the same time heavy rains commenced, and the river rose very high. Gen. Crittenden took possession of the road from Dechard through Tracy City to Chattanooga, and thus forced Gen. Bragg to take the roads across the mountains. On the 2d, Gen. McCook moved so as to flank the road to Winchester and the mountains. At the same time, Gens. Rosecrans and Brannan moved to the upper crossing of Rock creek, to strike the rear of the enemy, who were to be detained by Gen. Negley. But Gen. Negley, mistaking the firing of a cavalry brigade on the right flank of the enemy for that of Gen. Rosecrans, opened with two batteries, and caused them to retreat precipitately to the mountains. On the morning of July 4th, the whole Federal force advanced to the foot of the mountains at Cowan, and found the enemy in full retreat upon Chattanooga. At the same time, Shelbyville was occupied by Gens. Stanley and Granger, and the former pushed on as far as Huntsville in Alabama.

This retreat of Gen. Bragg from Tennessee had a demoralizing effect upon his forces, and discouraged the friends of the Confederacy in Tennessee. The result of these operations of Gen. Rosecrans thus far was to recover Middle Tennessee, and to preserve Kentucky from an invasion. His losses in these operations were 85 killed, 462 wounded, and 13 missing. The loss of the enemy in killed and wounded is unknown, but 1,634 were made prisoners, and six pieces of artillery, many small arms, much camp equipage, and large quantities of commissary and quartermaster's stores were taken.

Gen. Bragg, having returned to Chattanooga on the south side of the Tennessee river, now fortified his position, and threw up defensive works at the crossing of the river and as far up as Blythe's Ferry.

The first object of Gen. Rosecrans was to repair the railroad from Nashville to Stevenson in Alabama. At Stevenson the Nashville railroad unites with the Memphis and Charleston road. Stevenson is thirty-seven miles west of Chattanooga, on the line of the latter road. Having completed his preparations, Gen. Rosecrans commenced his movement on Chattanooga and its covering mountain ridges on the southeast, on the 16th of August. On that day, Gen. Thomas moved from Decherd, with the division of Gen. Payne in advance. This divis-

ion had been stationed at the University on the Cumberland mountains. The corps moved over the mountains on a line nearly parallel with the Nashville railroad to Stevenson: it crossed the Tennessee river at or near Bridgeport, Alabama, by a pontoon bridge. On the 16th, Gen. Johnson's division of Gen. McCook's corps left Tullahoma, and passed through Winchester on the forenoon of the 17th. Gen. Davis's division followed in the afternoon. Gen. Sheridan's division moved from Cowan on the same day, and joined the rest of the corps at Salem, ten miles from Winchester, on the Huntsville road. There the corps moved in column, accompanied by its artillery and baggage, crossing the mountains, and striking the Tennessee river at Bellefonte, Alabama, twelve miles east of Stevenson. Gen. Crittenden's corps moved eastward to feel the strength of the enemy, and to cross north of Chattanooga. The front of the entire movement extended from the head of Sequatchie valley in East Tennessee to Athens in Alabama, thus threatening the line of the Tennessee river from Whitesburg to Blythe's Ferry, a distance of one hundred and fifty miles.

On the 26th, a part of Gen. Davis's division crossed at Caperton's Ferry, about six miles below Bridgeport. The remainder of the division followed in a few days, and also Gen. Johnson's division of the same corps; on the 2d of September, Gen. Sheridan, of the same corps, crossed at Bridgeport, followed by the infantry and artillery of Gen. Brannan's division. Gen. Negley, of Gen. Thomas's corps, crossed at the same time at Caperton's Ferry. By the 8th of September, Gen. Thomas had moved on Trenton in Georgia, having seized Frick's and Stevens's Gaps on the Lookout mountain. Gen. McCook had advanced to Valley Head and taken Winston's Gap, while Gen. Crittenden had crossed to Wauhatchie, communicating on the right with Gen. Thomas, and threatening Chattanooga by the pass over the point of Lookout mountain. The first mountain barrier south of the Tennessee being thus successfully passed, Gen. Rosecrans decided to threaten the enemy's communication with his right, while the centre and left seized the gaps and the commanding points of the mountains in front. On the 9th, Gen. Crittenden made a reconnoissance which developed the fact that the enemy had evacuated Chattanooga on the day and night previous. The corps of Gen. Crittenden therefore took immediate possession of Chattanooga, which had been the object of the campaign, while Gen. Rosecrans, with the remainder of the army, pressed forward through the difficult passes of the Lookout mountain, apparently directing his march upon Lafayette and Rome.

At the same time when Gen. Rosecrans commenced his forward movement on the 16th of August, Gen. Burnside left Camp Nelson in Kentucky for East Tennessee. Gen. Burnside assumed command of the Department of Ohio in March. On the 30th of that month, Gen. Gillmore engaged and defeated a large force of the enemy under Gen. Pegram, near Somerset, Kentucky. The other operations which had taken place consisted of an attempted raid in Harrison county, Indiana, from which the enmy were driven back with a loss of fifty-three made prisoners; a movement under Col. Saunders, with two pieces of artillery, the first Tennessee cavalry and some detachments from Gen. Carter's command, by which the railroad near Knoxville and the bridges at State creek, Strawberry Plains, and Mossy creek were destroyed, and ten pieces of artillery, one thousand stand of arms, and five hundred prisoners were captured, with a loss of one killed, two wounded, and a few missing; also the raid of Gen. Morgan into Kentucky, Indiana, and Ohio, which is stated on a previous page. The departure of the ninth army corps to reënforce Gen. Grant, delayed somewhat Gen. Burnside's preparations for an active campaign in East Tennessee. The necessity, however, of his coöperating with the movements of Gen. Rosecrans, compelled him to take the field without awaiting the return of this corps.

At this time Gen. Buckner was in command of the Confederate forces in East Tennessee, with his headquarters at Knoxville. His force numbered about twenty thousand men, who were not supplied in the best manner with ordnance. This force was sufficient to have retarded the progress of Gen. Burnside through either the Cumberland, Big Creek, or Wheeler's Gap in the mountains; but he avoided that route. Concentrating his forces at Crab Orchard, on the southerly edge of Lincoln county, Kentucky, Gen. Burnside prepared for the movement over the mountains. The infantry were mounted, the cavalry and artillery were furnished with picked horses, and the division was attended with large droves of packed mules, loaded with commissary stores, in order that its movements might not be impeded by the slow progress of wagon trains. On the afternoon of August 21st the march commenced, with Gen. S. P. Carter in the advance. After an advance of thirteen miles, a halt was made at Mt. Vernon, the capital of Rockcastle county, Ky. On the 23d the march commenced at 4 A. M., and was continued over some of the wildest and most mountainous parts of Kentucky, twenty-six miles, to London. On the next morning the army was in motion toward Williamsburg, the capital of Whitley county, Ky., twenty-nine miles distant. On the 25th there were heavy rains, and no movement was made. On the 26th the movement continued to the place where the roads from Somerset and Williamsburg meet, about four miles beyond the State line, in Scott county, Tennessee. Here the army rested during the 27th and 28th, and was joined by Maj.-Gen. Hartsuff. On the 29th the movement was continued, with the mounted brigade of Gen. Shackelford in the advance. At midnight the banks of the New river were

reached, and the next day the army encamped at Montgomery, in Morgan county, Tennessee, having made, during the two days, a march of forty miles. The movement continued on the 31st, and, on the 1st of September, Gen. Burnside, with an escort, proceeded to Kingston, while the army took a shorter road to Loudon bridge, leaving Kingston to its right. At Loudon, the East Tennessee and Georgia railroad crossed the Holston river over a fine bridge more than two thousand feet in length. To save or to destroy this bridge, as the situation should demand, was undoubtedly one of the objects of the forced march. The distance from Knoxville is thirty-nine miles. The artillery came into position, on the 2d, within easy range of this bridge, just in time to see the rear of the enemy pass over and apply the torch to the structure. It was entirely consumed. By the fire of the artillery several of the enemy were killed and wounded. The march then continued to Leoni Station, twenty-two miles from Knoxville. On the next day it was resumed to Knoxville, which had been occupied on the 1st by the advance. As Gen. Burnside approached Knoxville the inhabitants turned out to welcome him. His reception is thus described by a spectator: "As we neared Knoxville, the evidences of the intense devotion to the Union dwelling in the hearts of the people became more and more apparent. Along the entire route, especially the last ten or fifteen miles, the whole population seemed gathered on the roadside to give welcome to the Yankees. On the appearance of Gen. Burnside on the outskirts of the town, the news of his arrival spread, and everybody, rich and poor, the lame and the halt, rushed out to greet him. It was no vulgar curiosity to see a man famous in the world's history—it was the greeting of an oppressed people to their deliverer. Uncovered, and at a slow pace, the general rode through the streets to his headquarters. His progress was constantly impeded by the rushing of men to his horse's side to seize him by the hand and say, 'God bless you.' On arrival at headquarters, a large crowd assembled in the yard, and were clamorous for speeches. Brig.-Gen. S. P. Carter, a native of East Tennessee, came forward, and in a few words congratulated them on their deliverance. In response to repeated calls, Gen. Burnside then appeared and said, that although his profession was arms, and not speaking, yet he would take the occasion to say that, from the moment he took command of the Department of Ohio, it had been his fervent wish to lead an army into East Tennessee, to their deliverance; and he took great pleasure in saying that he had come with means sufficient, with their assistance, to hold the country permanently and securely.

"On the conclusion of the speaking the garrison flag of the United States was flung from the portico, and the crowd rushed up and seized it in their hands, many of them pressing it to their lips. While this was passing at headquarters, the troops had been waylaid all over the city, and carried off by violence to be feasted, without money and without price, on the best which the land afforded. Not officers merely; their bounteous hospitality knew no difference in rank among their deliverers."

At Knoxville, three locomotives and a large number of cars and railroad machine shops were taken possession of. A large train was also captured twelve miles northwest on the road to Virginia. On the 4th a movement was made upon Cumberland Gap. At Tazewell a slight skirmish took place with a small force of the enemy under Col. Carter. At daylight on the morning of the 7th, the Gap was invested, and its surrender demanded by Gen. Shackelford. Gen. Frazier, commanding the enemy's force, refused, and stated that he was prepared to hold out. It appeared that the enemy had a large quantity of grain in the gap, with a mill, which they used to grind it. During the ensuing night an expedition was sent out by Gen. Shackelford, which succeeded in destroying the mill. The enemy still refused to surrender, but on the arrival of Gen. Burnside, on the 9th, terms were agreed upon, and a surrender made unconditionally. The officers, however, were allowed to retain their side arms. About forty wagons, two hundred mules, four thousand pounds of bacon, two thousand bushels of wheat, a large quantity of other stores, and ten pieces of artillery, were surrendered. The number of prisoners was about two thousand. The march of Gen. Shackelford to the Gap, a distance of fifty-two miles, was made in sixty hours.

Meantime a column of cavalry ascended the valley to Bristol, driving the enemy across the Virginia line, and destroyed the railroad bridges over the Holston and Watauga rivers, so as to prevent their return into East Tennessee. The main body of Gen. Burnside's army was now ordered by the general-in-chief to concentrate on the Tennessee river, from Loudon west, so as to connect with Gen. Rosecrans's army, which reached Chattanooga on the 9th of September.

At this time the authorities at Washington were led to believe that Gen. Lee was receiving reënforcements from Gen. Bragg. The slight resistance made by the enemy in East Tennessee, and his abandonment without defence of such an important position as Chattanooga, rendered plausible the reports of spies and deserters from Gen. Lee's army, that reënforcements were arriving there. Fearing, therefore, that Gen. Rosecrans's army might be drawn too far into the mountains of Georgia, where it could not be supplied, and might be attacked before reënforcements could reach it from Gen. Burnside, Gen. Halleck sent the following despatch to Gen. Rosecrans:

HEADQUARTERS OF THE ARMY, WASHINGTON, D. C., *September 11th*, 1863.

Maj-Gen. Rosecrans, Chattanooga:

Gen. Burnside telegraphs from Cumberland Gap that he holds all East Tennessee above Loudon, and also the gaps of the North Carolina mountains. A cavalry

force is moving toward Athens to connect with you. After holding the mountain passes, on the west of Dalton, or some other point on the railroad, to prevent the return of Bragg's army, it will be decided whether your army shall move farther south into Georgia and Alabama.

It is reported here by deserters that a part of Bragg's army is reënforcing Lee. It is important that the truth of this should be ascertained as early as possible.

H. W. HALLECK, General-in-Chief.

On the same day the following despatch was sent to Gen. Burnside:

HEADQUARTERS OF THE ARMY, WASHINGTON, D. C., *September* 11*th*, 1863.

Maj.-Gen. Burnside, Cumberland Gap:

I congratulate you on your success. Hold the gap of the North Carolina mountains, the line of the Holston river, or some point, if there be one, to prevent access from Virginia, and connect with Gen. Rosecrans, at least with your cavalry. Gen. Rosecrans will occupy Dalton, or some point on the railroad, to close all access from Atlanta, and also the mountain passes in the west. This being done, it will be determined whether the movable force shall advance into Georgia and Alabama or into the valley of Virginia and North Carolina. H. W. HALLECK, General-in-Chief.

On the next day, Gen. Rosecrans replied that he was sufficiently strong for the enemy then in his front, and that there were indications that the enemy intended to turn his flanks, and cut off his communications; he therefore decided that Gen. Burnside should move down his infantry toward Chattanooga, on his left, and that Gen. Grant should cover the Tennessee river toward Whitesburg to prevent any raid on Nashville. He was of the opinion that no troops had been sent from Gen. Bragg's army; but that Gen. Bragg was receiving reënforcements from Gen. Loring in Mississippi.

On the 13th, Gen. Foster, in command at Fortress Monroe, sent a despatch to Washington, stating that trains of cars had been heard running all the time, day and night, for the previous thirty-six hours, on the Petersburg and Richmond railroad, evidently indicating a movement of troops in some direction. On the morning of the 14th, he further stated that Gen. Longstreet's corps was reported to be going south, through North Carolina.

At this time Gen. Meade had been directed to ascertain—by giving battle, if necessary—whether any of Gen. Lee's troops had left. On the 14th he reported to Gen. Halleck as follows: "My judgment, formed on a variety of meagre and conflicting testimony, is, that Gen. Lee's army has been reduced by Gen. Longstreet's corps, and perhaps by some regiments from Gens. Ewell and Hill."

Upon receiving the despatches of the 13th, Gen. Halleck sent the following telegrams to Gens. Burnside, Rosecrans, Hurlbut, Grant, and Sherman:

HEADQUARTERS OF THE ARMY, WASHINGTON, D. C., *September* 13*th*, 1863.

Maj.-Gen. Burnside, Knoxville:

It is important that all the available forces of your command be pushed forward into East Tennessee. All your scattered forces should be concentrated there. So long as we hold Tennessee, Kentucky is perfectly safe. Move down your infantry as rapidly as possible toward Chattanooga, to connect with Rosecrans. Bragg may merely hold the passes of the mountains to cover Atlanta, and move his main army through Northern Alabama, to reach the Tennessee river and turn Rosecrans's right, and cut off his supplies. In this case he will turn Chattanooga over to you, and move to intercept Bragg.

H. W. HALLECK, General-in-Chief.

HEADQUARTERS OF THE ARMY, WASHINGTON, D. C., *September* 13*th*, 1863.

Maj.-Gen. Rosecrans, Chattanooga:

There is no intention of sending Gen. Burnside into North Carolina. He is ordered to move down and connect with you. Should the enemy attempt to turn your right flank through Alabama, Chattanooga should be turned over to Burnside, and your army, or such part of it as may not be required there, should move to prevent Bragg from reëntering Middle Tennessee. Hurlbut will aid you all he can, but most of Grant's available force is west of the Mississippi.

H. W. HALLECK, General-in-Chief.

HEAQUARTERS OF THE ARMY, WASHINGTON, D. C., *September* 13*th*, 1863.

Maj.-Gen. Hurlbut, Memphis:

I think, from all accounts, that Steele is sufficiently strong. All your available force should be sent to Corinth and Tuscumbia, to operate against Bragg. Should he attempt to turn Rosecrans's right and recross the river into Tennessee, send to Gen. Sherman, at Vicksburg, for reënforcements for this purpose. Gen. Grant, it is understood, is sick in New Orleans.

H. W. HALLECK, General-in-Chief.

HEADQUARTERS OF THE ARMY, WASHINGTON, D. C., *September* 13*th*, 1863.

Maj.-Gen. Grant or Maj.-Gen. Sherman, Vicksburg:

It is quite possible that Bragg and Johnston will move through Northern Alabama to the Tennessee river, to turn Gen. Rosecrans's right and cut off his communications. All of Gen. Grant's available forces should be sent to Memphis, thence to Corinth and Tuscumbia, to coöperate with Rosecrans, should the rebels attempt that movement.

H. W. HALLECK, General-in-Chief.

On the 14th, the following telegrams were sent to Gens. Foster, Burnside, and Hurlbut:

HEADQUARTERS OF THE ARMY, WASHINGTON, D. C., *September* 14*th*, 1863.

Maj.-Gen. Foster, Fortress Monroe:

Information received here indicates that part of Lee's forces have gone to Petersburg. There are various suppositions for this. Some think it is intended to put down Union feeling in North Carolina, others to make an attempt to capture Norfolk; others again to threaten Norfolk, so as to compel us to land reënforcements there from the Army of the Potomac, and then to move rapidly against Meade. Such was the plan last spring, when Longstreet invested Suffolk. It will be well to strengthen Norfolk as much as possible, and to closely watch the enemy's movements. I think he will soon strike a blow somewhere.

H. W. HALLECK, General-in-Chief.

HEADQUARTERS OF THE ARMY, WASHINGTON, D. C., *September* 14*th*, 1863.

Maj.-Gen. Hurlbut, Memphis:

There are good reasons why troops should be sent to assist Gen. Rosecrans's right with all possible despatch. Communicate with Sherman to assist you, and hurry forward reënforcements as previously directed.

H. W. HALLECK, General-in-Chief.

HEADQUARTERS OF THE ARMY, WASHINGTON, D. C., *September* 14*th*, 1863.

Maj.-Gen. Burnside, Knoxville:

There are several reasons why you should reënforce Rosecrans with all possible despatch. It is believed that the enemy will concentrate to give him battle. You must be there to help him.

H. W. HALLECK, General-in-Chief.

At the same time, Gen. Schofield, in command of the Department of Missouri, and Gen. Pope, in command of the Northwest Department, were ordered to send forward to the Tennessee line every available man in their departments; and the commanding officers in Indiana, Ohio, and Kentucky, were ordered to make every possible exertion to secure Gen. Rosecrans's line of communications. Gen. Meade was also urged to attack Gen. Lee's army while in its present reduced condition, or, at least, to prevent him from sending off any more detachments. More troops were not sent into East Tennessee or Georgia, on account of the impossibility of supplying them in a country which the enemy had nearly exhausted. Gen. Burnside's army was on short rations, and that of the Cumberland inadequately supplied.

On the 14th of September, the army of Gen. Rosecrans was occupying the passes of Lookout mountain, with the enemy concentrating his forces near Lafayette, to dispute his further advance. The threatened movements of Gen. Bragg to the right and left proved to be merely cavalry raids to cut Gen. Rosecrans's lines of supplies, and threaten his communication with Gen. Burnside. His main army was only awaiting the arrival of Gen. Longstreet's corps to give battle in the mountains of Georgia. It had already been reënforced by troops from Gen. Johnston in Mississippi, and by the prisoners captured at Vicksburg and Port Hudson, and released on parole, who had been declared by the Confederate authorities to be exchanged.

The line of Gen. Rosecrans's army extended at this time from Gordon's Mills to Alpines, a distance of some forty miles. By the 17th, they were brought within supporting distance, and on the morning of the 18th a concentration was begun toward Crawfish Springs.

The advance of Gen. Rosecrans's army can be traced in a few words. The Tennessee river, west of Chattanooga, in its general direction runs southwest. Skirting it is the Racoon range of mountains. Sand mountain, where the army passed over, is a part of this range. After marching over a plateau of twelve or fifteen miles in width, Sand mountain is descended, and the Lookout valley is gained. This valley is about two miles wide, and runs southwest. It is bounded on the east by the Lookout mountains, running parallel with the Racoon range. The right wing, under Gen. McCook, and the centre, under Gen. Thomas, had been in this valley two or three days when Chattanooga was evacuated. Early on Wednesday, the 9th, both corps were in motion to pass the Lookout range. They had only two passes by which to cross—one eight miles south of Trenton, and the other at Valley Head, more than twenty miles south of Trenton. At Valley Head the rugged mountain melts away into a wild scattering of hills, near which the road is abruptly turned through winding valleys, with a steep and stubborn spur before the summit is gained. After reaching the summit, a plateau gently rolling, about twelve miles in width, is found. There are groves and fields, and smooth-flowing streams, where the imagination pictured crags and cascades. At Valley Head, Gen. McCook's corps passed over Lookout mountain, and reached Alpines, in the valley, called Broomtown valley, on the 10th. Gen. Thomas took the middle gap, and passed through without opposition. At the same time Gen. Crittenden moved south of Chattanooga toward Gordon's Mills, a distance of twelve miles. Bounding Broomtown valley, on the east, is another parallel ridge, known as Taylor's ridge. It is not a formidable barrier, and is crossed by a number of good roads toward Lafayette, where Gen. Bragg was. The first opposition to the present advance of the army took place at Alpines, on Wednesday, the 9th, when a cavalry division had a brisk fight with the enemy, which continued two hours, with the loss of four killed and twelve wounded. The enemy retired, leaving a few dead. When Gen. Thomas passed through the central gap, he found himself in McLemore's Cove or valley, a strip of country enclosed between Lookout mountain and Pigeon mountain, a spur of Lookout, striking northeast from it, and gradually melting away as it approaches the Chickamauga river. To reach the same valley in which Gen. McCook's corps was, Gen. Thomas was compelled to pass through one of the gaps of Pigeon mountain. He therefore, on the 12th, ordered Gen. Negley to feel his way through the central pass. In obeying the order he was suddenly attacked by the divisions of Gens. Witters and Stuart, of Gen. Bragg's army, upon his front and flanks, with such energy as compelled his hasty retreat, with a loss of some forty killed and wounded. The advance of Gen. Rosecrans's army thus far in pursuit of the enemy, had been made under the impression that, as Chattanooga had fallen without resistance, Gen. Bragg was weak, and the Confederate Government unable to reënforce him; there would, therefore, be no fight north of the Coosa river. This sudden show of strength against Gen. Negley, therefore, created alarm. The question now was, whether this demonstration of the enemy indicated a purpose of giving battle, or whether it was a movement to secure a safe retreat. Gen. Rosecrans decided it to be the former. The next day, Gen. McCook was moving back over the Lookout mountain, with orders to close on the centre, and Gen. Crittenden, at Gordon's Mills, put in a good defensive position.

Lafayette, the capital of Walker county, thirty-two miles from Chattanooga, and eighteen from Dalton, was supposed to be the place where the enemy were concentrating. In their front was the Pigeon mountain. This range was the highest at the southern extremity, where it is separated from the Lookout mountain by Doherty Gap, a long and heavy pass. Two miles north is a less elevated gap, called Rape; seven miles farther north is Blue Bird,

a rugged pass; three miles farther is Dug Gap, affording a good passage for an army. This was easily defended, and held by Gen. Bragg. Two and a half miles farther is Catlet's, through which runs a mountain stream and a good road; this was also held by Gen. Bragg. Two miles farther is Worthing, a rough road over the mountain, and impassable for artillery. Wicker is a good wagon road, where the mountain has diminished to a hill; a mile and a half beyond, an undulating country commences. The country lying between Pigeon and Lookout mountains is called McLemore's Cove, as above stated, about twenty miles long and eight broad. West of Pigeon mountain is Chickamauga valley, which separates it from Missionary ridge, a mere range of hills, and west of which is another valley separating the latter from Lookout mountain. This last range runs up within two miles of Chattanooga, and terminates abruptly at the Tennessee river, with a bluff two thousand feet high.

At the time of the repulse of Gen. Negley was the most favorable moment for Gen. Bragg to attack Gen. Rosecrans. The corps of Gen. McCook was separated from Gen. Thomas by a march of nearly three days. Gen. Crittenden could not reënforce Gen. Thomas without exposing Chattanooga, and Gen. Thomas could not move to Gen. Crittenden's position without exposing Gen. McCook. Slow as Gen. Bragg was in collecting his forces and advancing, the great battle which followed was begun before Gen. Rosecrans had recovered from the results of the position of his forces. Gen. McCook joined Gen. Thomas on the 17th, with his weary troops, and as heavy clouds of dust were discovered on Pigeon mountain by the signal officers, his corps and the right of the centre were formed into line of battle, which was maintained all the afternoon in McLemore's Cove. As the morning of the 18th broke, gray and chilly, the troops were ordered on the march. Gen. Thomas's corps pressed on toward Gordon's Mills, and Gen. McCook's moved up directly in his rear. At Gordon's Mills, Gen. Ward was stationed with two brigades. During the forenoon of this day, Gen. Granger, situated on the left of Gen. Ward, made a reconnoissance across the Chickamauga at Reid's bridge, with two brigades, and ascertained beyond a doubt that Gen. Longstreet's corps had joined Gen. Bragg. Cols. Minty and Wilder were sent with their commands, the former to watch Ringgold road crossing, and the latter to resist any advance from Napier Gap. Early in the afternoon the enemy made an attack from the two roads. Heavy cannonading ensued, but Cols. Minty and Wilder held their ground gallantly until a body of the enemy's infantry, having crossed at one of the several fords in the river, was fast gaining their rear, when they were compelled to retire. This proved to be the extreme left of the enemy.

Toward evening, Gen. McCook's corps pitched their tents at Lee's Mills, in McLemore's Cove; but hardly was this done before an order from Gen. Rosecrans directed them to move northward to Pond Spring, seventeen miles south of Chattanooga. Wearied as were the men, they marched silently and without straggling. All night there was a constant rumbling of wagons, and a ceaseless tread of troops. Gen. Crittenden being ahead of Gen. Thomas, had thrown Gen. Van Cleve's division on the left of Gen. Wood at Gordon's Mills, and Gen. Palmer's on his right, Gen. Thomas pushed still farther to the left. Gen. Johnson's two brigades were given to Gen. Thomas, and posted on Gen. Van Cleve's left, while Gen. Negley, who was already in position at Owen's Gap, a short distance south of Crawfish Spring, thirteen miles from Chattanooga, was ordered to remain there, and temporarily attached to Gen. McCook's corps.

The operations of the Confederate army up to this time had been as follows: In consequence of the flank movement of Gen. Rosecrans on the right of Gen. Bragg, in the month of June, the latter retreated from Shelbyville and Tullahoma toward Chattanooga, which was occupied in the first week of July. The brigade of Gen. Anderson, of Gen. Polk's corps, was ordered to Bridgeport for purposes of observation. The remainder of the corps of Gen. Polk was retained in and around Chattanooga; and Gen. Hardee's corps was distributed along the line of the railroad to Knoxville, with Tyner's Station, nine miles from Chattanooga, as the centre. The headquarters of Gen. Bragg were at Chattanooga. On the 21st of August the corps of Gen. Crittenden succeeded in reaching the town with artillery, from the heights overlooking the Tennessee river and the town. This bombardment was regarded by the enemy as announcing that Gen. Rosecrans's plans were completed and about to be executed. The effect was to cause the removal of Gen. Bragg's headquarters beyond the range of fire, and the removal of stores to points of convenience on the railroad in the rear, and the withdrawal of Gen. Anderson from Bridgeport. In consequence of the advance of Gen. Burnside into East Tennessee, the Confederate Gen. Buckner was now ordered to evacuate Knoxville and occupy Loudon; and in consequence of a demonstration reported to have been made by Gen. Rosecrans at Blythe's Ferry, on the Tennessee river, opposite the mouth of the Hiawassee, he was further ordered to fall back from Loudon to Charleston, and, soon after, to the vicinity of Chattanooga. On the 1st of September, Gen. Bragg was informed of the crossing of Gen. Rosecrans at Caperton's Ferry for three days, and that he was moving across Sand mountain, in the direction of Wills's valley and Trenton. This report was regarded by him as incredible, but soon after confirmed by the occupation of Trenton by Federal cavalry and by its advance up the Wills's valley railroad in the direction of Chattanooga as far as Wauhatchee, within seven miles, as a covering

force to the advance of the infantry column at Trenton.

The following topographical view will assist in the comprehension of the subsequent movements: Chattanooga is situated on the Tennessee river, at the mouth of the Chattanooga valley—a valley following the course of the Chattanooga creek, and formed by Lookout mountain and Missionary ridge. East of Missionary ridge, and running parallel with it, is another valley—Chickamauga valley—following the course of Chickamauga creek, which, like the Chattanooga creek, discharges its waters into the Tennessee river—the first above, and the last below the town of Chattanooga, and has with it a common source in McLemore's Cove, the common head of both valleys, and formed by Lookout mountain on the west and Pigeon mountain to the east. Wills's valley is a narrow valley, lying to the west of Chattanooga, formed by Lookout mountain and Sand mountain, and traversed by a railroad, which takes its name from the valley, and which, branching from the Nashville and Chattanooga railroad, where the latter crosses the valley, has its present terminus at Trenton, and future at Tuscaloosa, Alabama. The distance of Bridgeport from Chattanooga is twenty-eight miles, of Caperton's Ferry about forty, and of Trenton something over twenty. Ringgold is eighteen miles from Chattanooga, on the Georgia State road, and Dalton some forty, at the point where the Georgia State road connects with the East Tennessee railroad. Rome is sixty-five miles southwest of Chattanooga, on the Coosa river, at the point of confluence of the Etowah and Oostenaula. The wagon road from Chattanooga to Rome, known as the Lafayette road, crosses Missionary ridge into Chickamauga valley at Rossville, and, proceeding in a southwesterly direction, crosses Chickamauga creek, eleven miles from Chattanooga, at Lee's and Gordon's Mills, and, passing to the east of Pigeon mountain, goes through Lafayette, distant some twenty-two miles from Chattanooga, and Summerville, within twenty-five miles of Rome. From Caperton's Ferry there is a road leading over Sand mountain into Wills's valley at Trenton, and from Trenton to Lafayette and Dalton, over Lookout mountain, through Cooper's and Stevens's Gap into McLemore's Cove, and over Pigeon mountain by Plug Gap. The road from Trenton, following Wills's valley, exposed, by easy communications, Rome, and, through it, Western Georgia and Eastern Alabama, with easy access to the important central positions, Atlanta and Selma.

Gen. Bragg, believing that a flanking movement was the object of Gen. Rosecrans by his advance on the left, ordered Lieut.-Gen. Hill, on Monday, September 7th, to move with his corps toward Lafayette, Gen. Polk to Lee's and Gordon's Mills, and Maj.-Gen. Buckner, with the Army of East Tennessee, and Maj.-Gen. Walker, with his division from the Army of Mississippi, to concentrate at Lafayette, and Brig.-Gen. Pegram to cover the railroad with his cavalry. These dispositions having been made of the Confederate forces, Maj.-Gen. Crittenden, commanding the left wing of the Federal army, which had not moved with the right and centre, but had been left in the Sequatchie valley, crossed the Tennessee river at the mouth of Battle creek, and moved upon Chattanooga. Maj.-Gen. McCook, commanding the right wing, was thrown forward to threaten Rome, and the corps of Maj.-Gen. Thomas was put in motion over Lookout mountain, in the direction of Lafayette.

A charge of incapacity was subsequently made against Gen. Bragg, because he did not at this time fall upon Gen. Thomas with such a force as would have crushed him; then turned down Chattanooga valley, throwing himself between the town and Gen. Crittenden, and crushed him; then passed back between Lookout mountain and the Tennessee river into Wills's valley, and cut off Gen. McCook's retreat to Bridgeport; thence moved along the Cumberland into the rear of Gen. Burnside, and defeated him. But Gen. Bragg now threw a force forward into McLemore's Cove, which resisted the advance of Gen. Thomas, as above stated. It was on such a limited scale as only to check this advance, and was thence withdrawn to Lafayette. Within thirty-six hours after this force retired, Gen. Rosecrans had recalled Gen. McCook, and concentrated him with Gen. Thomas in McLemore's Cove. Meantime, Gen. Crittenden, after occupying Chattanooga, did not stop to fortify it, but moved on toward Ringgold to cut off Gen. Buckner, who was understood to be moving to the support of Gen. Bragg. On reaching the point on the Georgia railroad at which Gen. Buckner crossed, and discovering that he was too late, he turned toward Lafayette to follow him. Moving up the Chickamauga, on the east side, he was confronted by a force of Confederate cavalry under Gens. Pegram and Armstrong, which retired before him until supported by a large body of infantry, when Gen. Crittenden, declining a battle, fell back on the Chickamauga, and crossed at Gordon's Mills. This brought the whole of Gen. Rosecrans's force on the west side of the Chickamauga within easy supporting distance.

Gen. Bragg now moved his army by divisions, and crossed the Chickamauga at several fords and bridges north of Gordon's Mills, up to which he ordered the Virginia troops, which had crossed many miles below, and near to which he attempted to concentrate. At this time the right of Gen. Rosecrans really rested on Gordon's Mills. Gen. Thomas had moved on until his left division, under Gen. Brannan, covered the Rossville road. Gen. Baird was on Gen. Brannan's right, then followed successively Gens. Johnson's, Reynolds's, Palmer's, and Van Cleve's divisions. Gen. Wood covered Gordon's Mills ford. Gen. Negley, four miles farther south, held Owen's Gap. Gens. Davis

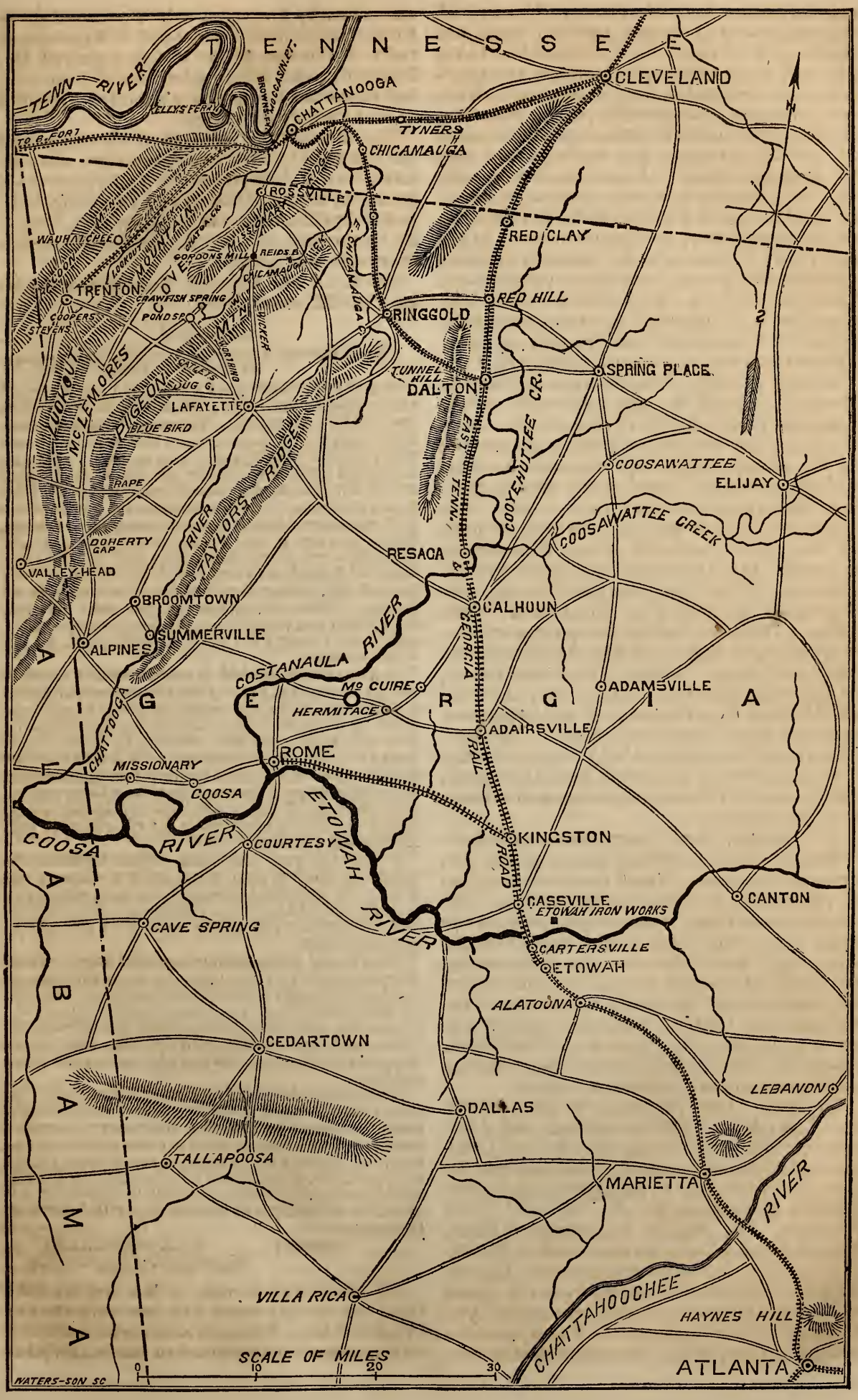
and Sheridan were on the march south of Gen. Negley. Gen. Wilder, with four regiments and a light battery, was posted at the right, near Gordon's Mills. Gen. Gordon Granger's forces were held in reserve some distance back on the Rossville road. Such was the position on Saturday, the 19th. The battle which now ensued opened about ten o'clock. The first attack of the enemy was upon the left wing of Gen. Rosecrans, which the enemy endeavored to turn, so as to occupy the road to Chattanooga. But all their efforts for this object failed. The centre was next assailed and temporarily driven back, but, being promptly reenforced, maintained its ground. As night approached, the battle ceased and the combatants rested on their arms. Gen. Bragg now issued an order dividing the forces of his army into two corps or wings. The right was placed under the command of Lieut.-Gen. Polk, and the left under Lieut.-Gen. Longstreet. The former was composed of Lieut.-Gen. Hill's corps of two divisions, under Maj.-Gen. Cleburn and Maj.-Gen. Breckinridge; with the division of Maj.-Gen. Cheatham, of Lieut.-Gen. Polk's corps, and the division of Maj.-Gen. W. H. T. Walker. The left was composed of the divisions of Maj.-Gen. Stewart, and Brig.-Gens. Preston Johnston, of Maj.-Gen. Buckner's corps; with Maj.-Gen. Hindman's, of Lieut.-Gen. Polk's corps, and Gens. Benning's and Lane's and Robertson's brigades of Maj.-Gen. Hood's division, and Gens. Kershaw's and Humphrey's, of Maj.-Gen. McLaws's division. The front line of the right wing consisted of three divisions, Breckinridge's, Cleburn's, and Cheatham's, which were posted from right to left in the order named. Maj.-Gen. Walker was in reserve. The line of the left wing was composed of Stewart's, Hood's, Hindman's, and Preston's divisions, from right to left, in the order named.

Toward morning of the next day the army of Gen. Rosecrans changed its position slightly to the rear, and contracted the extended lines of the previous day. Trains were moving northward on all the roads in the rear of Chattanooga, and the wounded were taken from the hospitals, which had become exposed by the concentration of the forces to the left. Gen. Thomas still held the left, with the divisions of Gens. Palmer and Johnson attached to his corps and thrown in the centre. Gen. Brannan was retired slightly, with his regiments arrayed in echelon. Gen. Van Cleve was held in reserve on the west side of the first road in the rear of the line. Gens. Wood, Davis, and Sheridan followed next, the latter being on the extreme left. Gen. Lytle occupied an isolated position at Gordon's Mills.

Orders were given by Gen. Bragg to Lieut.-Gen. Polk to commence the attack at daylight on the next morning. These orders were immediately issued by him; but prior to giving the order to move forward to the attack in the morning, Gen. Polk discovered that, owing to a want of precaution, a portion of the left wing, amounting to a whole division, had been formed in front of his line, and that if the order to make the attack at daylight was obeyed, this division must inevitably be slaughtered. The battle was finally opened about half past nine A. M., by a forward movement of Gen. Breckinridge, accompanied by Gen. Cleburn, against the left and centre of Gen. Rosecrans. Division after division was pushed forward to assist the attacking masses of the enemy, but without success. The ground was held by Gen. Thomas for more than two hours. Meantime, as Gen. Reynolds was sorely pressed, Gen. Wood was ordered, as he supposed, to march instantly by the left flank, pass Gen. Brannan, and go to the relief of Gen. Reynolds, and that Gens. Davis and Sheridan were to shift over to the left, and close up the line. Gen. Rosecrans reports that the order was to close up on Gen. Reynolds. Gen. Wood says that Gen. Brannan was in line between his and Gen. Reynolds's division.

A gap was thus formed in the line of battle, of which the enemy took advantage, and, striking Gen. Davis in his flank and rear, threw his whole division into confusion. Passing through this break in Gen. Rosecrans's line, the enemy cut off his right and centre, and attacked Gen. Sheridan's division, which was advancing to the support of the left. After a brave but fruitless effort against this torrent of the enemy, he was compelled to give way, but afterward rallied a considerable portion of his force, and by a circuitous route joined Gen. Thomas, who had now to breast the tide of battle against the whole army of the enemy. The right and part of the centre had been completely broken, and fled in confusion from the field, carrying with them to Chattanooga their commanders, Gens. McCook and Crittenden, and also Gen. Rosecrans, who was on that part of the line. Gen. Garfield, his chief of staff, however, made his way to the left and joined Gen. Thomas, who still retained his position. His ranks had now assumed a crescent form, with his flanks supported by the lower spurs of the mountain, and here, "like a lion at bay, he repulsed the terrible assaults of the enemy."

About half past three P. M., the enemy discovered a gap in the hills, in the rear of the right flank of Gen. Thomas, and Gen. Longstreet commenced pressing his columns through the passage. At this time, Maj.-Gen. Granger, who had been posted with his reserves to cover the left and rear, arrived on the field. He instantly attacked the forces of Gen. Longstreet, with Gen. Steadman's brigade of cavalry. The conflict at this point is thus described by Gen. Halleck: "In the words of Gen. Rosecrans's report, 'swift was the charge, and terrible the conflict; but the enemy was broken.' A thousand of our brave men killed and wounded paid for its possession; but we held the gap. Two divisions of Longstreet's corps confronted the position. Determined to take it, they suc-


TENNESSEE
TENN. RIVER
CHATTANOOGA
CLEVELAND
TYNERS
CHICAMAUGA
ROSSVILLE
RED CLAY
RED HILL
RINGGOLD
TRENTON
CRAWFISH SPRING
PONDSP.
COOPERS
STEVENS
WAUHATCHEE
GORDONS MILL
REIDS B.
LOOKOUT MTN.
McLEMORES COVE
DUGDOWN MTN.
LAFAYETTE
BLUE BIRD
TUNNEL HILL
DALTON
SPRING PLACE
COOSAWATTEE
ELIJAY
COOSAWATTEE CREEK
COOYEHUTTEE CR.
EAST TENN. & GEORGIA RAIL ROAD
RESACA
CALHOUN
DOHERTY GAP
VALLEY HEAD
BROOMTOWN
SUMMERVILLE
ALPINES
TAYLORS RIDGE
RIVER
COSTANAULA RIVER
Mc CUIRE
HERMITAGE
ADAMSVILLE
ADAIRSVILLE
ALABAMA
GEORGIA
CHATTOOGA
MISSIONARY
ROME
COOSA
COOSA RIVER
COURTESY
ETOWAH RIVER
KINGSTON
CASSVILLE
ETOWAH IRON WORKS
CANTON
CAVE SPRING
CARTERSVILLE
ETOWAH
ALATOONA
CEDARTOWN
LEBANON
DALLAS
TALLAPOOSA
MARIETTA
RIVER
CHATTAHOOCHEE
VILLA RICA
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ATLANTA
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cessively came to the assault. A battery of six guns placed in the gorge poured death and slaughter into them. They charged within a few yards of the pieces, but our grape and canister, and the leaden hail of musketry, delivered in sparing but terrible volleys, from cartridges taken in many instances from the boxes of their fallen companions, was too much even for Longstreet's men. About sunset they made their last charge, when our men, being out of ammunition, moved on them with the bayonet, and they gave way, to return no more. In the mean time the enemy made repeated attempts to carry Gen. Thomas's position on the left and front, but were as often thrown back with great loss. At nightfall the enemy fell back beyond the range of our artillery, leaving Gen. Thomas victorious on his hard-fought field."

During the night, Gen. Thomas fell back to Rossville, leaving the dead and most of the wounded in the hands of the enemy. Gen. Sheridan, who had been cut off by the advance of the enemy, as he was upon the extreme right, gathered his brigades and struck across Missionary ridge, directly to the west. The enemy were in possession of the country north of him. As he reached the top of the ridge, he caused the "assembly" to be blown, and picked up all the stragglers from the other divisions that he could find. He had lost three pieces of artillery, but in his progress met a whole battery which had been abandoned, and took it in charge. Passing the enemy's flank, and regaining the road on the ridge, he turned east through Rossville, and, without halting, reenforced Gen. Thomas at midnight. The position near Rossville was held during Monday without serious molestation from the enemy, and in the night the entire force was withdrawn to Chattanooga.

On Monday, Gen. Bragg first sent out detachments to the battle field to gather the arms and banners. The former were sent to the rear, and the latter to Richmond. The prisoners were then counted and sent to the rear. The troops were then ordered under arms, and marched down the Chattanooga road until they came near to Rossville, when they filed to the right and moved down the Chickamauga valley, to be in good position to move upon Gen. Burnside or to flank Gen. Rosecrans. On Wednesday, Gen. Bragg moved again up to and over Missionary ridge.

The loss of Gen. Rosecrans in these battles was 1,644 killed, 9,262 wounded, and 4,945 missing, which, with a cavalry loss of 1,000, makes 16,851. In material, his loss was 36 guns, 20 caissons, 8,450 small arms, and 5,834 infantry accoutrements. He captured 2,003 prisoners. The loss of the enemy in killed, wounded, and missing was reported at 18,000.

After Gen. Rosecrans's retreat to Chattanooga, he withdrew his forces from the passes of Lookout mountain, which covered his line of supplies from Bridgeport. These were immediately occupied by the enemy, who also sent a cavalry force across the Tennessee above Chattanooga, which destroyed a large wagon train in the Sequatchie valley, captured McMinnsville and other points on the railroad, and thus almost completely cut off the supplies of Gen. Rosecrans's army.

The line of the railroad at this time was well defended. The enemy's cavalry were attacked by Col. McCook, at Anderson's cross roads, on the 2d of October; by Gen. Mitchell, at Shelbyville, on the 6th, and by Gen. Crook, at Farmington, on the 8th, and were mostly captured or destroyed.

On the 2d of October, Gen. Rosecrans issued the following order:

Orders No. 3.

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND, CHATTANOOGA, *October 2d*, 1863.

Army of the Cumberland: You have made a grand and successful campaign; you have driven the rebels from Middle Tennessee. You crossed a great mountain range, placed yourselves on the banks of a broad river, crossed it in the face of a powerful, opposing army, and crossed two other great mountain ranges at the only practicable passes, some forty miles between extremes. You concentrated in the face of superior numbers; fought the combined armies of Bragg, which you drove from Shelbyville to Tullahoma, of Johnston's army from Mississippi, and the tried veterans of Longstreet's corps, and for two days held them at bay, giving them blow for blow, with heavy interest. When the day closed, you held the field, from which you withdrew, in the face of overpowering numbers, to occupy the point for which you set out —Chattanooga.

You have accomplished the great work of the campaign; you hold the key of East Tennessee, of Northern Georgia, and of the enemy's mines of coal and nitre. Let these achievements console you for the regret you experience that arrivals of fresh hostile troops forbade your remaining on the field to renew the battle; for the right of burying your gallant dead, and caring for your brave companions who lay wounded on the field. The losses you have sustained, though heavy, are slight, considering the odds against you, and the stake you have won.

You hold in your hands the substantial fruits of a victory, and deserve and will receive the honors and plaudits of a grateful nation, which asks nothing of even those who have been fighting us, but obedience to the Constitution and laws established for our own common benefit.

The General Commanding earnestly begs every officer and soldier of this army to unite with him in thanking Almighty God for His favors to us. He presents his hearty thanks and congratulations to all the officers and soldiers of this command, for their energy, patience, and perseverance, and the undaunted courage displayed by those who fought with such unflinching resolution.

Neither the history of this war, nor probably the annals of any battle, furnish a loftier example of obstinate bravery and enduring resistance to superior numbers—when troops, having exhausted their ammunition, resorted to the bayonet, many times, to hold their positions, against such odds—as did our left and centre, comprising troops from all the corps, on the afternoon of the 20th of September, at the battle of Chickamauga.

(Signed) W. S. ROSECRANS,
Major-General Commanding.

When it was known at Washington that Gen. Longstreet's corps had probably gone to the aid of Gen. Bragg, the authorities ordered to Tennessee the forces of Gen. Grant at Vicks-

burg, and also appointed him to the command of the forces in the field in Tennessee. Before information was received in reply from Gen. Grant, who was at New Orleans, Gen. Hooker was on the 23d of September sent to Tennessee, in command of the eleventh and twelfth corps of the Army of the Potomac, which were detached for that object. They were assigned to protect Gen. Rosecrans's line of communication from Bridgeport to Nashville.

On the 18th of October, Gen. Grant, having arrived at Louisville, Ky., assumed command of the Departments of Tennessee, Cumberland and Ohio, by order of the President. Major-Gen. G. H. Thomas was placed in the immediate command of the Department of the Cumberland, and Maj.-Gen. W. T. Sherman in that of the Department of Tennessee. Gen. Rosecrans was relieved. Gens. McCook and Crittenden were ordered to Cincinnati, and their corps consolidated into one.

At this time the army was at Chattanooga, which is situated in a bend of the Tennessee river. The flanks rested on its banks—the right at Chattanooga creek, near the base of Lookout mountain, and the left at Citico creek. The picket lines followed these two creeks for a distance, and then passed across the low grounds between, which lie also between the foot of Missionary ridge and the high grounds about the town upon which the defensive works were constructed. These works were connected by a strong line of rifle pits. Behind this line and around the town the greater portion of the army was bivouacked, for very little camp equipage was to be had. This was the only point held by a Federal force south of the river, while the north side was occupied entire, with troops stationed to guard the points above. The base of the army at Chattanooga was at Stevenson and Bridgeport, and was supplied from depots at Louisville and Nashville by a single track of railroad. The south side of the river from Lookout mountain to Bridgeport was in possession of the enemy, and the river road on the north side was rendered impassable by their sharpshooters stationed on the opposite bank. It was thus necessary to bring all supplies to the army over a distance of fifty or sixty miles, taking the road from Bridgeport up the Sequatchie valley, over the mountains into the Anderson road, thence to Chattanooga. The Tennessee was crossed by pontoon bridges, constructed from such materials as the forest and the town could afford. The storms rendered the roads nearly impassable, and the army was in danger of starvation.

Gen. Hooker had arrived at Bridgeport with the eleventh and a portion of the twelfth corps, and Gen. Sherman was on the route from Memphis. The first movement was to open the river, and secure a shorter land communication with the base. For this purpose the boats for a new pontoon bridge were filled with armed men at Chattanooga, and floated down in the night past Lookout Point, to a place known as Brown's Ferry, where they landed on the south side of the river and took possession of two hills, after only a slight skirmish with the picket at the point of landing, and a feeble resistance from a brigade of infantry and regiment of cavalry stationed in the valley beyond the hills. The boats then crossed the river, and brought over more troops to hold possession, by whom a bridge was immediately constructed, about nine hundred feet in length, in five hours. The distance between this bridge and the one at Chattanooga was one and a half mile by land, and about eight miles by water. On the next day, Gen. Hooker crossed the river at Bridgeport, and moved up, uniting with the force at Brown's Ferry. This opened the river, the road to Kelly's Ferry, and the direct road to Bridgeport, as well as the river road on the north side around the bend. This successful movement is thus explained by a spectator in the camp of the enemy:

The enemy were several miles distant, and the smoke of their bivouac fires resting above the tree tops indicated a halt. Subsequently the column resumed its motion, and during the afternoon the long, dark, thread-like line of troops became visible, slowly wending their way in the direction of Chattanooga. On Lookout Peak, gazing down upon the singular spectacle—a *coup d'œil* which embraced in curious contrast the beauties of nature and the achievements of art, the blessings of peace and the horrors of war—were Gens. Bragg, Longstreet, and others, to whom this bold venture of the enemy opened at once new vistas of thought and action. Infantry, artillery, and cavalry, all glided silently by, like a procession of *fantocini* in a panorama, until, among all the "sundown's sumptuous pictures" which glowed around us, there was not one like that of the great, fresh, bustling camp, suddenly grown into view, with its thousand twinkling lights, its groups of men and animals, and its lines of white-topped wagons, now strung like a necklace of pearls around the bosom of the hills. The Federals had succeeded in effecting a junction with the army of Chattanooga.

The question which naturally arises is, why did not Gen. Bragg throw his army in front of the advancing columns and check the movement? The answer is in the shape of one of those stolid facts which even strategy cannot always stir. On Monday night, Gen. Thomas—or perhaps Grant, for he is now in Chattanooga—crossed a force of six thousand men, first over the Tennessee at the edge of the town, then over the neck of land known as the Moccasin, and finally over the river again at Brown's Ferry, in rear of Chattanooga, where, after a brief skirmish with one of our regiments, they took possession of the hills and commenced the work of fortification. Simultaneously with this movement, a column at Bridgeport, consisting of the eleventh corps, Gen. Howard, and twelfth corps, Gen. Slocum, the whole under command of Gen. Joe Hooker, started up the valley.

Under these circumstances, an interposition of our forces across the valley would in the first place have required the transfer of a considerable portion of our army from the east to the west side of Lookout mountain, thereby weakening our line in front of Chattanooga, while the enemy reserved his strength; secondly, it would have necessitated a fight on both our front and rear, with the flanks of the Federals protected by the mountains; and, finally, had we been successful, a victory would only have demoralized two corps of the Yankee army, without at all influencing the direct issue involved in the present investment of Chattanooga.

Gen. Longstreet, however, who from the peak had

carefully watched the march of the eleventh corps, determined to make an attack for another purpose—namely, to capture, if possible, a large park of wagons and its escort, numbering, as was supposed, from fifteen hundred to two thousand men, who still remained in the rear.

The attack thus proposed was made during the night, and the result was that, at five o'clock the next morning, the enemy had abandoned the entire country west of Lookout creek. These operations saved the army from starvation, for the situation of affairs was such that Chattanooga must be held at all hazards.

A steamboat had been built and another had been captured. The latter was now loaded with two hundred thousand rations. It ran the blockade of Lookout mountain, and arrived safely at Brown's Ferry. The point of Lookout mountain between Chattanooga and Lookout creek was still held by pickets and an infantry force of the enemy, while their batteries on the top commanded some distance each way. The steamboat passed to the pontoon bridge ground until the battle of Missionary ridge, thus covering the line of communication; and then in connection with the other boat ran regularly to Kelly's Ferry from Bridgeport, reducing the wagon transportation to ten miles over good roads. An interior line of defence, sufficient to hold Chattanooga with a small force, was now constructed, and the plans were matured for accomplishing the main object of the campaign, which was the clearing of East Tennessee of the enemy.

When Gen. Sherman reached the vicinity of Bridgeport with his corps, Gen. Longstreet had been detached with his command from the army of Gen. Bragg, and sent on an expedition against Knoxville. This weakened Gen. Bragg and exposed Gen. Burnside to danger. The plan therefore adopted by Gen. Grant was to attack Gen. Bragg, and to follow it by a movement in the rear of Gen. Longstreet. The forces of Gen. Bragg held Missionary ridge, the Chattanooga valley, and Lookout mountain, with their left resting on the latter, and their right on the ridge near the tunnel of the Knoxville and Chattanooga railroad. Their pickets occupied the south bank of the Tennessee river for miles above, and their supplies were brought by the railroad from Atlanta and Dalton. The mass of Gen. Bragg's force was in the Chattanooga valley, between Lookout mountain and Missionary ridge, and on that slope of Lookout, thus being very nearly on his centre. The ridge was heavily posted with artillery. The plan adopted by Gen. Grant for the attack, and the manner in which it was executed, were thus described by a spectator: "A division of Gen. Sherman's troops were to be sent to Trenton, threatening the enemy's left flank. Under cover of this movement, Gen. Sherman's main body was to march up by Gen. Hooker's lines, crossing the Brown's Ferry bridge mostly at night, thence into a concealed camp on the north side of the river, opposite South Chickamauga creek. One division was directed to encamp on the North Chickamauga; about 120 pontoons were to be taken under cover of hills and woods, and launched into the North Chickamauga; these were to be filled with men, to be floated out into the Tennessee and down it, until opposite the South Chickamauga (about three miles below), to effect a landing on that bank, and throw up works; the remainder of the command were to be taken across in the same boats, or a portion of them; the Tennessee and South Chickamauga were to be bridged, and then the artillery crossed and moved at once to seize a foothold on the ridge, taking up a line facing the enemy's right flank near the tunnel. Gen. Howard's corps of Gen. Hooker's command was to cross into the town by the two bridges, and fill the gap between Gen. Sherman's proposed position and the main body of Gen. Thomas's army. Gen. Hooker, with the remainder of his force and the division sent to Trenton, which should return, were to carry the point of Lookout, and then threaten the enemy's left, which would thus be thrown back, being forced to evacuate the mountain and take position on the ridge; and then the Federal troops, being on both flanks, and upon one flank threatening the enemy's communications, were to advance the whole line or turn the other flank, as the chances might dictate. Then a part of the force was to follow as far as possible, while Gen. Sherman destroyed the railroad from Cleveland to Dalton, and then pushed on to relieve Knoxville, and capture, disperse, or drive off Gen. Longstreet from before it.

"Gen. Smith, chief engineer, took personal charge of the preliminaries necessary for the move on the left flank. The pontoons were put in the Chickamauga; the men encamped; the bridge trains ready to debouch at the proper point; and so completely was every thing arranged that no confusion whatever occurred. Artillery was posted on the side of the river to cross fire in front of the point of landing, and force the same, if necessary.

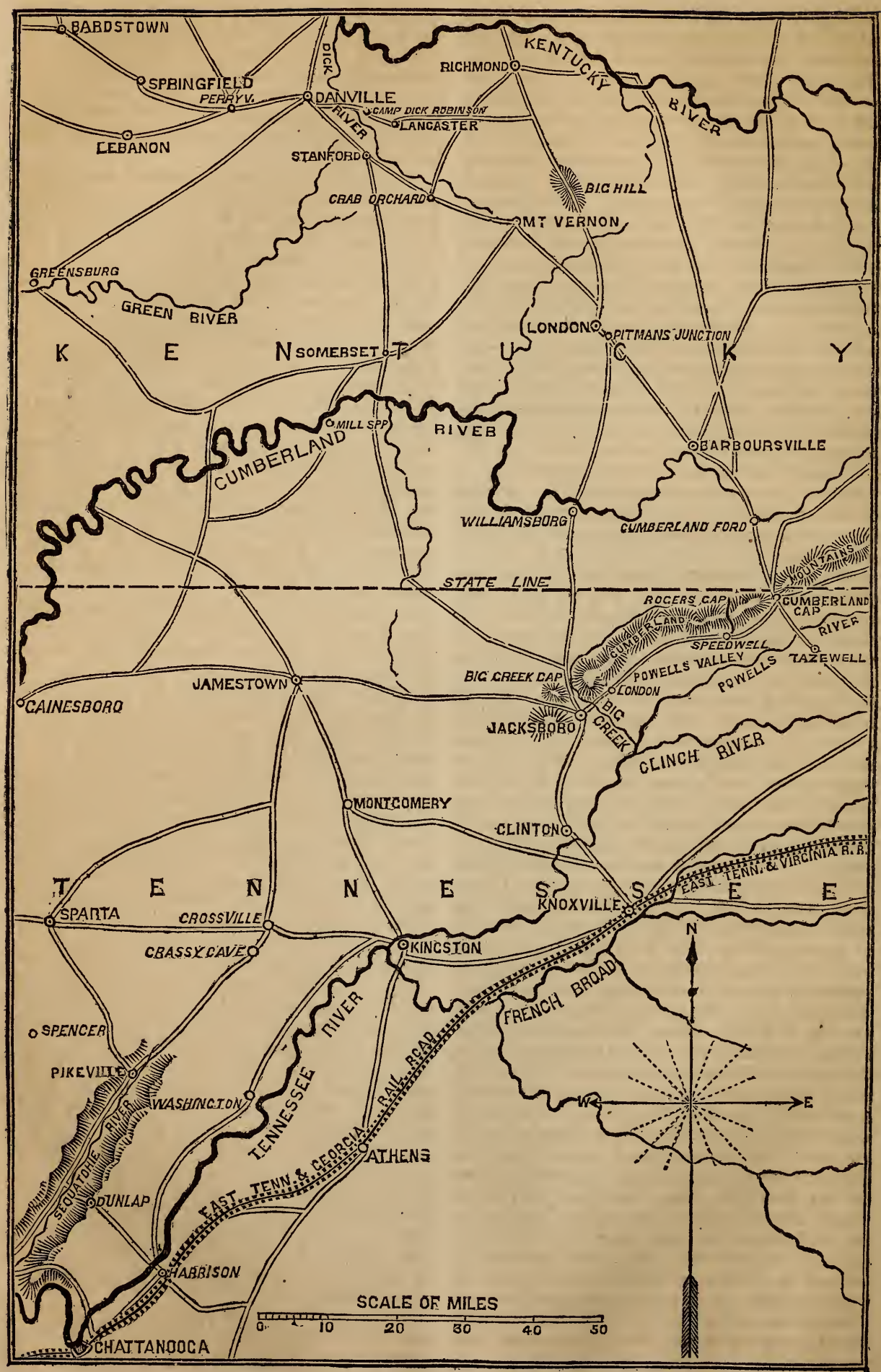
"On Monday, November 24th, an armed reconnoissance was made by Gen. Thomas on his left, which developed the enemy's lines and gave to Gen. Thomas a line of battle in advance of his picket lines, at the same time allowing the eleventh corps (Howard's) to come into the position assigned it. At midnight the men entered the pontoons, floated down, and effected a landing. At daylight the pontoniers were at work, and at noon the Tennessee river was bridged by a pontoon bridge 1,400 feet long, and the rest of Gen. Sherman's troops crossed with his artillery. He then pushed out to the ridge and took up his position, and Gen. Howard communicated with him, his force having marched to its place. Gen. Hooker's forces formed a line of battle running up and down the side of the mountain and sweeping around the point, and, at night of the same day (the 24th), held what he had gained and

communicated with Gen. Thomas's right. That night the enemy evacuated Lookout Mountain top, and fell back from his front to the ridge. Thus, on Tuesday night, Gen. Bragg was threatened on both flanks, and with a heavy line of battle in his front. It was difficult for him to determine what the Federal move would be. His railroad must be held at all hazards from Gen. Sherman. The amount of Gen. Hooker's force he could distinctly see. He reënforced his right very heavily, leaving enough to hold his left and front, as he supposed. On the 25th, Wednesday, Gen. Sherman commenced to move. Two hills were taken. From the third he was several times repulsed, and he moved around more force, as if to get in rear of Gen. Bragg's line, and the latter then commenced massing against him. The critical moment had now arrived. Gen. Hooker moved his columns along the Rossville road toward Gen. Bragg's left, and this drew still more force from the latter's centre.

"General Grant now ordered Gen. Thomas to advance and take the rifle-pits at the base of the mountain. The Army of the Cumberland, remembering Chickamauga and impatient by reason of remaining spectators of the operations of Gens. Sherman and Hooker for two days, went forward with a will; drove the enemy in disorder from his lower works; and went on, heedless of the heavy artillery and musketry hurled against them from the crest of the ridge. Half-way up they seemed to falter, but it was only for breath. Without returning a shot they kept on, crowned the ridge, captured thirty-five out of the forty-four pieces of artillery on the hill, turned some of them against the masses in Gen. Sherman's front, and the routed line fell back, while the rest of Gen. Bragg's army, including Bragg and Hardee, fled, routed and broken, toward Ringgold. Thousands of prisoners and small arms and quantities of munitions of war were taken. Gen. Hooker took up the pursuit, and that night Mission Ridge blazed resplendent with Union camp-fires. The next day Gen. Hooker pushed the enemy to Ringgold, where he made a show of stubborn resistance, but was forced to retire. Gens. Sherman and Howard pushed for the railroad, which they smashed completely. About sixty pieces of artillery and a thousand prisoners were captured." When the attack was planned, orders were sent to Gen. Burnside to lure Gen. Longstreet as far away as possible, and fall back to a position where he could stand a siege and subsist from the country. Some skirmishes with the enemy still in East Tennessee, had previously taken place. On the 21st of September, one occurred between Col. Foster and a body of the enemy near Bristol, and on the 10th and 11th of October a sharp engagement took place at Blue Springs. The enemy was defeated with a heavy loss in killed and wounded, and one hundred and fifty prisoners. The Federal loss was about one hundred. Subsequently Gen. S. Jones, who had held a threatening position with a small force of the enemy near the Virginia line, moved down on the north side of the Holston river to Rogersville, with some three thousand five hundred cavalry, and surprised the garrison at that place, and captured four pieces of artillery, thirty-six wagons, and six hundred and fifty men.

Previous to the advance of Gen. Longstreet into East Tennessee, Gen. Burnside had occupied Philadelphia, and other points on the south side of the Holston river with small garrisons. Some of these forces were surprised and six or seven guns captured, with forty wagons, and between six and seven hundred prisoners. The remainder retreated to Loudon. Upon receiving the orders from Gen. Grant, Gen. Burnside moved from Knoxville toward Loudon, to meet Gen. Longstreet. The latter placed his main force on the north side of the river Holston, but sent his cavalry up the south side, expecting that it would slip into Knoxville during Gen. Burnside's absence, and thus compel him to make a flank retreat. But the cavalry of Gen. Burnside was also on the south side of the Holston with a small force of infantry, and they fell back into the works, thus covering the town on that side. Gen. Burnside also fell back to Campbell's Station, and made a stand. A contest ensued for several hours in which Gen. Longstreet was repulsed. Gen. Burnside then withdrew to the neighborhood of Knoxville, and fortified his position. Gen. Longstreet then came up and commenced a siege. Knoxville was surrounded by Gen. Longstreet on the 17th and 18th of November. A constant fire was kept up on the line of Gen. Burnside until the evening of the 28th, when an attack was proposed on a small fort mounting six guns, on a hill near the town, and commanding the approaches to it on that side of the river. The fort was occupied by the 29th Massachusetts, the 79th New York and two companies of the 2d, and one of the 20th Michigan. On its front and flanks was once a thick field of pines, which had been cut down with the tops falling in all directions, making an almost impassable mass of brush and timber. A space around the fort was cleared. The ditch in front was about ten feet deep, and parapet nearly twenty feet high. The assault was made near daylight, on the 29th, by the Confederate brigades of Gens. Bryan and Humphrey, with a party from Wolford's. The enemy advanced in three lines and made the attack fiercely, but all attempts to scale the sides of the fort failed, and they were finally repulsed with a loss of two hundred killed and wounded, and several hundred made prisoners. Meantime the force of Gen. Burnside was closely pressed, and provisions became so scarce, that his troops were put on half rations of bread.

After the battle of Chattanooga, the pursuit of the enemy was discontinued through want of strong animals to draw the artillery


BARDSTOWN
SPRINGFIELD
PERRYV.
DANVILLE
DICK RIVER
CAMP DICK ROBINSON
LANCASTER
RICHMOND
KENTUCKY RIVER
LEBANON
STANFORD
BIG HILL
CRAB ORCHARD
MT VERNON
GREENSBURG
GREEN RIVER
LONDON
PITMANS JUNCTION
K E N T U C K Y
SOMERSET
MILL SPP
CUMBERLAND RIVER
BARBOURSVILLE
WILLIAMSBURG
CUMBERLAND FORD
STATE LINE
ROGERS CAP
CUMBERLAND MOUNTAINS
CUMBERLAND CAP
SPEEDWELL
POWELLS VALLEY
POWELLS RIVER
TAZEWELL
BIG CREEK CAP
LONDON
BIG CREEK
JAMESTOWN
CAINESBORO
JACKSBORO
CLINCH RIVER
MONTGOMERY
CLINTON
EAST TENN. & VIRGINIA R.R.
T E N N E S S E E
SPARTA
CROSSVILLE
KNOXVILLE
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FRENCH BROAD
SPENCER
PIKEVILLE
SEQUATCHIE RIVER
WASHINGTON
TENNESSEE RIVER
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E
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SCALE OF MILES
0 10 20 30 40 50
CHATTANOOGA

and supply trains; but Gen. Sherman being reenforced by the eleventh corps, and a part of the fourth, commenced his march for Knoxville. Five miles above Loudon at Davis's Ford, the eleventh corps crossed the Little Tennessee, and at Morgantown seven miles further up, the fourth and his own corps crossed. The eleventh moved on the next day to Louisville, a distance of thirty-one miles. The other troops moved to Marysville. All were on the south side of the Holston. On the night of December 3d, the cavalry of Gen. Sherman reached Knoxville. This movement turned the flank of Gen. Longstreet, and he raised the siege and retreated toward Rutledge on that night. On the next day, the fourth arrived at Knoxville, and in conjunction with Gen. Burnside's forces immediately commenced a pursuit. Gen. Longstreet fell back into the border of Virginia, and took a strong position. Gen. Burnside was subsequently relieved from the command of the Department of the Ohio at his own urgent request, and Gen. Foster assigned to its command.

It was during this siege that Gen. Averill advanced from Western Virginia, and cut the communications of Gen. Longstreet, as hereatfer stated.

The other military operations of the year 1863, were, with the exception of the attack on Charleston, of a less conspicuous and important character. Some of them, however, were designed to be made in coöperation with the principal movements above stated.

Upon the departure of Gen. Longstreet's corps to reënforce Gen. Bragg, the remainder of Gen. Lee's army near Orange Court House, in Virginia, assumed a threatening attitude against Gen. Meade, and manœuvred to turn his left flank while at Culpepper Court House. At this time Gen. Hooker had left with nearly two corps to reënforce Gen. Rosecrans in Tennessee. The forward movement on the part of the Confederate army commenced on Thursday, October 8th, when Gens. Anderson and Heth moved their divisions from the vicinity of Peyton's Ford and Rapidan Bridge, up to and beyond Orange Court House. On Friday morning Gen. Wilcox's brigade moved from Barnett's Ford, and forming the rear of Lieut.-Gen. A. P. Hill's column, the troops proceeded to Madison Court House. At the same time, the corps of General Ewell followed, consisting of the divisions of Gens. Rhodes, Johnson, and Early. Meanwhile a show of force was still kept up in front of Gen. Meade on the Rapidan, by burning heavy camp fires, and maintaining the regular picket force in front. In the afternoon Gen. Stuart's cavalry began to advance, keeping on the right of the infantry, and rested at night near Madison Court House. On Saturday, the 10th, the infantry crossed the Robinson river near Criglersville, and soon after a skirmish took place between Gen. Stuart and a body of New York infantry, in which many of the latter were made prisoners.

Gen. Meade was now aware of the object of the enemy, and by Saturday night his whole force had left Culpepper and was falling back. His march was along the line of the railroad running from Alexandria. The enemy were encountered at times, and occasionally skirmishing ensued, but a general engagement was avoided.

On the 11th the main body of Gen. Lee's army reached Culpepper, and were compelled to halt during the day to furnish provision to the troops. On his advance Gen. Lee had left Gen. Fitz Lee with his division of cavalry and a detachment of infantry to hold his lines south of the Rapidan. This force was attacked by Gen. Buford on Saturday, and a sharp skirmish ensued; but the enemy being reënforced by Gen. Stuart's troops, Gen. Buford fell back across the Rappahannock.

On the 12th Gen. Lee advanced in two columns, with the design of reaching the Orange and Alexandria railroad north of the river, and intercepting the retreat of Gen. Meade. A cavalry skirmish occurred at Jeffersonton, but the Rappahannock at Warrenton Springs was reached that afternoon, when the passage was disputed by Federal cavalry and artillery. Upon the advance of a Confederate force these troops fell back.

On Tuesday morning, the 13th, the march was resumed, and the two columns reunited at Warrenton in the afternoon, and halted. On the next morning the advance of Gen. Lee was continued, a portion of his army moving by way of New Baltimore toward Bristoe's Station, and the rest, accompanied by the main body of the cavalry, proceeding to the same point by Auburn and Greenwich. Near the former place a skirmish took place between Gen. Ewell's advance and a body of Gen. Meade's troops. The retreat of Gen. Meade was conducted by direct parallel roads, while the enemy in their advance were compelled to march by difficult and circuitous routes. They were thus unable to intercept the retreat. The rear guard of Gen. Meade consisted of the second corps, under Gen. Warren. It had reached Bristoe's Station, and about noon on the 14th it was suddenly attacked by Gen. Hill, who, with two brigades of the enemy, had arrived in advance. Gen. Warren immediately arranged his corps for action, and a sharp struggle ensued, which lasted for some hours, when the enemy were repulsed with a loss of five guns and a large number killed, wounded, and four hundred and fifty made prisoners. The Federal loss was fifty-one killed, and three hundred and fifty-nine wounded. After remaining in possession of the field during the night, the second corps fell back across Broad Run. Gen. Meade then fortified his position beyond Bull Run, extending his line toward the Little River turnpike. The enemy now ceased to advance further. Gen. Meade held a strong position, and if it could have been turned by

the enemy he could readily have retired to the intrenchments around Washington and Alexandria. After destroying the railroad from Cub Run southwardly to the Rappahannock, the enemy retreated on the 18th to the line of that river, leaving their cavalry in front of Gen. Meade.

During the next day the cavalry of Gen. Meade advanced, before whom Gen. Stuart retired, until an attack was made on their flank, near Buckland, by Gen. Fitz Lee, who had moved from Auburn. A severe action ensued, and the enemy advanced nearly to Haymarket and Gainesville, where the infantry were encountered, and the former retired.

When the advance of Gen. Lee from the Rapidan commenced, orders were sent to Gen. Imboden to advance down the Shenandoah valley and guard the gaps of the mountains on the Confederate left. Having performed this duty he marched on the 18th upon Charlestown, and, surrounding the place, captured nearly all of the force stationed there, with their stores and transportation. Upon an advance of the force at Harper's Ferry, Gen. Imboden retired with his booty.

Gen. Halleck states the loss in the cavalry corps during these operations to have been 74 by casualties and 885 missing. Gen. Lee states that in the course of these operations 2,436 prisoners were captured, of which 436 were taken by Gen. Imboden. The loss of the enemy is not stated.

On the 7th of November Gens. Sedgwick and French attacked the enemy at Rappahannock Station and Kelly's Ford, and captured several redoubts, four guns, eight battle flags, and about two thousand prisoners. The Federal loss in killed and wounded was three hundred and seventy.

About the 20th of November an advance was made by Gen. Meade from the position held at that time, under the impression that Gen. Lee was either retreating south from the Rapidan, or was preparing for a movement in some other quarter. The intention was to ascertain the position of Gen. Lee's forces, and to bring on a contest with them. Upon this advance the enemy fell back and took up a strong position behind Mine Run, southwest of Chancellorsville. The strength of the position, and the risks attending an assault, were such that the army of Gen. Meade withdrew from the front of the enemy, and resumed its previous camps around Brandy Station, on the Orange and Alexandria railroad.

In West Virginia the force was too small during the year to attempt any important campaign by itself; but it acted mainly on the defensive, in repelling raids of the enemy and breaking up bands of guerillas.

When Gen. Lee's army retreated across the Potomac in July last, Brig.-Gen. Kelly concentrated all his available force on the enemy's flank, near Clear Springs, ready to coöperate in the proposed attack by Gen. Meade. They also rendered valuable services in the pursuit after Gen. Lee had effected his passage of the river.

On the 24th of July Col. Toland attacked the enemy at Wytheville, on the East Tennessee and Virginia railroad, capturing two pieces of artillery, 700 muskets, and 125 prisoners. Our loss was 17 killed and 61 wounded. The enemy's killed and wounded were reported to be 75.

In August Gen. Averill attacked a force of the enemy under Gen. Sam. Jones, at Rocky Gap, in Greenbrier county, capturing one gun, 150 prisoners, and killing and wounding some 200. The Federal loss in killed, wounded, and missing, was 130.

On the 11th of September Gen. Imboden attacked a small force of Federal troops at Moorefield, wounding 15 and capturing about 150.

On the 5th of November Gen. Averill attacked and defeated the enemy near Lewisburg, capturing three pieces of artillery, 100 prisoners, and a large number of small arms, wagons, and camp equipage. The enemy's loss in killed and wounded was estimated at 300.

In December, Gen. Averill, with the 2d, 3d, and 8th Virginia mounted infantry, 14th Pennsylvania, Dobson's battalion of cavalry, and Ewing's battery, advanced into Southwestern Virginia, and, on the 16th, destroyed the Virginia and Tennessee railroad at Salem. At the same place three depots were destroyed, containing 2,000 barrels of flour, 10,000 bushels of wheat, 100,000 bushels of shelled corn, 50,000 bushels of oats, 2,000 barrels of meat, several cords of leather, 1,000 sacks of salt, 31 boxes of clothing, 20 bales of cotton, a large amount of harness, shoes, and saddles, equipments, tools, oil, tar, and various other stores, and 100 wagons. The telegraph wire was cut, coiled, and burned for a half mile. The water station, turn-table, and three cars were burned, the track torn up, and the rails heated and destroyed as much as possible, in six hours. Five bridges and several culverts were destroyed over an extent of fifteen miles. A large quantity of bridge timber and repairing materials were also destroyed. On returning, Gen. Averill found six separate commands under Gens. Early, Jones, Fitz Lee, Imboden, Jackson, and Echols, arranged in a line extending from Staunton to Newport, on all the available roads, to intercept him. Having captured a despatch of the enemy, by which their positions were made known, Gen. Averill marched from the front of Jones to that of Jackson during the night, crossed the river and pressed in the latter's outposts, and passed him. In the meantime, forces were concentrating upon Gen. Averill at a place called Calaghan's, over every available road but one, which was deemed impracticable. Over this one he crossed the top of the Alleghanies with his command, and arrived at Beverly on the 21st, with a loss of six drowned, four wounded, and ninety missing,

and having captured about two hundred prisoners and one hundred and fifty horses.

In North Carolina, during the year 1863, no important operations were carried on against the enemy in consequence of the weakness of the Federal force. It acted chiefly on the defensive, and held the important positions which had been previously captured.

In March the Confederate general, Pettigru, with a large force of infantry and artillery, made an unsuccessful demonstration on Newbern. The loss of Gen. Foster, in command of the Federal forces, was two killed and four wounded. In April, Gen. Hill laid siege to Washington, on the Tar river. The town had only a small garrison and was slightly fortified. Gen. Foster, who was there at the time, caused the works to be so strengthened, that they were held until reënforcements arrived from Newbern to raise the siege.

In May an expedition was sent against a camp of the enemy at Gum Swamp, which captured one hundred and sixty-five prisoners and military stores. In July another expedition was sent against Rocky Mount on the Tar river, which destroyed the bridge at that place, and a large amount of property belonging to the enemy. No further operations of importance took place in North Carolina during the year. The Department of North Carolina was united with that of Virginia, under the command of Gen. Dix, until the latter was transferred to the command of the Department of the East, when Gen. Foster assumed the command. The latter was subsequently transferred to the Department of the Ohio, and Gen. B. F. Butler appointed to the command of the Department of Virginia and North Carolina.

After abandoning the siege of Washington in April, Gen. Hill marched toward Nansemond to reënforce Gen. Longstreet, who was investing Suffolk, in Southeastern Virginia. Upon failing in his direct assault upon the place, Gen. Longstreet began to establish batteries for its reduction. The defence of the place was conducted by Gen. Peck, under the command of Gen. Dix, who made every preparation of which it was capable, and retarded the construction of the enemy's works until the attempt was finally abandoned. The Federal loss during these operations was forty-four killed, two hundred and one wounded, and fourteen missing. They captured four hundred prisoners.

About the 20th of June, while Gen. Lee was advancing into Pennsylvania, all the available forces under the command of Gen. Dix, being about eighteen thousand men, were moved up the York river and landed at the Whitehouse, for the purpose of threatening Richmond, of destroying the railroad bridges over the South and North Anna rivers, which were on Gen. Lee's line of communication, and doing as much damage as possible to the enemy, besides occupying the attention of a large body of his force. One of the bridges over the South Anna was destroyed by an expedition under Col. Spear, and the quartermaster's depot at Hanover Station. On his return he brought back thirty-five army wagons, seven hundred horses and mules, and Gen. Fitzhugh Lee, the son of Gen. R. E. Lee, as a prisoner. The other bridge over the South Anna was not destroyed, but the railroad track between it and Richmond was torn up for a considerable distance, and the bridge at Ashland Station, on the same road, eleven miles out of Richmond, was completely demolished and burned, as also the depot. After remaining at the Whitehouse three days, Gen. Dix received orders to return with his forces for the purpose of reënforcing Gen. Meade. At that time he had completely cut off Gen. Lee's communications with Richmond by way of the two railroads crossing the South Anna river, and had control of the whole country from the Pamunkey to the Rappahannock.

The small force in the Department of the South caused a suspension of active operations until March, 1863. An attack upon Fort Sumter and Charleston had long been contemplated by the Navy Department, and it was represented that the operation of the ironclads would be greatly aided by a land force prepared to assist the attack, and to occupy any work reduced by the navy.

Gen. Foster was, therefore, sent with a considerable force and a large siege equipage to assist the naval attack. But not proving acceptable to Gen. Hunter, then in command, he returned to North Carolina, leaving his troops and siege equipage. The naval attack on the fort was made upon April 7th (*see* NAVAL OPERATIONS), but was rather unsuccessful, and nothing apparently remained to be done by the land forces. It was now represented by the Navy Department that a second attack upon Fort Sumter and Charleston was preparing, and that its success required the military occupation of Morris Island, and the establishment of land batteries on that island to assist in the reduction of the fort. As this was a task requiring engineering skill, it was assigned to Gen. Q. A. Gillmore, who took the command of the department. On the night of the 3d of July he commenced his advance upon Charleston by the movement of troops to Folly Island. There they remained as secret as possible, and erected batteries to cover those of the enemy on the south ends of Morris Island. On the 10th the entire force which was required having arrived, the batteries opened upon the enemy, and when their guns were silenced a charge was made by the infantry, who had crossed to the island in boats, and the works captured. A despatch from Gen. Gillmore thus reports his movements:

HEADQUARTERS DEPARTMENT OF THE SOUTH,
IN THE FIELD, MORRIS ISLAND, S. C., *July 12th*, 1863.

Major-General H. W. Halleck, General-in-Chief:

SIR: I have the honor to report that at five o'clock on the morning of the 10th instant I made an attack upon the enemy's fortified position on the south end of Morris Island, and, after an engagement of three

hours and a quarter, captured all his strongholds upon that part of the island, and pushed forward my infantry to within six hundred yards of Fort Wagner.

We now hold all the island except about one mile on the north end, which includes Fort Wagner and a battery on Cummings' Point, mounting at the present time fourteen or fifteen heavy guns in the aggregate.

The assaulting column was gallantly led by Brig.-Gen. Strong. It landed in small boats under cover of my batteries on Folly Island and four monitors led by Rear-Admiral Dahlgren, which entered the main channel abreast of Morris Island soon after our batteries opened. The monitors continued their fire during the day mostly on Fort Wagner.

On the morning of the 11th instant, at daybreak, an effort was made to carry Fort Wagner by assault. The parapet was gained, but the supports recoiled under the fire to which they were exposed and could not be got up. Our loss in both actions will not vary much from one hundred and fifty in killed, wounded, and prisoners. We have taken eleven pieces of heavy ordnance and a large quantity of camp equipage.

The enemy's loss in killed, wounded, and missing, will not fall short of two hundred.

Q. A. GILLMORE, Brig.-Gen. Commanding.

The portion of Morris Island not yet taken by Gen. Gillmore was well fortified. Fort Wagner was a strong work, constructed of immense timbers and rafters covered over with earth and sand some twenty feet thick. Its distance from Fort Sumter in an air line was about a mile and a half, and four and a half miles from Charleston. On the part of the island called Cummings' Point was Battery Gregg, about three-fourths of a mile from Fort Sumter. Morris Island is about five miles long and some three or four miles wide. Along the sea coast is an irregular ridge made of sand heaps, which is about half a mile wide, the rest of the island is low, level, marshy land, much of which is flooded at high tide. The Confederate forces on the island were under the command of Brig.-Gen. Harrison, of Georgia; Fort Sumter, which stands within the entrance, and nearly in the centre of the harbor, was under the command of Col. Rhett. The walls were protected by tiers of sand bags in the inside, some twenty feet thick, thus making an obstruction of brick and sand some twenty-six feet. Fort Moultrie is nearly opposite Sumter, on the north side of the harbor, and distant about one and one-fourth miles. Up the harbor on the southern side is Fort Johnson, one and one-fourth miles distant. About a mile beyond, in the middle of the harbor, on the "middle ground," is Fort Ripley. Castle Pinkney is in the same line, and on the north side of the harbor at the mouth of the Cooper river. There were, in addition, numerous batteries at various points on all the islands and the front of the city, and also works facing the land attack on James Island. The whole number of guns in position and afloat for the defence of Charleston, was estimated at three hundred and seventy-six.

The naval force under Admiral Dupont, com-

posing the South Atlantic blockading squadron, consisted of sixty-one vessels of all classes, mounting three hundred and ninety-six guns. But iron clads, carrying in all about thirty-four guns, were expected to take the active part in the operations in the harbor.

After the failure of the assault upon Fort Wagner, Gen. Gillmore set to work to bring his heavy guns into position, not only for an attack upon Wagner, but upon all the works of the enemy, and also to throw shells into Charleston. The form of the contest now consisted in pushing forward the siege works and annoying the enemy as much as possible with sharpshooters and shells. The enemy acted in the same manner. Fort Johnson night and day threw shells, which burst above the workmen in the trenches. Wagner was kept quiet by the ship Ironsides and the monitors, while these in turn were attacked by the guns of Gregg and Sumter.

On the 18th of July, about twelve heavy guns were in position, besides eight or ten mortars, within eight hundred yards of Fort Wagner, and Gen. Gillmore determined on making another attack. It was commenced at noon by Gen. Gillmore's batteries and the frigate Ironsides; five monitors, two mortar schooners, and three wooden gunboats soon joined in. The enemy replied briskly from Fort Wagner, Battery Bee, beyond Cummings's Point, and the guns on the southwestern face of Fort Sumter. Their fire was chiefly directed against the vessels, occasionally a shell was thrown at the batteries. Soon after four o'clock the fire of Fort Wagner ceased. It was known that one gun had been dismounted and another was supposed to have exploded. Under the impression that the works were evacuated, another attempt to occupy them was determined upon. For this purpose two brigades consisting of the 7th Connecticut regiment, the 3d New Hampshire, the 9th Maine, the 76th Pennsylvania, and the 48th New York, under Brig.-Gen. Strong, and the 7th New Hampshire, 6th Connecticut, 62d Ohio, 100th New York, and 54th Massachusetts (colored), under Col. Putnam, were ordered forward from behind the sand hills. The brigades were formed in line on the beach, with the regiments disposed in columns, the colored regiment being in advance. This movement was observed at Fort Sumter, and a fire was opened on the troops but without effect. At dark the order was given for both brigades to advance, Gen. Strong's leading and Col. Putnam's within supporting distance. The troops went forward at quick time and in silence, until the 54th Massachusetts, led by Col. Shaw, was within two hundred yards of the work, when the men gave a fierce yell and rushed up the glacis, closely followed by the other regiments of the brigade.

The enemy, hitherto silent, opened upon them furiously with grape, canister, and a continuous fusilade of small arms. The negroes, however, plunged on, and many of them crossed the ditch, although it contained four feet of water, gaining the parapet. They were dislodged, however, in a few minutes with hand grenades, and retired, leaving more than one-half of their number, including their colonel, dead upon the field. The 6th Connecticut regiment, under Lieut.-Com. Rodman, was next in support of the 54th, and they also suffered terribly, being compelled to retire after a stubborn contest. The 9th Maine, which was next in line, was broken up by the passage of the remnant of the repulsed colored regiment through its lines, and retired in confusion, excepting three companies which stood their ground.

It now devolved upon the 3d New Hampshire regiment to push forward, and, led by Gen. Strong and Col. Jackson in person, they dashed up against the fort. Three companies gained the ditch, and wading through the water, found shelter against the embankment. Here was the critical point of the assault, and the second brigade, which should have been up and ready to support their comrades of the first, were unaccountably delayed. Gen. Strong then gave the order to fall back and lie down on the glacis, which was obeyed, without confusion.

While waiting here, exposed to the heavy fire, Gen. Strong was wounded. Finding that the supports did not come, Gen. Strong gave the order for his brigade to retire, and the men left the field in perfect order.

Soon afterward the other brigades came on, and made up for their tardiness by their valor. Rushing impetuously up the glacis, undeterred by the fury of the enemy, whose fire was not intermitted, several of the regiments succeeded in crossing the ditch, scaling the parapet, and descending into the fort. Here a hand-to-hand conflict ensued. The troops fought with desperation, and were able to drive the enemy from one side of the work to seek shelter between the traverses, while they held possession for something more than an hour. This piece of gallantry was unfortunately of no advantage. The enemy rallied, and, having received reënforcements, made a charge upon them and expelled them from their position by the force of numbers. One of the regiments engaged in this brilliant dash was the 48th New York, Col. Barton, and it came out almost decimated. The 48th was among the first to enter the fort, and was fired upon by a regiment that gained the parapet some minutes later, under the supposition that it was the enemy. About midnight the order was given to retire, and the troops fell back to the rifle pits outside of their own works. The loss in killed, wounded, and missing, was fifteen hundred and thirty.

Gen. Gillmore now made his preparations to bombard both Wagner and Sumter, and the city of Charleston.

Meantime a correspondence took place between the opposing commanding officers.

Under date of Headquarters Department of South Carolina, Georgia, and Florida, Charleston, S. C., July 4th, 1863, Gen. Beauregard says that it is his duty, in

the interests of humanity, to address Gen. Gillmore, with a view of effecting some understanding as to the future conduct of the war in this quarter. And then, after alluding to the expedition set on foot by his predecessor, Maj.-Gen. Hunter, to the Combahee river, which seized and carried away negro slaves off plantations on its banks, ravaged the plantations, &c., he says he does not propose to enter upon a discussion touching that species of pillaging, but desires to acquaint Gen. Gillmore formally that more than one plantation was pillaged, buildings burned, and crops destroyed—acts which were not rendered necessary by any military exigency.

Then he takes up the question of the employment of negroes, and quotes Napoleon, to show the "atrocious consequences which ever resulted in the employment of a merciless, servile race as soldiers;" that Napoleon refused to employ the serfs in his campaign against Russia, because he dreaded the results of a civil or intestine war. He characterizes all who call to their aid such material, in the language of the publicists, as barbarians, &c. In conclusion, he asks whether the acts which resulted in the burning of the villages of Darien, Ga., and Bluffton, and the ravages on the Combahee, are regarded by Gen. Gillmore as legitimate measures of war, which he will feel authorized to resort to hereafter.

Gen. Gillmore addresses Gen. Beauregard from Morris Island, under date of July 18th. He states that, while he and his Government will scrupulously endeavor to conduct the war upon principles established by usage among civilized nations, he shall expect from the commanding general opposed to him full compliance with the same rules, in their unrestricted application to all the forces under his command.

Gen. Beauregard, under the date of July 22d, 1863, says he is at a loss to perceive the necessity for the remark that Gen. Gillmore will expect from him "full compliance with the same rules established by usages of civilized nations, &c., in their unrestricted application to all his forces," inasmuch as he is wholly unaware that any departure from the same has ever been alleged on his part, or by any of his troops, from the established laws and usages between civilized peoples; and then he calls for more specific charges.

In reply to Gen. Beauregard's despatch of the 22d ultimo, Gen. Gillmore, on the 5th of August, after noticing the remark of Gen. Beauregard that he was at a loss to perceive the necessity for his statement that he (Gen. G.) should expect a full compliance on his (Gen. B.'s) part with the same rules, &c., in their unrestricted application to all the forces under his command, states that he considered his remarks as pertinent and proper at the time. Events, he adds, since transpired, show them to have been eminently so. In proof he quotes the circumstances of agreement for mutual paroling and returning to their respective commands the wounded prisoners in our hands. "You declined," Gen. Gillmore goes on to say, "to return the wounded officers and men belonging to my colored regiments, and your subordinate in charge of the exchange asserted that the question had been left for after consideration." He could but regard this transaction as a palpable breach of faith on Gen. Beauregard's part, and a flagrant violation of Gen. B.'s pledges as an officer.

The first works erected by Gen. Gillmore after taking possession of Morris Island, were the construction of parallels. These extended from the beach on the right to the marsh on the left. The first was distant from Fort Wagner one thousand two hundred yards. The second, and principal one, was so constructed that its left was six hundred and seven yards from Wagner, and its right seven hundred and fifty yards. The third was four hundred and twenty-five yards from Wagner. The parallels were built in an oblong direction with the length of the island, having the highest points resting on the marsh. The rifle pits forming the foundation of the first parallel were thrown up shortly after the troops gained possession of the lower part of the island. These pits were thrown up in a single night, and used first in the attack on Fort Wagner, on July 18th. The interstices were subsequently filled, and the first parallel constructed. It was two hundred and twenty-five yards. The length of the second parallel was three hundred and twenty-five yards. The siege guns used for the offensive were mounted in the rear of this parallel. Its distance from Fort Sumter was three thousand three hundred and fifty yards. The third parallel was one hundred yards in length. On the left of the parallels earthworks were constructed, containing guns of heavy caliber. Their mean distance from Fort Sumter was four thousand one hundred yards. Still farther to the left, on the marsh, another earthwork was constructed facing Fort Sumter. On this was mounted a gun called "Swamp Angel." The "Marsh" is a vast growth of cane, bordering on Light House Inlet and Morris Island, directly facing James Island, which runs parallel with Morris Island. It is about a mile wide, and borders the island nearly its whole length. At low tide it is dry, but at high water there is about four feet of water over its whole extent. Scows were procured and loaded with bags of sand, and at every tide floated into the marsh, and piled on the selected spot. They sank down in their watery bed and rapidly disappeared, but the process was still continued with each renewing tide, until an immense bank, towering six feet above the tops of the canes, was visible. Strong traverses were erected, and after due time given for it to settle, the gun was placed on one of the scows, and floated through the canes at high tide to the site of the battery, where it was moored and soon mounted, the work having all been done at night, it being in full view of Fort Johnson and James Island batteries.

On the night of August 13th, the Federal works were advanced within four hundred and twenty yards of Wagner, without any suspicion of the enemy. Soon after daylight, a fire was opened from Wagner, Gregg, and Sumter, which continued for two hours, and answered with great vigor from the Federal batteries. On the 15th all the forts of the enemy from Johnson Island, on the left, to Fort Wagner, on the right, opened fire, and continued it at intervals of fifteen minutes. For the first time fire was opened upon Fort Sumter by the Federal batteries. A 200-pounder Parrott was brought to bear on the fort, for the purpose of testing the powder to be used in these guns. Seven shots were fired, a distance of two and five-eighth miles, the first three fell short, but of the remaining four, two went directly through the gorge wall, a short distance above the sally port, and two struck the parapet, and sent an immense amount of brick and mortar

into the ditch and into the fort. The solid shot, which went through, made holes from four to five feet in diameter.

On the morning of August 17th, Gen. Gillmore, having completed his batteries, which numbered about sixty pieces, and obtained the range, his guns opened fire upon Fort Sumter. The fleet consisting of the frigate Ironsides and the Monitors, aided by some wooden gunboats, made an attack, at the same time, upon Forts Gregg and Wagner. The latter was completely silenced, and the former nearly so. The Monitors Passaic and Patapsco then moved nearer to Fort Sumter, and opened fire on it. In the afternoon the fleet retired, except so much as was required to prevent remounting the guns in Fort Wagner. The fire from the batteries upon Fort Sumter continued through the day and night.

The bombardment of Fort Sumter had now been regularly commenced by Gen. Gillmore. The following is the daily report by the enemy of its effect:

CHARLESTON, Thursday, *August 20th.*

The firing of the Parrott guns upon Fort Sumter to-day was exceedingly heavy, but not so accurate as heretofore. About noon the flag was shot away, but soon replaced. No casualties are reported. Col. Alfred Rhett is commanding, and the garrison is stout-hearted.

The battery of Parrott guns is distant from Sumter two five-eighth miles. The missiles used are 200-pound bolts, eight inches in diameter, two feet long, with flat heads of chilled iron. Shells of the same dimensions are also used.

Up to Wednesday night, the third day of the attack, 1,972 of these missiles struck Sumter, and including to-day 2,500 have struck. The damage is of course considerable, and for the last two days all the guns on the south face of the fort have been disabled.

Yesterday, about four o'clock, the iron-clads formed in line of battle to renew the attack on Sumter, but the fort opened at long range from the east face, and they retired without attacking. To-day the Ironsides and two Monitors kept up a fire on Wagner at intervals, and the Yankee sappers have begun to make approaches on that battery from the nearest work. A shot from Wagner disabled one of the Parrott guns, and the James Island batteries, under Lieut. Col. Yates, exploded two of the enemy's ammunition chests.

CHARLESTON, Friday, *August 21st.*

The fire of the enemy's land batteries has been heavier than ever to-day. A new battery of Parrott guns opened on Sumter this morning, and the fires have been concentrated upon the east battery and its guns. The south wall of the fort is now a pile of rubbish. On the north the wall is also crumbling into a heap of ruins. The flag has been shot away twice to-day, and six times during the attack. The flagstaff is shot off, and the flag flies from the ruins of the south wall.

Just before sunset Sumter fired several shots at the Ironsides, which was engaging Battery Wagner.

A Monitor this morning fired at Sumter while making a reconnoissance, but was not replied to. There is no report of casualties.

The sappers are making a regular approach on Battery Wagner.

CHARLESTON, Saturday, *August 22d.*

From 5 o'clock A. M. until 7 o'clock P. M. yesterday, the enemy's fire on Fort Sumter was very heavy. Nine hundred and twenty-three shots were fired, and seven hundred and four struck the fort, either outside or inside. The eastern face of the fort was badly battered. Some guns on the east end and the northeast face were disabled. The flag was shot down four times. Five privates and two negroes were wounded.

The enemy's fire on Wagner caused five casualties, including Capt. Robert Pringle, killed.

At 11 o'clock last night a communication from the enemy, unsigned, was sent to Gen. Beauregard, demanding the surrender of Sumter and the Morris Island batteries, with a notification that the city would be shelled in four hours if the demand was not complied with. Gen. Beauregard was on a reconnoissance, and Gen. Jordan returned it for the signature of the writer.

About two o'clock this morning the enemy began throwing shells into the city from a battery on the marsh between Morris and James Islands, and distant five miles from the city. Twelve 8-inch Parrott shells fell in the city, but caused no casualties. The transaction is regarded as an outrage on civilized warfare. The shelling had a good effect in hastening the exodus of non-combatants.

At daylight this morning the enemy opened fire vigorously on Sumter. The Ironsides has since opened. Sumter is replying. Wagner is firing briskly on the enemy's advanced works, 450 yards from our battery.

CHARLESTON, *August 22d.*

The fire of the enemy's land batteries has been kept up on Fort Sumter, and more guns disabled. There was only one casualty.

There was also a heavy fire on Battery Wagner from the fleet and land, also on Battery Gregg. The casualties at Wagner were one officer and four privates.

Gen. Gillmore's demand for the surrender of Fort Sumter and Morris Island, with a threat to shell Charleston in four hours from the delivery of the paper at Wagner, was signed and returned at seven o'clock this morning.

Gen. Beauregard, in his reply, charges inhumanity and violation of the laws of war, and affirms that if the offence be repeated he will employ stringent measures of retaliation.

Up to this time the threat to shell the city has not been executed.

CHARLESTON, Sunday, *August 23d.*

To-day the land batteries opened from south to north, and the Monitors from east to west, coming close up. The fire was very damaging. The east wall was cracked and breached, and the shot swept through the fort. A shell burst, wounding Lieut. Boylston, Col. Rhett, and three other officers.

The fort is now in ruins. Col. Rhett is ordered to hold this outpost even as a forlorn hope, until relieved or taken. Col. Gaillard was killed.

Gen. Gillmore sent a communication at 11 o'clock, giving notice that at 11 o'clock to-morrow he would open fire on Charleston.

CHARLESTON, Monday, *August 24th.*

The enemy's fire on Sumter slackened to-day. The fleet has not participated. At 12 o'clock last night the enemy's guns opened fire on the city, firing fifteen 8-inch Parrott shells. No casualties resulted. Non-combatants are leaving the city in continuous streams.

On the 24th of August, Gen. Gillmore sent the following despatches to Washington:

HEADQUARTERS DEPARTMENT OF THE SOUTH,
MORRIS ISLAND, S. C., *August 24th*, 1863.

To Maj.-Gen. H. W. Halleck, General-in-Chief:

SIR: I have the honor to report the practical demolition of Fort Sumter as the result of our seven days' bombardment of the work, including two days of which a powerful northeasterly storm most seriously diminished the accuracy of our fire.

Fort Sumter is to-day a shapeless and harmless mass of ruins. My chief of artillery, Col. J. W. Turner, reports its destruction so far complete, that it is no longer of any "avail in the defence of Charleston."

He also says that "by a longer fire it could be made more completely a ruin and a mass of broken masonry, but could scarcely be made more powerless for the defence of the harbor."

My breaching batteries were located at distances ranging between 3,320 and 4,240 yards from the works, and now remain as efficient as ever. I deem it unnecessary, at present, to continue the fire upon the ruins of Fort Sumter.

I have also, under a heavy fire from James Island, established batteries on my left, within effective range of the heart of Charleston city, and have opened with them, after giving Gen. Beauregard due notice of my intention to do so.

My notification to Gen. Beauregard, his reply thereto, with the threat of retaliation, and my rejoinder, have been transmitted to the army headquarters.

The projectiles from my batteries entered the city, and Gen. Beauregard himself designates them as the "most destructive missiles ever used in war."

The report of my chief of artillery, and an accurate sketch of the ruins of Fort Sumter, taken at 12 M. yesterday, six hours before we ceased firing, are herewith transmitted.

Very respectfully, your obedient servant,
Q. A. GILLMORE,
Brigadier-General Commanding.

OFFICE OF CHIEF OF ARTILLERY, DEPARTMENT OF THE SOUTH, MORRIS ISLAND, S. C., *August 23d*, 1863.

Brig.-Gen. Q. A. Gillmore, Commanding Department of the South, Morris Island, S. C.:

GENERAL: I have the honor to report the effect that our breaching batteries have had upon Fort Sumter, and the condition of that work to-night, at the close of the seven days' bombardment.

The gorge wall of the fort is almost a complete mass of ruins. For the distance of several casemates about midway of this face the ramparts are removed nearly, and in places quite to the arches, and but for the sand bags, with which the casemates were filled, and which have served to sustain the broken arches and masses of masonry, it would have long since been entirely cut away, and with it the arches to the floor of the second tier of casemates. The debris on this point now forms a ramp reaching as high as the floor of the casemates. The parapet wall of the two northeasterly faces is completely carried away, a small portion only being left in the angle made with the gorge wall, and the ramparts of these faces are also a total ruin. Quite one half of our projectiles seem to have struck the parade and parapet of these two faces, and judging from the effect they have had upon the gorge wall within our observation, the destruction of masonry on these two sides must be very great, and I am of opinion that nearly every arch in these fronts must be broken in. But one gun remains in position on these two fronts. This is in the angle of the gorge, and I think unserviceable.

The ruin extends around, taking in the northeasterly face as far as can be seen. A portion of this face adjoining the angle it makes with the southeasterly face is concealed, but from the great number of missiles which have struck in this angle during the last two days, it cannot be otherwise than greatly damaged, and I do not think any guns can be left on this face in a serviceable condition.

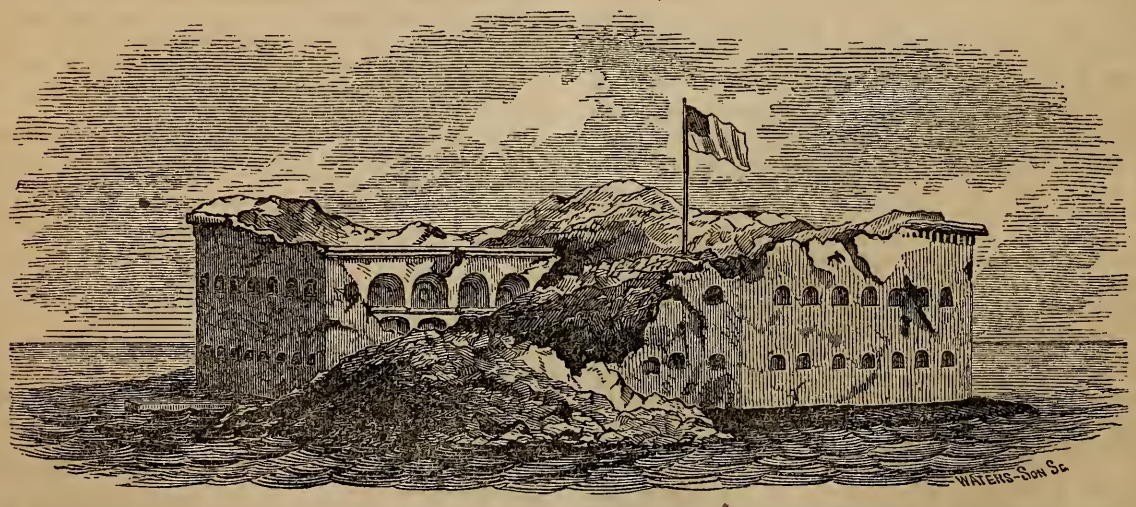
The ramparts on this angle, as well as in the southeasterly face, must be ploughed up and greatly shattered; the parapet on this latter face being torn off in many places, as we can see, and I hardly think the platforms of the three remaining guns on this face could have escaped.

With the assistance of a powerful glass, I cannot determine that more than one of these guns can be used. The carriages of the others are evidently more or less shattered, and such is the ruin of the parapet and parade in the immediate vicinity of this gun that it probably could not be served for any length of time.

In fine, the destruction of the fort is so far complete that it is to-day of no avail in the defence of the harbor of Charleston; by a longer fire it can be made more completely a ruin and a mass of broken masonry, but could scarcely be more powerless for the defence of the harbor.

I therefore respectfully submit my opinion that a continuance of our fire is no longer necessary, as giving us no ends adequate for the consumption of our resources.

Very respectfully, your obedient servant,
JOHN W. TURNER,
Colonel and Chief of Artillery.



The correspondence mentioned in the preceding despatch commenced on the 21st. On that day Gen. Gillmore addressed the following note to Gen. Beauregard:

HEADQUARTERS DEPARTMENT OF THE SOUTH, MORRIS ISLAND, S. C., *August 21st*, 1863.

To Gen. G. T. Beauregard, Commanding Confederate Forces, Charleston, S. C.:

GENERAL: I have the honor to demand of you the immediate evacuation of Morris Island and Fort Sumter by the Confederate forces. The present condition of Fort Sumter, and the rapid and progressive destruction which it is undergoing from my batteries, seem to render its complete demolition within a few hours a matter of certainty. All my heaviest guns have not yet opened.

Should you refuse compliance with this demand, or should I receive no reply thereto within four hours after it is delivered into the hands of your subordinate at Fort Wagner for transmission, I shall open fire on the city of Charleston from batteries already established within easy and effective range of the heart of the city.

I am, General, very respectfully, your obedient servant, Q. A. GILLMORE, Brig.-Gen. Commanding.

To this note Gen. Beauregard replied as follows:

HEADQUARTERS DEPARTMENT OF SOUTH CAROLINA, GEORGIA, AND FLORIDA, CHARLESTON, S. C., *August 22d*, 1863.

SIR: Last night, at fifteen minutes before eleven o'clock, during my absence on a reconnoissance of my fortifications, a communication was received at these headquarters, dated "Headquarters Department of the South, Morris Island, S.C., August 21st, 1863," demanding "the immediate evacuation of Morris Island and Fort Sumter by the Confederate forces," on the alleged grounds "that the present condition of Fort Sumter, and the rapid and progressive destruction which it is undergoing from my batteries, seem to render its complete demolition within a few hours a matter of certainty;" and that if this demand were "not complied with or no reply thereto received within four hours after it is delivered into the hands of your (my) subordinate commander at Fort Wagner for transmission," a fire would be opened "on the city of Charleston from batteries already established within easy and effective range of the heart of the city." This communication to my address was without signature, and was of course returned.

About half past one o'clock one of your batteries did actually open fire, and threw a number of heavy shells into the city, the inhabitants of which, of course, were asleep and unwarned.

About nine o'clock this morning the communication alluded to above was returned to these headquarters, bearing your recognized official signature, and it can now be noticed as your deliberate official act.

Among nations, not barbarous, the usages of war prescribe that when a city is about to be attacked timely notice shall be given by the attacking commander, in order that non-combatants may have an opportunity for withdrawing beyond its limits. Generally the time allowed is from one to three days; that is, time for the withdrawal in good faith of at least the women and children. You, sir, give only four hours, knowing that your notice, under existing circumstances, could not reach me in less than two hours, and that not less than the same time would be required for an answer to be conveyed from this city to Battery Wagner. With this knowledge, you threaten to open fire on the city, not to oblige its surrender, but to force me to evacuate these works, which you, assisted by a great naval force, have been attacking in vain for more than forty days.

Batteries Wagner and Gregg and Fort Sumter are nearly due north from your batteries on Morris Island, and in distance therefrom varying from half a mile to two and a quarter miles. The city, on the other hand, is to the northwest, and quite five miles distant from the battery opened against it this morning.

It would appear, sir, that, despairing of reducing these works, you now resort to the novel measure of turning your guns against the old men, the women, and children, and the hospitals of a sleeping city, an act of inexcusable barbarity from your own confessed point of sight, inasmuch as you allege that the complete demolition of Fort Sumter within a few hours by your guns seems to you "a matter of certainty."

Your omission to attach your signature to such a grave paper must show the recklessness of the course upon which you have adventured; while the facts that you knowingly fixed a limit for receiving an answer to your demand, which made it almost beyond the possibility of receiving any reply within that time, and that you actually did open fire and throw a number of the most destructive missiles ever used in war into the midst of a city taken unawares, and filled with sleeping women and children, will give you a "bad eminence" in history, even in the history of this war.

I am only surprised, sir, at the limits you have set to your demands. If, in order to attain the abandonment of Morris Island and Fort Sumter, you feel authorized to fire on this city, why did you not also include the works on Sullivan's and James's Island—nay, even the city of Charleston in the same demand?

Since you have felt warranted in inaugurating this method of reducing batteries in your immediate front, which were found otherwise impregnable, and a mode of warfare which I confidently declare to be atrocious and unworthy of any soldier, I now solemnly warn you that if you fire again on the city from your Morris Island batteries without giving a somewhat more reasonable time to remove non-combatants, I shall feel impelled to employ such stringent means of retaliation as may be available during the continuance of this attack.

Finally, I reply, that neither the works on Morris Island nor Fort Sumter will be evacuated on the demand you have been pleased to make. Already, however, I am taking measures to remove all non-combatants, who are now fully aware of and alive to what they may expect at your hands.

Respectfully, your obedient servant,
G. T. BEAUREGARD, Gen. Com'g.

To this letter Gen. Gillmore made the following response:

DEPARTMENT OF THE SOUTH, HEADQUARTERS IN THE FIELD, MORRIS ISLAND, S. C., *August 22d*, 9 P. M.

G. T. Beauregard, Commanding Confederate State Forces, Charleston, S. C.:

SIR: I have the honor to acknowledge the receipt of your communication of this date, complaining that one of my batteries has opened upon the city of Charleston, and thrown a number of heavy rifle shells into that city, the inhabitants of which, of course, were asleep and unwarned.

My letter to you demanding the surrender of Fort Sumter and Morris Island, and threatening, in default thereof, to open fire upon Charleston, was delivered near Fort Wagner at 11.15 o'clock P. M. on the 21st instant, and should have arrived at your headquarters in time to have permitted your answer to reach me within the limit assigned, namely, four hours.

The fact that you were absent from your headquarters at the time of its arrival may be regarded as an unfortunate circumstance for the city of Charleston, but it is one for which I clearly am not responsible. This letter bore date at my headquarters, and was officially delivered by an officer of my staff. The inadvertent omission of my signature doubtless affords ground for special pleading, but it is not the argument of a commander solicitous only for the safety of sleeping women and children and unarmed men.

Your threats of retaliation for acts of mine, which you do not allege to be in violation of civilized warfare, except as regards the length of time allowed as notice of my intentions, are passed by without comment. I will, however, call your attention to the well established principle, that the commander of a place attacked, but not invested, having its avenues of escape open and practicable, has no right to expect any notice of an intended bombardment other than that which is given by the threatening attitude of his adversary. Even had this letter not been written, the city of Charleston has had, according to your own computation, forty days' notice of her danger. During that time my attack upon her defences has steadily progressed. The ultimate object of that attack has at no time been doubtful.

If, under the circumstances, the life of a single non-combatant is exposed to peril by the bombardment of the city, the responsibility rests with those who have first failed to apprize the non-combatants, or secure the safety of the city, after having held control of all its approaches for a period of nearly two years and a half, in the presence of a threatening force, and who afterward refused to accept the terms upon which the bombardment might have been postponed. From various sources, official and otherwise, I am led to believe that most of the women and children of Charleston were long since removed from the city. But, upon your assurance that the city is still full of them, I shall sus-

pend the bombardment until 11 o'clock P. M. to-morrow, thus giving you two days from the time you acknowledged to have received my communication of the 21st instant.

Very respectfully, your obedient servant,
Q. A. GILLMORE,
Brigadier-General Commanding.

The effect of the shells first fired at Charleston is thus described by a citizen: "Between one and two o'clock, Saturday morning, the enemy commenced firing on the city, arousing the people from their slumbers. Twelve 8-inch shells fell into the city, thirteen in all having been fired. Fortunately no person was injured. Several shells flew in the direction of St. Michael's steeple, and fell either in the vacant lots in the burnt district on King street, or more generally struck in Queen and Rutledge, where an 8-inch shell tore up the plank-road, and dug a large hole in the ground. Another shot entered the warehouse of G. W. Williams and Co., at the corner of Hayne and Church streets, entered the roof, and exploded in the upper story, making a large opening in the brick wall of the Medical Purveyor's storehouse next door, and scattering things in great confusion. Some loose straw or packing was set on fire by the explosion, which caused the alarm bell to ring, and brought out the firemen. It was extinguished with little effort before it had made any progress. Four shells fell in this locality. One large piece was picked up and exhibited at the guard-house, where it was the subject of much curiosity. There was a good deal of excitement and some surprise expressed at the enemy being able to reach the city from his present position. The battery is located in the marsh between Morris and Black Islands, distant fully five miles from Charleston."

On Wednesday, August 26th, Gen. Gillmore, having completed a fourth parallel and sap, which extended very close to Fort Wagner, determined to possess a ridge of sand which interposed, and was necessary to the success of his operations. It was constantly occupied by a strong body of the enemy's pickets, and at night by a force protected by rifle pits. A bombardment of the position was made just before dark, after which it was carried by the 24th Massachusetts. One company of North Carolina troops was captured. On the 7th of September, Morris Island was evacuated by the enemy, which is thus reported by Gen. Gillmore:

DEPARTMENT OF THE SOUTH, HEADQUARTERS IN THE FIELD, *September 7th*, 1863.

Maj.-Gen. H. W. Halleck, General-in-Chief:

GENERAL: I have the honor to report that Fort Wagner and Battery Gregg are ours. Last night our sappers mined the counter-scarp of Fort Wagner on its sea point, unmasking all its guns, and an order was issued to carry the place by assault at 9 o'clock this morning, that being the hour of low tide.

About 10 o'clock last night the enemy commenced evacuating the island, and all but seventy-five of them made their escape from Cummings's Point in small boats.

Captured despatches show that Fort Wagner was commanded by Col. Keitt, of South Carolina, and garrisoned by 1,400 effective men, and Battery Gregg by between 100 and 200 men.

Fort Wagner is a work of the most formidable kind. Its bomb-proof shelter, capable of containing 1,800 men, remains intact after the most terrific bombardment to which any work was ever subjected.

We have captured nineteen pieces of artillery and a large supply of excellent ammunition.

The city and harbor of Charleston are now completely covered by my guns.

I have the honor to be, General, very respectfully, your obedient servant, Q. A. GILLMORE,
Brigadier-General Commanding.

On the night of the 7th, an assault was made by an expedition on Fort Sumter. The flotilla consisted of between twenty-five and thirty boats, manned by over one hundred sailors, under Lieutenant Commandant Williams, and a hundred marines, under Capt. McCawley. The entire force was commanded by Commander Stephens, of the Patapsco. The boats were towed within a short distance of the fort, when they advanced. Three boats, under Commander Williams, Lieut. Remey, and Ensign Porter, landed, and the parties attempted to run up the ruins to the parapet, when they were fired upon by musketry, and hand grenades were thrown down upon them. The slope was so sharp that they were unable to reach the parapet. The signal was given from the fort, and in an instant all of the batteries of the enemy opened on the fort and shelled it terribly. Three boats were smashed, and all who landed were either killed or captured. Lieut. Bradford, of the marines, was mortally wounded and captured. Among others captured were Commander Williams, Lieut. Remey, Lieut. Preston, Lieut. Bower, Lieut. Bunce, Dr. Wheeler, and Ensign Porter. Forty or fifty sailors and marines were killed and wounded. The entire list of casualties was about eighty. The remainder of the command retired safe.

The captured forts on Morris Island were enlarged and new batteries erected by Gen. Gillmore, which effectually commanded Fort Sumter, and could aid any naval attack on Charleston. But little further progress, however, was made in the siege during the remainder of the year. The forts of the enemy were occasionally bombarded severely, and the shelling of Charleston at intervals, during day and night, was continued. The portion of the city within the reach of the shells was greatly injured, and entirely abandoned by its inhabitants. An attempt was made by the enemy to blow up the frigate Ironsides, with a torpedo, on the night of October 5th. It failed of success, and did no serious damage to the vessels.

Some further operations took place in the Department of the Gulf during the year. After the capture of Vicksburg, Gen. Banks was reënforced by Gen. Grant, and an expedition was fitted out under Gen. Franklin to occupy the mouth of the Sabine river, in Texas. It consisted of a force of four thousand men, and the naval steamers Clifton, Sachem, Arizona, and Granite City. The squadron was under the command of Lieut. Crocker. The defences at

the pass were supposed to consist of two 32-pounders, *en barbette*, and a battery of field pieces, and two boats used on the bay, which had been converted into rams. The plan was that the squadron should make the attack alone, assisted by about one hundred and eighty sharpshooters divided among the four vessels, and, having driven the enemy from his defences and destroyed or driven off the rams, the transports were then to advance and land their troops.

Sabine Pass is the name of the outlet from Sabine Lake into the Gulf of Mexico. Sabine Lake is an expansion of the Sabine river about five miles from its entrance into the Gulf of Mexico, at the southwest extremity of Louisiana. Its length is 18 miles and its breadth 9 miles. Sabine river rises in Hunt county, Texas, and flows in a direction east of southeast until it strikes the eastern boundary of the State. From this point it pursues a southerly course, forming the boundary between Texas and Louisiana. It is very shallow at its mouth. The whole length of the river is estimated at 500 miles.

Early on the morning of Sept. 8th, the Clifton stood in the bay and opened on the fort, to which no reply was made. At 9 A. M. the Sachem, Arizona, and Granite City, followed by the transports, stood over the bar, and, with much difficulty, owing to the low water, reached an anchorage about two miles from the fort at 11 A. M. About the middle of the afternoon the Sachem, followed by the Arizona, advanced up the eastern channel to draw the fire of the forts while the Clifton advanced up the western channel. The Granite City remained to cover the landing of a division of troops under Gen. Weitzel. No reply was made to the fire of the gunboats until they were abreast of the forts, when eight guns opened fire upon them. Three of these were rifled. Almost at the same moment the Clifton and Sachem were struck in their boilers and both vessels enveloped in steam. The Arizona, not having room to pass the Sachem, then backed down the channel until she grounded by the stern, when the ebb-tide caught her bows and swung her across the channel. White flags were raised on the Clifton and Sachem, and within twenty minutes they were taken in tow by the enemy. The naval force of the expedition being thus disabled, the transports moved out of the bay. The Arizona was got afloat during the night and followed. The expedition then returned to Brashear City. The officers and crews of the Clifton and Sachem and about ninety sharpshooters who were on board were captured, and the loss in killed and wounded was about thirty. After remaining at Brashear City some time, the military force moved to Franklin and Vermillionville.

On the 27th of October an expedition under Gen. Banks put to sea from New Orleans. It consisted of about twenty vessels accompanied by the gunboats Owasco, Virginia, and Monongahela, and was destined to the mouth of the Rio Grande river, which is the boundary line between Texas and Mexico. During the first three days out the weather was pleasant. On the fourth a "norther" prevailed, and one light draft steamer and two schooners were lost, but no lives. On the 31st the expedition anchored off the mouth of the river and on the next day a force was landed on Brazos Island. By the 4th the troops were all landed, and on the next day, Gen. Banks, preceded by a small body of infantry and artillery, entered Brownsville on the Rio Grande river. A small body of the enemy under Gen. Bee attempted to destroy the public property, and retired on the approach of the Federal force. Subsequently Corpus Christi and the coast of Texas to within one hundred miles of Galveston were occupied. Gen. Banks successfully prosecuted the campaign thus begun in Texas, the extent and results of which more properly belong to the records of 1864.

In Missouri and the Department of the Frontier, those portions of the Confederate army of the Trans-Mississippi Department, which was under command of Gens. Hindman, Sterling Price, and Marmaduke, maintained a restless activity.

Early in January, 1863, a force of five or six thousand men, under Gen. Marmaduke's command, comprising a portion of the troops which had been so signally defeated at Crawford's Prairie (*see* ANNUAL CYCLOPÆDIA, 1862, p. 60) a month before, proceeded down the Arkansas river to Spadry's Bluff, near Clarksville, Ark., and thence marched rapidly north toward Springfield, Mo., with the intention of seizing and destroying the large amount of Federal commissary and quartermaster stores accumulated there for the supply of the Army of the Frontier. The design of Gen. Marmaduke in proceeding so far eastward before making a movement northward into Missouri was to avoid all chance of collision or interference with his plans by Gens. Blunt and Herron. He hoped to reach Springfield and accomplish his purpose before they could obtain intelligence of his approach, and this once accomplished, those Federal generals and their army, deprived of all supplies, would, almost of necessity, be compelled either to surrender to Gen. Hindman or fly from North-western Arkansas. The scheme was well planned and circumstances indicated that it would be successful. Springfield had some defensive works, but they were not completed, and the Federal troops which were necessary to its adequate defence, were scattered widely over the entire region of South-western Missouri, two or three companies in a place. When, on the afternoon of the 7th of January, it was ascertained that the Confederate force had burned Lawrence Mills, and were then marching on Ozark, and would certainly appear before Springfield the next day, Brig.-Gens. Brown and Holland, who were in command there, the one of the Missouri State

militia and the other of the enrolled Missouri militia, exerted themselves to the utmost to call together a force adequate to the defence of the town, but their most strenuous efforts only sufficed to bring together about 1,100 men, of whom 400 were either convalescents in the hospitals or those who had just been discharged from those institutions, and the remainder were in about equal numbers Missouri State militia and enrolled Missouri militia, almost wholly raw troops. The commissary and quartermaster's stores were sent north toward Bolivar, only enough being reserved to maintain the siege, which were placed in one of the forts. The Confederate force (or rather about one-half of it, not far from three thousand men) appeared before the city about one P. M. on the 8th, and commenced firing with solid shot at once, without giving any notice for the removal of non-combatants. The fighting which followed was irregular, and occasionally the Confederates gained some advantages; but the courage of the new Federal troops seemed to increase under fire, and late in the afternoon they commenced driving the enemy from one position after another, till at night the battle ended, having continued five hours, when the Confederates retreated, carrying with them a part of their wounded. The Federal loss was 14 killed, 145 wounded and 5 missing. The Confederates lost 41 killed, and over 160 wounded, of whom 80 were left in the town as prisoners. The next day the garrison of the town were ready to renew the battle, but found that the Confederates had escaped, and they were too feeble to make a vigorous pursuit.

Before proceeding from Ozark to Springfield, Gen. Marmaduke had detached Gen. Porter with nearly 3,000 men to follow the road south of the Ozark mountains to Hartsville, and having made what captures he could there, to rejoin the main force again at or near Marshfield, having in view, probably, the extension of his expedition either to Lebanon or Bolivar. On the 9th, Gen. Porter occupied Hartsville, but evacuated it that night, and moved toward Marshfield. Gen. Fitz Henry Warren, in command of that Federal military district, sent from Houston on the 9th of January Col. Merrill, with 850 men, to Springfield to reënforce the Federal garrison there. They reached Hartsville on Saturday, the 10th, and learned that Gen. Porter had been there the day previous. Leaving Hartsville at 3 P. M. they marched to Wood's Forks, on the road toward Springfield, by nightfall, and encamped in line of battle. The next morning (Jan. 11th), at daybreak, they encountered Gen. Marmaduke's forces marching from Springfield, and though the Federal position was an unfavorable one, Col. Merrill fought till 9 o'clock A. M., when the Confederates withdrew in a southerly direction. Sending out a pursuing force of cavalry, and himself returning toward Hartsville, Col. Merrill soon found that the Confederates were also marching toward Hartsville, and, as it afterward appeared, had formed a junction with Gen. Porter's command. Col. Merrill immediately ordered a forced march, and arrived in Hartsville in time to take a strong position, and awaited their attack. Firing commenced on both sides at a little after 11 A. M., and the battle raged till half-past 4 P. M., the Confederates charging repeatedly upon the Federal position, but being met at short musket range by so terrible a fire that they were compelled to fall back each time. At length, finding themselves unable to make any impression on the Federal garrison, the Confederates retreated, going at first toward Houston, but early the next morning they turned their faces southward, and moved rapidly toward the Arkansas line, near the north fork of White river. Their losses had been very heavy; Brig.-Gen. Emmet McDonald, and acting Brig.-Gen. Porter, two colonels, a major, a captain, and two lieutenants being among the killed, and several other officers severely wounded. Their entire loss was over 300 killed and wounded, and 29 prisoners. The Federal loss was 7 killed, 64 wounded, and 7 missing.

A portion of Gen. Marmaduke's force made their way to Van Buren Creek, and 300 of them were taken prisoners, on the Julia Roan, on the 28th of January. The greater part, however, descended the White river, and, with Marmaduke himself, camped at Batesville, Ark., from which town they were driven, after a sharp fight, by the Federal Col. Waring, on the 4th of February, a considerable number of the Confederates being killed and wounded, and a colonel and a number of privates being captured.

Gen. Marmaduke now repaired to the headquarters of the Confederate army corps in Arkansas, at Little Rock, and the next two months were spent by the generals of that corps mainly in enlarging and disciplining their force. The guerilla bands in Arkansas and Missouri made frequent dashes into the towns, and occasionally stopped steamers on the Missouri river, and plundered, captured, and murdered Federal citizens and soldiers, as in the case of the Sam Gaty, on the 28th of March, but these were only the acts of the irregular and bushwhacking troops in Missouri, and they generally met with swift retribution from the militia scouts and cavalry parties who patrolled all sections of that State. There was no considerable movement of Confederate troops till the latter part of April.

On the 17th of April, the Confederate general, Cabell, left Ozark, Arkansas, with two thousand men, two pieces of artillery, and three days' rations, to attack Fayetteville, Arkansas, which had been so many times a battle ground, and was then garrisoned by two regiments of Federal troops (the 1st Arkansas infantry and the 1st Arkansas cavalry), under the command of Col. M. La Rue Harrison. The attack was made on the 18th about sunrise, and

after nearly six hours' severe fighting the Confederates were thoroughly defeated and in full retreat for Ozark. Gen. Marmaduke and his superior officer, Maj.-Gen. Sterling Price, having at last collected a sufficiency of troops, mostly Texans, and a large portion of them cavalry, to render an expedition into Missouri probably successful, sought and obtained permission to attempt the capture and destruction of Cape Girardeau, at that time the depot of supplies for a portion of Gen. Grant's army. The Confederate force, which consisted of Price's (1st) army corps of the trans-Mississippi Department, numbering somewhat more than ten thousand men, under the command of Gen. Marmaduke, left Little Rock, Arkansas, about the middle of April, and on the 20th had crossed the State line, and following the course of the St. Francis river, reached Fredericktown, Mo., about the 22d. From this point they marched upon Cape Girardeau, and came before the town on the 25th. The garrison there was under the command of Gen. John McNeil, and consisted of one thousand seven hundred men, mostly militia. Gen. McNeil had reached Cape Girardeau on the night of the 23d, and had taken immediate measures for the removal of the Government stores into Illinois, and had sent to St. Louis for reënforcements. Confident of success, the Confederates, though repulsed in their first attack, demanded on Saturday night (25th) the surrender of the town, the demand being made by acting Brig.-Gen. Carter, whose brigade was in the advance. Gen. McNeil replied at once, declining to surrender, as he believed himself capable of maintaining its possession. Fighting was not resumed till 10 A. M. of the 26th, when Gen. Marmaduke again demanded a surrender, threatening to storm the town in case of refusal. Gen. McNeil again refused, and after nearly five hours' fighting, in which the Federal artillery, which was admirably served, caused great havoc among the Confederate troops, Gen. Marmaduke retreated southward. He was pursued closely by Gen. Vandever and Gen. McNeil, and harassed severely, but succeeded in escaping into Arkansas, on the 2d of May. His loss in the battle of Cape Girardeau was sixty killed and about three hundred wounded. In his retreat he also lost a considerable number of killed and wounded, and many prisoners.

On the 6th of May a Federal force of about one thousand cavalry, and about the same number of infantry, under command of Col. (acting brigadier-general) Powell Clayton, left Helena, Arkansas, on an expedition to the region of Arkansas, lying between the White and St. Francis rivers, to break up a band of guerillas, and destroy Confederate stores accumulated there. The infantry went only as far as Snitzn's and then returned to Mariana. The cavalry proceeded to the vicinity of Taylor's Creek, a large detachment, however, going to Mount Vernon, and at these points, on the 11th of May, the two small bodies of cavalry, one numbering two hundred and thirty men, and the other seven hundred and twenty-five, had each a severe fight with separate brigades of Marmaduke's division, and both repulsed them with heavy loss to the Confederates.

On the 20th of May, the Federal forces, about one thousand two hundred in number, under the command of Col. William A. Phillips, near Fort Gibson, Indian Territory, were attacked by the Confederates, under Col. (acting brigadier-general) Coffey, commanding a force of five regiments. After a desultory fight, in which, through the cowardice of the Creek regiment, the Federal troops lost a part of their cattle, Col. Phillips succeeded in driving the Confederate troops over the mountain, and finally, in complete disorder, across the Arkansas river. The loss on the Federal side was about twenty-six in killed, wounded, and missing; that of the Confederates considerably larger. There were repeated skirmishes in this and other portions of the department, but no severe fighting in the Indian Territory, till July 15th, when Maj.-Gen. Blunt crossed the Arkansas river near Henry Springs, in that territory, and on the 16th attacked a superior force of Confederates under Gen. Cooper, which he completely routed, they leaving their dead and wounded on the field. The Federal loss was seventeen killed and sixty wounded, while that of the Confederates was one hundred and fifty killed (buried on the field by the Federal troops), four hundred wounded, seventy-seven prisoners, and one piece of artillery and one hundred stand of arms captured. After several subsequent skirmishes with the Confederates, Gen. Blunt descended the Arkansas river, and on the 1st of September occupied Fort Smith, Arkansas. The army of the frontier having been greatly depleted to furnish reënforcements to Gen. Grant, while he was engaged in the siege of Vicksburg, the Confederate generals in the Trans-Mississippi Department took advantage of the fact to make an attack on Helena, Arkansas, where the Federal general, Prentiss, was in command, with a force of about four thousand troops. Here again Gen. Sterling Price and Gen. Marmaduke found scope for action. The Confederate attack was made on the 4th of July, with a force of about fifteen thousand men. It was commenced about daylight, and, at first, they were successful in capturing a small fort forming a part of the outworks, but the gunboat Tyler, coming up opportunely, and opening upon them with its heavy guns, they were compelled to abandon it with severe loss. Determined not to relinquish their purpose, the Confederates fought desperately, charging repeatedly, and with large masses, upon the defences of the town, attacking now the north, and now the south side, but everywhere they met with the same terrible resistance from the Federal fire at short range, and from the large missiles from the gunboat; and at length, utterly foiled at every point, having lost over one thousand in

killed and wounded, and more than one thousand one hundred prisoners, the Confederates fell back, and though remaining for a day or two in the vicinity, in hope of an opportunity to renew the attack, finding the Federal garrison reënforced, retreated to the interior of Arkansas.

After the surrender of Vicksburg, the Federal Gen. Steele was sent to Helena, with a considerable force, and instructed to form a junction with Gen. Davidson, who was moving south from Missouri, by way of Crowley's Ridge, west of the St. Francis, and with the combined force drive the Confederates south of the Arkansas river. Having effected this junction and established his depot and hospitals at Duvall's Bluff, on the White river, Gen. Steele, on the 1st of August, advanced against the Confederate army, which fell back toward Little Rock. After several successful skirmishes, he reached the Arkansas river, and threw part of his force upon the south side, to threaten the Confederate communications with Arkadelphia, their depot of supplies, and flank their position at Little Rock. Gen. Marmaduke was sent out with a cavalry force to beat the Federals back, but was completely routed. Seeing what must be the inevitable result of this movement of Gen. Steele, the Confederate Gen. Holmes destroyed what property he could, and after a slight resistance retreated with his army in great disorder, pursued by the Federal cavalry, and on the 10th of September Gen. Steele, with the Federal army, entered the capital of Arkansas. His entire losses in killed, wounded, and missing, in this whole movement, did not exceed 100. He captured 1,000 prisoners, and such public property as the Confederates had not time to destroy. The Federal cavalry continued to press the retreating Confederates southward; but a small force, which had eluded pursuit, and moved eastward, attacked the Federal garrison at Pine Bluff, on the Arkansas, south of Little Rock, hoping to recapture it and thus cripple the Federals, and break their communications. The attempt, which was made on the 28th of October, was repulsed with decided loss on the part of the Confederates, and the same day the Federal cavalry occupied Arkadelphia, and the Confederates retreated toward the Red river. This completely restored Arkansas to the Federal authority, except a small district in the extreme southwest, and the region of Northwest Arkansas, over which the guerilla and other irregular troops of the Confederates continued to roam, in their plundering excursions into Missouri, Kansas, and the Indian Territory. Some of these were conducted on a large scale, and were accompanied by acts of most atrocious inhumanity. On the 20th of August, one of the guerilla leaders, who had assumed the name of Quantrell, or Quantrile, with a force of 800, entered the city of Lawrence, Kansas; murdered in cold blood 125 of its citizens, and burned the greater part of the city, destroying property to the value of over $2,000,000. He was pursued as soon as troops could be raised, and forty or fifty of his men killed. The Confederate Gen. Cabell, collecting together as many of the guerillas and Indians as possible, and some of the routed troops, driven from Little Rock and its vicinity, started with a force variously estimated at from 4,000 to 10,000, in the latter part of September, from the Choctaw settlements of the Indian Territory, crossed the Arkansas river east of Fort Smith, and on the 1st of October, a detachment of his troops, under Gen. Shelby, joined Coffey at Crooked Prairie, Mo., intending to make a raid into South-western Missouri. This combined force, numbering 2,000 or 2,500 men, penetrated as far as the Missouri river, at Booneville, but were pursued by the Missouri militia, and finally brought to a stand, about eight miles southwest of Arrow Rock, on the evening of the 12th of October. Gen. E. B. Brown, who commanded the Federal troops, fought them till dark that evening, and, during the night, having detached a small force to attack them in rear, renewed the battle the next morning at eight A. M. After a sharp contest they fled, completely routed and broken up, with a loss of several hundred in killed, wounded, and prisoners. They were pursued to the Arkansas line, and prisoners gleaned all the way. Gen. Marmaduke, who seems to have been with Gen. Cabell, attempted to advance from Fayetteville, Ark., to reënforce them, but found them so thoroughly disorganized that the case was hopeless.

Early in October, a desperate effort was made to capture and murder Gen. Blunt and his staff, who was at this time marching toward Fort Scott, Kansas. Three hundred Confederate soldiers in Union uniform, approached him as he with his escort was in advance of his wagons. The escort, consisting of a hundred men, broke when the Confederates commenced firing on them, and seventy-eight of the hundred, including Major Curtis, a son of Gen. Curtis, were captured, and murdered after their capture. Gen. Blunt succeeded in rallying fifteen of the escort, and with these he advanced on his assailants, who retreated, till he found an opportunity of moving south, and joining the remainder of his command. These men, who thus murdered their prisoners, were under the command of Quantrell. The Confederates supposed that Gen. Blunt had been killed, and greatly rejoiced over his death. On the 20th of October, Gen. Blunt was relieved from the command of the Army of the Frontier, and Gen. McNeil appointed his successor.

With these last convulsive throes, the active existence of the Confederate authority in Arkansas died out. On the 12th of November, a meeting was held at Little Rock, to consult on measures for the restoration of the State to the Union, and was succeeded by others in different parts of the State.

The Department of the Northwest was not

without its disturbances, though the wholesale massacres of the previous year were, happily, not repeated. During the spring and early summer, there were occasional outrages on the part of the Sioux of Minnesota and Dakota, who penetrated the lines, although a guard of 2,000 men were stationed along the frontier, and murdered about 30 persons. About a dozen of these assassins were captured or killed. Early in June General Sibley started with a force of between two and three thousand men for Devil's Lake, in Dakota Territory, 500 miles from St. Paul's, and sent General Sully, about the same time, with a large body of cavalry, up the Missouri, to coöperate with him in cutting off the retreat of the savages. On the 3d of July, Little Crow, the principal chief of the Sioux, who had been actively engaged during the winter and spring in endeavoring to raise the Sioux and Yanktonais to make another attack upon the settlers in Minnesota, and had endeavored to obtain guns and ammunition from British America, was killed by Mr. Sampson, about six miles north of Hutchinson, Minnesota. He was not fully identified till some time after. The cavalry force under General Sully failed to connect with General Sibley, and that general encountered the Indians, near Missouri Conteau, on the 25th of July, and engagements followed between that date and the 29th, at Big Mound, Dead Buffalo Lake, Stony Lake, and on the banks of the Missouri. In these engagements between 60 and 70 of the Indians were killed and as many more wounded. The loss of General Sibley's troops was five killed and 4 wounded. On the 3d of September, General Sully encountered and defeated a body of Indians at Whitestone Hall, about 130 miles above the Little Cheyenne. A part of these Indians had previously been engaged against Gen. Sibley. A large number of them were killed and wounded, and 156 taken prisoners. Gen. Sully's loss was 20 killed and 38 wounded. The Indians fled across the Missouri, and most of them, it is believed, took refuge in Idaho Territory, where they were, late in the year, guilty of some outrages.

In January, 1863, roving bands of Indians committed some thefts, robberies, and murders in the western part of what is now called Idaho Territory, in the vicinity of Bear river. Acting Brig. General Connor, in command in that region, marched with a force of 275 men to Bear river, a distance of 140 miles, through deep snows, in which 76 of his men were disabled by frozen feet, and, with 200 men, attacked the Indian stronghold, in which 300 warriors were assembled, and after a hard-fought battle of four hours, destroyed the entire band, leaving 224 dead upon the field. His own loss was 14 killed and 49 wounded. Since that time the Indians in that quarter have been quiet.

At the close of 1863 the Federal armies had made large progress. The State of Missouri was placed beyond the danger of an invasion. The military power of the enemy in Arkansas was broken, and the greatest portion of the State made subject to the army of the Union. The occupation of the mouth of the Rio Grande, in Western Texas, has destroyed one outlet from the Confederacy to foreign countries, and the commerce which thereby existed. The capture of Vicksburg and Port Hudson removed from the banks of the Mississippi every military station of the enemy, by which the navigation of that river could be closed. It broke up the facilities for communication between the States east and west of that river, and, with the occupation of the eastern part of Tennessee, gave to the Federal arms the entire control of that State. It brought under the same control a part of the States of Mississippi and Louisiana on the shores of the river. In the East there was no material change in the position of military affairs. No operations of any magnitude had taken place in the Departments of Virginia and North Carolina. And with the exception of the siege of Charleston, the same is true of the Department of the South, embracing the States of South Carolina, Georgia, and Florida. The territory thus lost by the enemy embraced some of the most important districts for producing grain and cattle in the Southern States. It also contained some valuable deposits of nitre, used for the manufacture of gunpowder. The Secretary of War, in his annual report, in December, said: "The success of our arms during the last year has enabled the Department to make a reduction of over two hundred millions of dollars in the war estimates for the ensuing fiscal year."

ASIA. Asia has, at present, only three great countries, which are purely Asiatic: China, Japan, and Persia. Each of these is now in constant intercourse with the countries of Europe and America. China and Japan, in particular, are undergoing a transformation which bids fair to become one of the prominent events in the history of the nineteenth century. (*See* China and Japan.)

Persia has an area of about 546,000 English square miles, with a population of nearly ten millions. Its intercourse with the countries of Europe has, of late, become more frequent, and the Government has adopted in the administration of affairs some of the forms of European countries. A Persian newspaper has been established in the capital. A telegraph line has been completed between Teheran, Tabreez, and Reshd, and encouraged by its success, the Government has ordered the construction of a new line, to connect the Persian capital with Bagdad, and thus with Europe. The Persian army, in June, 1862, consisted of 95,000 infantry, 500 regular cavalry, 29,030 irregular cavalry, 5,000 artillery, and 380 "Zambareks" (to serve artillery drawn by camels). In 1863 the Persian Government sent 20,000 men to the frontier of Affghanistan, because the ruler of that country, the celebrated Dost Mohammed, had attacked Herat, a principality,

the autonomy of which had been guaranteed by both England and Persia. Dost Mohammed captured Herat on May 26th, but died three days later, May 29th. The governor of Herat, Ahmed Khan, took refuge in the Persian camp at Khourivan. It was expected that this would lead to a war between the Persians and Affghans, but up to the end of the year no hostile movements had taken place. The Affghans were masters of the whole province of Herat, and were even preparing to invade Khorassan.

The Sultan of Bokhara, a country in Central Asia, which has long been celebrated for the hostility of its rulers to all foreigners, imprisoned four Italians who had entered the country for the purpose of making investigations into its silk cultivation. The fact having come to the knowledge of the Russian Government, the emperor at once instructed the governor-general of East Siberia to use all means within his power to obtain the release of the travellers.

The British rule in India was, during the year, again threatened with new danger. Another insurrection broke out among the warlike tribes of the mountains of the north-western provinces, and for some time appeared to assume alarming proportions; at the close of the year, however, the Government felt confident that it would soon be suppressed. England now rules in India over a native population of, at least, 137,000,000 inhabitants, of whom only about 4,000,000, including the native Christians, the Parsees, the so-called East Indians (of mixed European and Indian descent), are supposed to be friendly to the preservation of British rule. There is, however, no doubt that India is making more rapid progress in civilization, in education, and material prosperity, than any other part of Asia. (*See* INDIA.)

France is making extraordinary efforts to extend her territory in Asia. A new insurrection broke out against her rule in Cochin China, but it was soon suppressed. Admiral La Grandière, who is at the head of the French administration in Cochin China, visited the king of Cambodia, the declared enemy of the Emperor Tu-Duc, of Anam, and the result was most satisfactory. The French obtained by treaty the rights of commerce with that vast country; they were authorized to work all the immense forests gratuitously, if for the service of the French Government, and on payment of a small royalty for private commerce. A French resident agent was to be established at Hondon, and that post was confided to a surgeon in the navy well acquainted with the habits of the people, and who will exercise a twofold influence by his diplomatic relations, and by the practice of his surgical skill. The admiral visited in detail the copper mines of [illegible]ncorre, which in extent are far beyond any[illegible] of the kind to be met with in Europe. A [illegible] to the Paris *Moniteur de l'Armée*, dated thi[illegible] Cochin China, September 6th, 1863, A let[illegible] by the treaty concluded between Saigoon, stated tha[illegible]

the king of Cambodia and the French admiral, the whole kingdom had been placed under the French protectorate, and that the main stipulations were: 1. Cambodia recognizes the supremacy of France, entering into the same relation to France in which it formerly stood to the emperor of Anam. It is admitted by the official French paper, that the king of Siam also claims the rights of a protectorate over Cambodia; but it is said to result from indisputable documents that his claims are not so old as those of the king of Huc (Cochin China), into whose place France has now stepped. 2. France obtains the right to establish a settlement in Cambodia, on the banks of the river Mei Kong (also called Cambodia), at Nam-Van. This is a point of the greatest strategic importance, and will make the French masters of the largest and most important river in Farther India. The treaty also contains liberal stipulations in favor of the Roman Catholic religion. English papers in India express the opinion, that in less than a quarter of a century the English and French frontiers will meet somewhere between Burmah and Siam.

The war of the Circassians against Russia continued with various vicissitudes throughout the year. (*See* RUSSIA.) The Russians are constantly extending their territory in Central Asia. It is particularly reported that they have retaken the fortress of Pishpek, on the river Tohu, one of the strongest places in the Sultanate of Khokan, the capture of which seems to augur unfavorably for the independence of the martial Turcomans. The place had been captured by the Russians once before, about three years ago, but subsequently was retaken by the Khokandese.

As to the religious denomination of the Asiatics, the number of Christians may be estimated at about 15,000,000. Of these about 7,000,000 are Roman Catholics, who are quite numerous in the Spanish possessions (5,000,000), India (1,000,000), Farther India (520,000), and China, 337,000. The progress of the French in Farther India, and the influence of the same power in China promise to the Roman Catholic Church a considerable increase of numbers. Protestant Christianity is strongest in India and Farther India, in both of which countries there are many indications of its rapid progress.

ASTRONOMICAL PHENOMENA AND PROGRESS. The year 1863 has been marked by no small degree of activity and success on the part of those engaged in prosecuting this department of science. In the main, the questions that have been most prominent are the same with those named in our record of the preceding year; a larger share of attention, however, having been given to the new form of investigation of the heavenly bodies, by means of observations upon the spectra afforded upon prismatic decomposition of their light, which will be noticed more fully on a future occasion.

In a communication to the ninth volume (new series) of the "Scientific American," Mr. H. P. Tuttle briefly names some of the most remarkable evidences of the progress of astronomy—a progress, he thinks, behind that of few, if any, of the other sciences—since the beginning of the current century. To the six planets only that were known at the end of the year 1800, we are now able to add 80 others which have been since discovered—79 of them directly by aid of the telescope, and one (Neptune) by its use guided by mathematical deductions from observed phenomena of other planetary bodies. In case of Saturn a new ring and a new satellite have been disclosed. Up to 1812, but one comet (Halley's) was certainly known to return: before the close of 1858, there had been added to the list of periodical comets 9 whose periods vary from 3½ to 70 years, and about 20 with periods ranging from 100 to 10,000 years; while nearly 100 are now known whose orbits are of sensibly parabolic form.

Again, while Sir Wm. Herschel was the first to detect the existence of multiple stars—usually binary, or as these are commonly called, "double"—more than 100 instances of such pairs or sets of stars, the members of each of which have a mutual revolution about their common centre of gravity, are now known. In case of some of these double, or generally speaking, "multiple suns," one complete revolution of the sort here referred to, and part of a second, have been already noted. In theoretical astronomy, Dr. Hansen's new tables of the moon, and Leverrier's new tables of the sun, Mercury, and Venus, now enable the astronomer to calculate with an accuracy far exceeding that before attainable the celestial phenomena which were taking place twenty centuries ago. Of course, a chief and indeed indispensable means to all these important results, has been the single device of the telescope.

Asteroids.—In the preceding volume was given a list of the minor planets from (51) to (76) inclusive—the period of their discovery extending from the year 1857 to Oct. 1862; and also certain particulars of interest connected with the discovery of some of these. Astronomers appear as yet to allow asteroid (75) to retain its place, subject to the result of future observations. The record for 1862 is, then, to be completed by the discovery, Nov. 12th of that year, of asteroid (77) by Dr. C. H. F. Peters, of Hamilton College Observatory. This planet, however, which was at the time near to Feronia, and corresponded in brightness with a star of the 11-12th magnitude, very soon eluded observation, and may even require discovery *de novo*. No name appears to have been assigned to it. Asteroid (78) was found by Dr. Luther, of Bilk, March 15th, 1863. It appears as a star of the 10th magnitude, and was named by its discoverer Diana. On the night of Sept. 14th, of the same year, Prof. J. C. Watson, of the observatory at Ann Arbor, Michigan, discovered asteroid (79). This planet which shows about the 10th magnitude, was independently discovered by M. Tempel, at Marseilles, Oct. 3d and 4th; and later elsewhere. Prof. Watson has chosen for it the name of Eurynome. The supposed asteroid (80) announced by M. Schmidt, of Athens, proves to be an instance of erroneous observation—the before known planet, Hygeia, having in fact been rediscovered.

Thus, the record of these discoveries, from Oct. 1862 to Oct. 1863, is as follows:

1862, (77)..... by Dr. Peters.
1863, (78) Diana,..... " Dr. Luther.
" (79) Eurynome,..... " Prof. Watson.

Comets.—Comet III, 1862, announced in the preceding volume as discovered by Dr. Bruhns, was first detected about three days earlier (Nov. 28th), by Professor Respighi, of Bologna. The discovery of Comet I, 1863, is mentioned in the account of last year. Comet II, 1863, was found, April 12th, by M. Klinkerfues, in right ascension 309°, declination 3° south. On the 19th of May, it was 10° distant from the north pole, and appeared as a round nebulosity, 5′ to 6′ in diameter. Comet III, 1863—by Respighi, April 13th, near β Pegasi. Its nucleus then had the brightness of a star of the 6th magnitude; April 25th, the tail had a length of 2°. Comet IV, 1863, was found, Oct. 9th, by M. Bäcker, of Nauen. Like the other comets of the year thus far named, it was telescopic merely. It attained its greatest brilliancy, Dec. 8th; perihelion Dec. 27th. Comet V, 1863—by M. Tempel, Marseilles, Nov. 4th; this was visible to the naked eye, its nucleus nearly stellar. Comet VI, 1863, was observed by M. Schmidt, at Athens, in the month of December.

In a supplementary page inserted in the "Amer. Jour. of Science," January, 1864, appeared a note from Prof. Watson, of the observatory at Ann Arbor, in relation to the (supposed) discovery of a new comet by him, on the evening of January 9th, 1864. The comet was then quite large and bright, with a nucleus strongly condensed at the centre, and a tail 1½° in length. From observations continued to the 12th, Prof. W. inferred a resemblance, in the elements of the orbit to that of the comet of 1810; and he remarks that subsequent observations must determine whether the comet had returned in the interval. In a later communication ("N. Y. Evening Post," Feb. 1st), he states that the comet would be very near the earth about the date just given, and suggests an attempt to determine by it the solar parallax. It does not yet appear that these anticipations have all been well grounded.

In the "Evening Post" of February 6th, appeared a letter from Messrs. Silliman and Dana, inclosing a communication of Mr. D. M. Covey, of Southville, N. Y., dated December 26th, 1863, and addressed through the "Herald of Progress" to Prof. D. Trowbridge, in which

Mr Covey gives an account of a comet first seen by him, November 21st, preceding, in declination, nearly 15° N., and right ascension 200°. On that date, it had the size of a star of the third magnitude; its course was afterward found to be northeastwardly, from Arcturus toward Vega in the Harp; its brilliancy was diminishing, and it soon became invisible to the naked eye. Messrs. Silliman and Dana say there is hardly a doubt that this was the comet described by Prof. Watson, and detected (it now seems), a few days previously (Dec. 28th, 1863,) by Respighi, of the University of Bologna. The most remarkable circumstance in the case is, that a comet visible to the naked eye should be present in the heavens a full month before its discovery was made at any observatory; but it was visible at about five o'clock A. M., an hour when most astronomers have concluded their labors.

Spectra of Fixed Stars, Etc.—The results thus far arrived at in the way of determining the character of the spectra of different fixed stars, and others of the heavenly bodies, and hence, by inference, their physical and chemical constitution, are as yet to some extent at variance. This, indeed, was to be expected in the outset of observations of so extreme delicacy, conducted by different persons, with different forms of apparatus, and under differing conditions of the terrestrial atmosphere. Prof. Donati finds, in the case of nearly all the stars which have been examined both by M. Frauenhofer and himself, different systems of fixed lines from those originally laid down by the latter; and some differences, again, exist between the systems given by either of these and the spectra of the same stars as noted by M. Secchi in Italy, by Mr. Rutherfurd in New York, and by Dr. W. A. Miller and Mr. Wm. Huggins in England.

Frauenhofer had not condensed upon his prism the light of the star to be examined, but placing the prism and a cylindrical lens before the objective of a small (observing) telescope, he directly viewed the spectrum afforded by analysis of the light, of such intensity as it naturally fell upon the apparatus. The cylindrical lens was to supply the place of the fine slit between knife-edges first employed for the solar spectrum by Wollaston; such a lens acting to elongate the image of the star in one direction only, or to a line, and giving to the spectrum the desired breadth without increasing its length.

Mr. Rutherford ("American Journal of Science," Jan. and May, 1863) states that throughout the course of his observations he received the light through a slit on its way to the prism; but that, finding that the necessity of throwing the star slightly out of focus occasioned a considerable loss of light upon the jaws of the slit, he was later led to add to the arrangement the use of the cylindrical lens—introduced between the objective of the condensing telescope and the prism—and with the effect of largely increasing the light, and, of course, the distinctness of view of the parts of the spectrum obtained. The lens is useful only in the analysis of merely luminous points, as the stars may be assumed to be, and not in case of the planets, sun or moon. Excepting the addition now named, the spectroscope was simply that of Bunsen and Kirchhoff, "consisting of a condensing telescope with adjustable slit, a scale telescope with photographed scale of equal parts showing bright lines upon a dark ground, a flint-glass prism of 60°, and an observing telescope with Huyghenian eye-piece, magnifying about five times." If the telescopes be not perfectly achromatic, some change of focus will be required in order favorably to observe the different regions or colored spaces—the ultra-red rays requiring a slight, and the violet and indigo a considerable, change of focus from that answering for the intervening portion of the spectrum. For exact comparison of different observations, the place of the sodium-line D was, in each instance, brought to coincide with the division of the scale marked 30.

With the apparatus so adjusted, the locations of the seven principal lines of the spectrum of sunlight, as determined by Mr. Rutherfurd, are as follows (the letters reading of course, from red to violet): B 33.1, C 32.3, D 30, E 27, 26.5, F 24.4, G 19.3, H 14.5. 13.9. By means of a plate (highly valuable for reference) he gives a comparative view of the spectra of the sun, moon, Jupiter, Mars, and 17 of the brighter among the fixed stars. In the lunar spectrum he finds the principal solar lines, B, C, D, E, and F, and he supposes that G may yet be detected. The lunar lines just named are very strong and well defined; and other marked features are beyond F, a broad faint band at 21.05, a broad line at 19.9, and a broad dark line at 18.09.

Most noticeable in the spectrum of Jupiter are the distinct line D, and two broad bands respectively at 32.1 and 31.12; in that of Mars D is wanting, though there is a well-defined line near its place, at 30.25, other strong lines at 27.1 and 26.55, and a broad band at 24.4.

Without attempting to fix upon any final principle of classification for the stars he has examined, Mr. Rutherfurd for the present divides their spectra into three groups: "first, those having many lines and bands, and most nearly resembling the sun—viz., Capella, β Geminorum, α Orionis, Aldebaran, γ Leonis, Arcturus, and β Pegasi. These are all reddish or golden stars. The second group, of which Sirius is the type, present spectra wholly unlike that of the sun, and are white stars. The third group, comprising α Virginis, Rigel, etc., are also white stars, but show no lines; perhaps they contain no mineral [query—metallic?] substance, or are incandescent without flame." Taking Capella and Sirius as good examples of the first two classes of stars just named, their spectra are thus described: Capella—a line respectively at 30.22, 27.73, 27.38, 26.75 and 24.78; Sirius—a broad black line, or band,

respectively at 32.4, 24.8, 19.9, 16.8; the limit at 14.5. In the spectrum of this last star no fine lines have been found; the lines observed are all broad and black, with margins well defined, being in fact so many complete interruptions of the colored field. The spectrum of α Orionis is marked by three broad bands, that of Aldebaran by four, and that of β Pegasi by eight, these in all cases lying mainly within the less refrangible half-length of the entire field; and all these, as well as the bands in the light of Jupiter, are supposed by Mr. Rutherfurd to be absorption bands due to the atmosphere of the respective bodies, but which may yet possibly be resolved into lines.

In conclusion he alludes to the evidence now possessed to the effect that the stars differ in their constituent materials, and asks "What then becomes of that homogeneity of original diffuse matter which is almost a logical necessity of the nebular hypothesis?"

In his second article he mentions having added a prism by means of which the spectrum from a spirit lamp is constantly present in the field of view. He finds this a most useful check, and by means of the comparison so afforded he has proved the presence in the spectrum of Arcturus of the lines D, E, b, and G, and has become almost certain that each line furnished by its light has its counterpart in the solar spectrum.

M. Secchi, of Rome, has used a Janssen's spectrometer of direct vision, and he is astonished at the magnificence of the results—probably favored by an unusually pure atmosphere—which he thus obtains. He has published the determinations only of five stars. He finds in α Orionis a line at F, and four between F and G, where one only is given in the Greenwich observations. The spectrum of Aldebaran is of greater extent, and 16 bands of various breadths were noticed in it. He finds a spectrum of Rigel, as well as of Sirius, both white stars; these are longer than the spectra of red stars, and in the former also the prominent lines appear chiefly in the blue and violet spaces at one extreme, and the red at the other. The band F, which so far would appear to be as prominent in the light of all the stars as it is in that of the sun, Secchi thinks, may be due to absorption by our atmosphere.

Mr. Huggins and Dr. Miller have examined a series of from 30 to 40 stars, and obtained microscopic photographs of Sirius and Capella. The former takes the solar line D as the starting point for his measures, having the solar and a stellar spectrum in the field at the same time. And since he finds that, generally, length of spectrum corresponds with heat of flame, he hopes that by means of these observations we shall yet determine not only the chemical constitution, but also the comparative heat of the sun of our system, and certain of those other suns which we name the fixed stars.

The Sun and Stars Photometrically compared.—Mr. Alvan Clark, of Cambridgeport, Mass., gives "Amer. Journal of Science," July, 1863) an account of certain experiments intended to determine on a new principle the relative intensity of the light of the sun and fixed stars; and approximately, therefore, the relative distances of those bodies.

Suppose a lens of known focal distance, say one foot, is placed between the eye and a star of the first magnitude, and that the lens is then made to recede from the eye in the line of the star until the effect is to diminish the latter to a point of light barely visible—in other words, to reduce it to a star of the sixth magnitude—at that moment when the lens (if convex) is 11 feet from the eye: at this distance of the lens the star has undergone a reduction of ten diameters; and accordingly, on the supposition that there is no absorbing or extinguishing medium in space, it follows that such star would itself be visible, though then barely so, if it were removed to ten times its distance in space from the observer. Hence, the distance to which different ones of the self-luminous celestial bodies must be removed to bring them respectively to the point of bare visibility—to a *minimum visibile*—becomes a direct means of comparing the intensity of their light; and, so far as we can assume their actual sizes and brilliancies identical, a means of determining indirectly their distances.

In the use for this purpose of a convex lens, the measure is commenced at the focal point: and the number of times the diameter is reduced is equal to the number of focal distances the lens is removed *less one* (*e. g.*, 11 focal distances, less 1, give a reduction of ten times in diameter, and in brightness); but with a concave lens, the measure is the actual distance from the lens itself. For these observations Mr. Clark has an underground, dark chamber, 230 feet long, accessible at one end from his workshop, and communicating with the surface at the other end by a vertical opening, one foot square. A common plane silvered-glass mirror, set at a suitable inclination over the orifice, reflects the rays of the sun or star down the vertical opening in the ground upon a prism so placed as to throw the light, by total reflection, in the line of the axis of the horizontal chamber; and no light can enter the latter save through this lens. To the side of the prism facing the chamber is cemented with Canada balsam (so perfectly as to render the two optically one medium) the flat side of a plano-convex lens, say of 1-20th of an inch focus. Then an observer in the cellar 230 feet distant sees through this lens the sun reduced 55,200 times; and its light varies little from that of Sirius. To multiply the reducing effect, a second lens of known focal distance, say 6 inches, is mounted on a little car, which, by cords and a pulley, can be sent to any required distance on a track toward, and in the line of, the fixed lens.

At noon, March 19th, with a perfectly clear sky, Mr. Clark found the sun barely visible

through the two lenses when the movable one was 12 feet from the eye, and when being 218 feet from the fixed lens, the reduction given by the latter alone was 52,320 diameters, and the multiplying effect of the second lens = 12 × 2 — 1 = 23 times, the total reduction being thus 1,203,360 times. By observations expressly devised for such purpose, he concludes that the proportion of the light of the sun or a star that will be lost in these experiments by the extinguishing action of the mirror, prism, and lenses, will be in effect almost exactly compensated by the additional light also reflected by the mirror from a small region of sky just about the sun or star. Proceeding upon this admission, the following are the results at which, in his earlier observations, Mr. Clark arrived;

The sun is visible when reduced....	1,200,000 times.
The full moon.....	3,000 "
Sirius.....	20 "
Procyon.....	12 "
Pollux.....	11 "
Castor.....	10.8 "

The following comparisons will show the relation in which these results stand to the measures of the sun's light previously given by Dr. Wollaston, and by Mr. Bond, of Harvard College Observatory. To reduce our sun to the brightness of the star *a* Lyræ, the distance of the former must be increased, according to

Wollaston, nearly.....	425,000 times.
Bond, "	155,000 "
Clark.....	102,000 "

And the light received from these luminaries differs, according to

Wollaston, as.....	180,000,000,000 to 1
Bond, "	24,000,000,000 "
Clark, "	10,400,000,000 "

Mr. Clark's method, it will be seen, does not depend upon comparisons with artificial lights, but makes a simple reduction of the luminary observed to a *minimum visibile*, under the most favorable conditions of observation, the standard in all cases.

In his later experiments, he prepared a close covering for the opening to the dark chamber, with a circular perforation, subtending at the prism an angle of 32″, and substituted a lens of one-eighth-inch focal distance. Then, by use of two additional lenses, adjustable by sliding, and placed in a telescope tube properly darkened within, he found that it required on some occasions a reducing power of nearly 1,600,000 to send the sun completely out of sight.

Mr. Clark shows that these observations have an important bearing on the question of the existence of an extinguishing medium in space. The more powerful telescopes reveal, in proportion to their power, a far less number of stars than are visible to the unassisted eye; in other words, the appearance is as if the remoter fields of space were more and more thinly tenanted with stars, in comparison with the number within the sphere of direct vision. This fact has been made an argument for an extinguishing medium in space; the greater sparseness of the more distant or telescopic stars being supposed due to the circumstance of entire extinction of the light which would otherwise reach us from the larger proportion of the stars of those regions. But Mr. Clark suggests, what is obviously true, that if different stars actually differ in original or inherent splendor, then it will be the least luminous which at any given distance will first elude the eye, and as the distance is increased, a continually larger proportion of all the stars will thus —as a simple effect of reduction by increasing distance—disappear; so that the sparseness of stars in the outermost yet penetrated regions of the universe does not necessarily prove the presence of an absorbing medium, or ether, between their place and the earth, but may merely illustrate the known and simple relation of the apparent magnitude or brilliancy of a visible object to its distance.

The Question of the Sun's Distance from the Earth.—Professor Joseph Lovering, of Harvard College, has communicated to the "American Journal of Science" (Sept., 1863), a highly important paper upon the subject of the sun's distance from the earth, as computed from the several sorts of data relied on, and especially upon the remarkable variance of the result very recently obtained by M. Foucault from previous calculations, and the general effect of this variance, if confirmed, upon the distances and magnitudes of the various astronomical bodies.

First, as to the usual methods for determining the sun's distance: To see the distance of any body is an act of *binocular vision*. In case of near bodies, the interval between the two eyes is the base-line of a triangle of which straight lines from the object to the eyes respectively form the other two sides; and the *sensation* of effort in converging the eyes upon the object, guided by experience, gives us approximately the distance. As the object is farther removed, the base-line must be taken greater, until, in attempts to determine the distance of the sun, it is made the distance between two telescopes directed toward that body from points at the opposite extremities of the earth's diameter; and certain parts of the triangle, giving the distance of the object, are now found by calculation. The angle between the directions of the two telescopes is the "solar parallax;" and the distance of the sun will vary—the base-line being supposed known—as the magnitude of this angle. Since a small error in the solar parallax would involve a large error in the sun's distance, astronomers select a planet coming nearer the earth than the sun—either Venus, at inferior conjunction, or Mars at opposition. The former observation can only be made in case of a transit across the sun's disc, the quantity determined being the difference of parallax between Venus and the sun: viz., from about 21″ to 25″. From the combined observations of the two transits of Venus last occurring—1761 and 1769—Encke deduced the solar parallax as 8″.57116. This corresponds to a solar distance of 95,360,000 miles. Transits of Venus will occur in 1874 and 1882; but

Encke declares they will be so unfavorable for observation that the reduction of error in the solar parallax by this means to within a limit of $\frac{1}{100}$th of a second, is hopeless for at least two centuries to come. The solar parallax, as derived from that of Mars, in 1740, by Lacaille, was 10″.20, with a possible error of 0″.25; and in 1832, by Henderson, 9″.028. Dr. B. A. Gould computed it from the first opposition of Mars observed by Lieut. J. M. Gilliss, 1849–'52, in Chili, at 8″.50. Various determinations of the solar parallax, from the law of gravitation, and based chiefly on perturbations of the moon's longitude, have placed it at from 7″.80 to 8″.84; while the most recent by methods of the sort here referred to, are, that of Hansen in his new "Tables of the Moon," 8″.8762, and of Leverrier, 8″.95.

[Evidently, with a fixed base line, the greater the actual parallax, the less is the true distance of the sun from the earth. In a recent account of this same question, Mr. Hind calls attention to the fact that the deductions from the first transit of Venus, taken alone, gave a solar parallax of 8″.9142, which is nearly as great as that of the most recent calculations based on other methods. He speaks of the increase of the solar parallax from the value found by Encke, and usually adopted, to about 8″.95, as being now demanded by the concurrent results of six distinct authorities, among whom are some of those just named; but he thinks that in their calculations astronomers will retain the old value till the next transits of Venus; and, doubtless with a view to observations of these, he remarks that the important question which has recently been raised as to the existence of a large error in the estimated distance of the sun, may perhaps be set at rest in twenty years, though hardly in less time.]

Römer, as is well known, by observations of eclipses of Jupiter's satellites, first determined the fact that the transmission of light through space requires time, and calculated from the time apparently occupied by the sun's light in crossing the orbit of the earth the velocity with which it must move. Delambre, from a discussion of 1,000 of those eclipses, deduced the time of the passage of light over the mean distance from the sun to the earth as 493.2 seconds; and 96,360,000 miles divided by this number gives 193,350 miles per second as the velocity of light. Again, taking the sun's distance as now given, the velocity of the earth in its orbit is 18.977 miles per second; and the velocity of light calculated by Bradley's principle of aberration—the amount of the aberration according to Struve being 20″.45—is 10,088 times that of the earth in its orbit= 191,513 miles a second. From Fizeau's experiment in 1849, with a revolving toothed wheel, the radiating teeth and included spaces of which alternately interrupt or transmit, according to the moments in which it is returned to the edge of the wheel, a ray of light reflected between distant mirrors, the velocity of light was calculated at 194,667 miles a second. Finally, Foucault has carried out, and apparently with entire success, the application suggested by Arago of Wheatstone's revolving mirror (with the addition of needful apparatus) to the purpose of determining the absolute velocity of light; and the result at which he arrives is a velocity equal only to 185,177 miles in a second.

Now, this velocity is more than three per cent. less than the lowest usually accepted (192,000 miles), as deduced from the sun's accepted parallax and distance. But Foucault states that the extreme difference of results in the various trials made by him did not exceed $\frac{1}{100}$th of the entire value; and he believes that the mean result can be trusted to the $\frac{1}{500}$th part of the value; while the aberration adopted (20″.45) in Bradley's method cannot be supposed at fault beyond the $\frac{1}{1000}$th part of the whole. How is the new velocity of light to be reconciled with the old value of aberration? This latter establishes the *ratio* of the velocity of light to that of the earth. And if this ratio must still be accepted, while one term of it (the velocity of light) must be diminished by three per cent., then inevitably the other term of the ratio must also be diminished, and proportionally. Is it possible that there is an uncertainty, to the amount of three per cent., in the orbital motion of the earth? Shall we have to reverse hereafter the usual mode, and determine the velocity of the earth in its orbit from that of light, accepting the latter as the better known of the two? The error in the earth's movement, if it be such, is an error not in time but in space. We cannot, as the slower terrestrial velocity would (on that side of the question) require, lengthen the year by about 11 days; hence we must, as the only other way of satisfying the new facts, diminish our estimate of the circumference of the earth's orbit; and of course, therefore, in like proportion lessen the mean radius of the orbit, *i. e.*, the sun's mean distance. [It will be noticed that the recent tendency to a larger solar parallax has the same general effect as Foucault's reduction of the velocity of light; namely, to place the earth nearer to the sun.]

Foucault's experiment on the velocity of light has been popularly announced as making a "revolution in astronomical science." Prof. Lovering judges that it has only attracted popular attention to an old difficulty, and perhaps given a solution of it. "Neither the velocity of light, aberration, nor the sun's distance can be [was?] suspected of an error to the extent of 3 or 4 per cent.; and yet one at least must be wrong to this degree, as the best values of the three elements are irreconcilable with each other. Which shall be changed?

"It may excite surprise in those who have heard of the *accuracy* of astronomy, without weighing the exact significance of the word as applied to so large a subject, that there should still be a lingering uncertainty, to the extent of three or four millions of miles, in the sun's

distance from the earth. But the error, whatever it is, is propagated from the solar system into the deepest spaces which the telescope has ever traversed. The sun's distance is the measuring rod with which the astronomer metes out the distances of the fixed stars and dimensions of the stellar orbits. An error of three per cent. in the sun's distance entails an error of three per cent. in all these other distances and dimensions. Trifling as three per cent. may seem, the correction runs up to 600,000 millions of miles in the distance of the nearest fixed stars."

Mr. Hind, also, in the paper already quoted from, remarks of the proposed increase of the solar parallax that by it the earth is brought about 4,000,000 miles nearer the sun, and its annual path shortened by about 25,000,000 miles, its orbital motion being correspondingly diminished. So, he adds, with the single exception of the moon, both the distances and dimensions of all the other bodies of the solar system, as expressed in miles, must be diminished in proportion. These, however, are matters of curiosity. And he states that—as we may suppose, because calculations respecting the heavenly bodies mainly involve *relative*, and not absolute values,—the proposed change in the parallax of the sun will produce but little effect in the most delicate astronomical investigations.

Note.—Since the above abstract was prepared, there has come to our notice a summary of an article contributed by M. Foucault to the "Comptes Rendus," November 24th, 1862, on the "Experimental Determination of the Velocity of Light, and a Description of the Apparatus." In this, that author speaks of having found a source of error in the micrometer (an instrument seldom so accurate as is commonly thought); and having obviated this error by means of another method of determining the deviation of the image observed in the revolving mirror, he considered himself at the time of writing able to give with confidence the number appearing to express the velocity of light in space; namely, 298,000 kilometres= 190,249.16 miles, in a second of mean time. This result, if accepted, would imply a less magnitude in the errors of distance, &c., above considered.

Motion of the Sun in Space.—From a consideration of the proper motions of the stars in space, Sir Wm. Herschel, Argelander, Galloway, and others were led to infer that the sun is moving in the direction of the constellation Hercules; and Struve attempted to calculate its annual motion toward that point. From a more extensive series of observations made upon 1,167 stars, Prof. Airy is unable to find a confirmation of this conclusion; and by like observations and calculations Mr. Dunkin arrives at the same result. Latterly, it had been proposed to investigate this problem by finding whether or not the direction of motion of comets, before coming into the solar influence, was different from the motion concluded to belong to the sun. But Mr. Carrington and Prof. Fearnley now declare their opinion that even this method could not be successfully applied; and they advise that the observation and determination of the proper motions of the stars, with a view to this question, be still persevered in.

Some Points relating to the Constitution of the Sun.—Sir Wm. Armstrong, in the opening address before the British Association for the advancement of science, at the meeting for 1863 (Aug. 26th), made upon this subject, among others, the following remarks:

"Of all the results which science has produced within the last few years, none have been more unexpected than those by which we are enabled to test the materials of which the sun is made, and prove their identity, in part at least, with those of our planet." The same researches have also corroborated previous conjectures as to the luminous envelope of the sun.

Among the most remarkable discoveries in connection with the sun must be ranked that of Mr. Nasmyth, to the effect that the bright surface of this body presents the appearance of an aggregation of apparently solid forms, shaped like willow leaves, or some well known forms of Diatomaceæ, and interlacing one another in all possible directions. These mysterious objects appear in some way connected with the heat, and [if we can understand what, in a physical sense, this is] the vivifying power of the sun. They have been seen by other observers, and computed to be each not less than 1,000 miles in length by about 100 in breadth. The enormous chasms in the sun's photosphere, to which we apply the diminutive appellation of "spots," exhibit the extremities of these leaf-like bodies pointing inward and fringing the sides of the cavern far down into the abyss. Sometimes they form a rope or bridge across the chasm, and appear to adhere to one another by lateral attraction.

A most remarkable phenomenon was seen by independent observers at two different places on the first of September, 1859. A sudden outburst of light far exceeding the brightness of the sun's surface, was seen to take place, and then to sweep like a drifting cloud over a portion of the solar face. This was attended with magnetic disturbances of unusual intensity, and with the exhibition of auroras of extraordinary brilliancy. The instant of the effusion of the light was recorded by an abrupt and marked deflection in the self-registering instruments at Kew. Probably, in fact, but a part of the phenomenon was seen, as the magnetic storm attending it commenced before and continued after the event. Perhaps this phenomenon should be regarded as having a connection with the renovation of the sun's heat. Thus, it may be explained on the supposition of the plunging of cosmical matter into the sun with the prodigious velocity which gravitation would impart to it, the arrested motion giving place to its equivalent of heat.

The comparison of the observations upon the 11-year period in the solar spots, first detected by Schwabe, in 1843, and the corresponding or secular period in the diurnal variation of magnetic action upon the earth, is still being prosecuted; but no new results of importance are announced.

Heat of the Sun's Surface, and Currents in its Atmosphere.—In a paper before the British Association, Mr. Murphy called attention to the fact ascertained by M. Secchi, of Rome, that the sun's equator is sensibly hotter than its poles. In accordance with the meteoric theory of the solar heat, this should be the case. The asteroids, or immense meteoric masses which, upon this theory, are supposed to revolve round and near to the sun, and to fall at successive intervals into its mass, probably occupy—like the entire solar system—a lenticular space having the greatest diameter nearly coincident with the sun's equator; and if this be so, a larger number of meteors must fall on the equatorial than on the polar regions of the solar surface, thus making the former more hot.

The meteoric theory will also account for the currents in the sun's atmosphere, which had been observed by Mr. Carrington. He found that the spots in the lowest latitudes drift most rapidly from west to east. Were the sun's atmosphere, like the earth's, acted on by no other motive power than the unequal heating at different latitudes, the relative direction of the currents would be the reverse of this, and in virtue of the well-known principle of trade-winds at the surface of the earth. But if meteors are constantly falling into the sun's mass through its atmosphere, these bodies moving from west to east with a velocity scarcely less than that of a planet at the sun's surface, and if they so pierce the solar atmosphere in greatest number in its equatorial regions, then the result would be a motive power adequate to drive the sun's atmosphere round it from west to east, and with greatest velocity at the equator. The intensely bright meteoric bodies [*see* remarks on this phenomenon, September, 1859, in the section above] which Mr. Carrington and another observer simultaneously saw traverse the sun's disc, moved from west to east; and they were almost certainly asteroids falling [or, as Sir William Armstrong more plausibly suggests, *consequences of* the fall of such bodies] into the sun.

Zodiacal Light.—The late lamented Major E. B. Hunt, C. E., U. S. A., communicated to the "American Journal of Science," for May, 1863, a paper upon certain astronomical and meteorological phenomena observed by him at Key West, 1857–'62.

He states that during the winter, and especially in February, the Zodiacal Light habitually attains at Key West a remarkable degree of brightness. He repeatedly traced it to the zenith, never with certainty beyond. He was especially interested in certain proofs of the great amount of light proceeding from the source in question. He frequently observed a distinct *shadow* cast by the Zodiacal Light. This could be seen moving before him when walking from the light on a white roadway, and also upon passing near or waving his arm very close to a whitewashed wall. The shadow was very positive, but (excepting in the last of the cases named) without definite boundaries, as a shadow should be when cast by a light so diffused. This shadow he had observed when the absence of the planet Venus and the total disappearance of twilight refraction forbade its being assigned to either of those causes; and other persons had corroborated his observations. The principal part of the light appeared to come from the portion within 15° or 20° of the horizon. "It is indeed a singularly beautiful thing, to see this grand mass of mellow light, softly fading out into the clear sky, and quite obscuring the lustre of the Milky Way by its superior brightness. Where it intersects the Milky Way, I think [he concludes] the two are, at the brightest, about equal in glow; but from thence to the horizon the Zodiacal Light so increases in radiance as to seem almost a prolongation of twilight."

Mr. Stillman Masterman, of Weld, Maine,—also since deceased—mentions in the journal already quoted, for July, the fact of his having observed in the Zodiacal Light, on more than one occasion, the appearance of rapid variations in brightness. These were not wave-like pulsations, like those of the aurora borealis; but the alternate brightenings and dimmings of the whole area of the light simultaneously. Sometimes there is to be observed a sudden brightening or dimming, without any other change following for a number of minutes.

In two communications to the "Philos. Magazine," February and March, 1863, Prof. Challis gives a theory of the Zodiacal Light. Reasoning from the observed positions of the light when visible, and the seasons in which it is to be seen, he concludes that the light is simply an immense luminous tract of space, symmetrically disposed about the sun; its principal plane coincident with the plane of the sun's equator; its extent in space reaching beyond the radius of the earth's orbit—so that, either the earth is at all times enveloped in it, or at least is so when passing across the line of its nodes; while, as a consequence of their relative positions, this luminous tract will, at certain seasons, especially in low latitudes, be seen as of a conical or pyramidal form, with the base near the sun. The fact of its not being visible in northern latitudes in autumn evenings and spring mornings, is explained by the small inclination at those seasons of the ecliptic to the horizon, so that the light fails to penetrate the dense parts of the atmosphere then lying between it and the eye.

Prof. Challis accordingly discards the meteoric theory of the Zodiacal Light, and considers that it is purely a *luminosity* of the space it appears in. His theory assumes a universally

extending ether, in which, aside from the steady motions excited in it by the (light-giving) solar action, the gravitative action of the revolving mass of the sun produces a disturbing effect—such effect, he finds by mathematical analysis, being adequate to cause in the disturbed space light-undulations. The related phenomenon, of a luminous arch several degrees in width across the whole sky, and spoken of by Prof. Brorsen as a "ring-form of the zodiacal light," observed by Mr. Jones, near Quito, in 1856, by Brorsen, at Senftenberg, Prussia, 1854–'8, and previously by Humboldt, off the coast of Mexico, Prof. Challis regards as due to "gravity-undulations" originated in like manner by the axial revolution of the earth.

Nebulæ.—An account was given in this article, in the preceding volume, of the singular phenomena of variation and disappearance of certain nebulæ, with allusions also to the connection of these changes with irregular appearance or variability of certain stars situated in or close to the field of nebulæ. In the "American Journal of Science," for Jan. 1863, appears a translation of Prof. A. Gautier's "Recent Researches relating to the Nebulæ" (from the "Bibliothèque Universelle," Sept. 1862), and in which is to be found a very complete statement of the facts accumulated in regard to these interesting bodies, up to the date of appearance of the original article.

Besides a variation in brilliancy, certain nebulæ have been observed to undergo changes of form or appearance. Such is now the view taken of the change in the nebula or star-cluster, 80 of Messier, in Scorpio, in 1860. This nebula, having on May 9th of that year its ordinary appearance, by the 28th of the same month had assumed the aspect of a single star of 7-8th magnitude; and by the 10th of June following the stellar appearance had nearly disappeared, though the nebula was then brighter than usual, with a well-marked central condensation.

Quite recently, Chacornac has observed with the great telescope of Foucault the annular nebula of Lyra, and he has found it to be resolved into a mass of very small stars, exceedingly near to each other. The nebula presented to him the appearance of a hollow cylinder, seen in a direction nearly parallel to its axis. As Lord Rosse describes it, its centre is veiled by a curtain of nebulous matter, resolvable into a thin stratum of stars.

Sir John Herschel has remarked that the proportion, to the whole number, of the nebulæ which are—if we may so express it—*multiple*, is greater than the proportion, to the whole number, of the multiple stars. Assuming 5′ as the greatest distance apart of the members of double nebulæ, M. d'Arrest has estimated that out of the whole number of about 3,000 nebulæ in that part of the heavens visible to us, some two or three hundred may be regarded as multiple. He has found a triple nebula, 109° 12′ of right ascension and 29° 45′ of northern declination, in which, as observed in 1785, 1827, and 1862, sensible changes appear to have taken place, indicating a movement of revolution of one part round another. Between the two components, which are only 28″ apart, a very small star is seen exactly where Lassell observed it ten years before. M. d'Arrest will hereafter cite other instances of change in the relative positions of double nebulæ; though he does not yet infer that any of them have periods of revolution so short as those of some of the double stars. Finally, he describes a very small number of cases in which, by repeated comparison after intervals of a nebula with some small star near it, he has been able to show slight differences of distance or position, which might indicate a proper motion of one or the other of these bodies.

The La Lande Prize.—The La Lande (astronomical) prize, value 500 francs, was awarded by the French Academy of Sciences, in January, 1863, to Mr. Alvan Clark, of Cambridgeport, Mass., for his discovery of the companion of Sirius [mentioned in the preceding volume].

The great 18½ *inch* object-glass with which Mr. Clark made this remarkable observation, has been purchased by the Astronomical Association of Chicago, for the sum of $11,187; about an equal sum being considered requisite to pay for mounting it properly.

AUSTRIA. (For notice of the Imperial House, detailed statistics of the population, the different nationalities, religious denominations, aud principal cities, *see* ANNUAL CYCLOPEDIA for 1862.)

The population of Austria at the end of 1861, was estimated at 37,000,000 souls. The following portions of Austria form part of the German Confederacy:

Countries.	Geographical square miles.	Population in 1857.
Archduchy of Austria	577,98	2,389,147
Duchy of Salzburg	130,15	146,769
" of Styria	407,84	1,056,773
" of Carinthia	188,42	332,446
" of Carniola	181,42	451,941
The Littoral, comprising the city of Triest and its territory, the district of Goritz, and part of the district of Istria	84,77	361,972
County of Tyrol and Vorarlberg	532,04	851,016
Kingdom of Bohemia	943,70	4,705,525
Margraviate of Moravia	403,77	1,867,094
Duchy of Silesia	93,50	443,912
Of Galicia, the two duchies of Auschwitz and Zator	44,74	196,389

The budget of the financial department, estimated for the year beginning on Nov. 1st, 1863, and ending on Dec. 31st, 1864, which was presented to the Council of the Empire, on July 17th, 1863, gave the following results:

	Florins.
Ordinary expenditures	512,500,716
Extraordinary "	102,112,701
Total	614,613,417
Ordinary receipts	521,677,096
Extraordinary "	59,396,475
Total	581,073,571
Deficit	33,539,876

The standing army consisted, in May, 1863, of 185,182 infantry, 39,188 cavalry, and 39,455 other troops. Total, in time of peace, 263,825. In time of war, the strength of the army is 436,608 infantry, 41,862 cavalry, 86,998 other troops. Total, 565,468.

The navy, in May, 1863, consisted of 64 steamers, the total horse power of which was 11,325, and 668 guns; beside 2 ironclad frigates, in course of construction, with 1,300 horse power, and 68 guns. The number of sailing vessels was 51, with 348 guns. Total of steamers and sailing vessels, 117, with 1,084 guns.

At the beginning of the year 1863 the Provincial Parliaments of Salzburg, Upper and Lower Austria, the Vorarlberg, Silesia, Moravia, Carinthia, Istria, Goritz, Styria, Carniola, Dalmatia, the Tyrol, the Bukowina and Bohemia, were in session. All these Diets gave in their adhesion to the Central Constitution, and adopted almost unanimously the principle of trial by jury.

The Austrian Parliament (Council of the Empire) was opened on June 18th, the same number of provinces being represented as in the year before. (*See* ANNUAL CYCLOPÆDIA for 1862.) In his speech from the throne the emperor made a satisfactory retrospect of the activity of the Reichsrath, and expressed a hope that Transylvania would also shortly take part in its deliberations. He thus continued: The Reichsrath closed its first session under the blessings of peace, which the Government will endeavor to maintain undisturbed. Thanks to the liberal institutions of the empire, its material and intellectual life are everywhere being rapidly developed, and its influence and position as a great Power continually becoming more powerful. The financial condition of the empire is becoming more and more satisfactory. The credit of the state and the public currency have most decidedly improved. It has been unnecessary to apply for any extraordinary credit during the current year. The budget, which will be submitted to you, has been prepared with a view to the greatest possible economy. Bills relative to taxation will be submitted to you, the object of which is to reestablish the currency on a thoroughly sound basis. Bills will also be introduced upon the reform of the administration of justice, as regards the administration of penal law more especially. These reforms will comprise oral proceedings, publicity, and trial by jury. The bills for the reform of the civil law relate to bankruptcy, the private arrangement of debts, and the right of domicile.

Besides the provinces not represented in the Council of the Empire in 1862, a majority of the Czech (Bohemian) members, and the representatives of the Italian portion of the Tyrol, resolved to cease taking part in the proceedings of the Council. The Council thereupon resolved, in its session on June 29th, that there was no reason for the absence of the Czech members from the sittings of that body, and they were summoned to make their appearance on pain of having their title to sit as members cancelled. On the other hand, the Government and the friends of a United Austria had the gratification to see for the first time a representative from Transylvania. The Emperor of Austria, by a decree dated September 27th, had raised the Roumanian nationality to an equality, in civil and religious rights, with the other nationalities of the crownland. Hitherto the Roumanians, although by far the most numerous of all the nationalities of Transylvania, had been excluded from all political action. Hereafter, in accordance with the imperial decree, the nationalities legally recognized will be the Hungarians, the Szeklers, the Saxons, and the Roumanians; and a particular emblem will be added for the Roumanians to the escutcheon of Transylvania. The Hungarians and Szeklers of Transylvania were greatly dissatisfied with this decree. Their deputies had already withdrawn in a body from the Diet of Transylvania. The two other "nations," the Saxons and Roumanians, resolved to send delegates to the Council of the Empire, who, to the number of 26, took their seats in that body on October 20th. Shortly after the Council declared itself to be complete. Toward the close of November, the Obergespanns (chiefs of the public administration) of Croatia, in a meeting held at Vienna, resolved that Croatia also should send deputies to the Council, if the February Constitution was modified in a manner guaranteeing to the Croats the maintenance of their autonomy, the integrity of their territory, and the disposal of the direct taxes and revenue of Croatia.

Notwithstanding the unceasing efforts of the Austrian Government to reconcile the different nationalities, the animosity between them rather increased than decreased. This was the case particularly with the Slavi and Germans in Bohemia and Bavaria, with the Germans and Italians in the Tyrol, with the Hungarians in Transylvania on this side, and the Germans and the Roumanians on the other. Galicia was kept in constant agitation by a secret revolutionary government, which in some instances even decreed and inflicted the death penalty upon Poles who were regarded as opposed to the national Polish movement. But the most important of all the national manifestations took place toward the close of the year in Hungary. The "Alleanza" of Milan, a journal printed by the Hungarian insurgents in Italy, published the text of a proclamation, issued in Hungary, in the name of Kossuth. The proclamation was as follows:

By order of Louis Kossuth, the National Committee of Independence to the Nation.—Fidelity to the flag of 1849 survives in the heart of our nation. Refusing to accept any kind of compromise, the great majority of the nation is firmly resolved to shake off the detested yoke of German domination. But as the external signs of our national life have in recent times not been in harmony with that resolution, our natural allies abroad have conceived doubts as to the firmness of our de-

signs. These doubts have been the greatest obstacle to the efforts of our Government tending to the deliverance of the country. The removal of that obstacle becomes an imperious necessity before the new turn of European events—a turn offering a prospect full of promise to all the peoples who groan under a foreign yoke. We must give a sign of life in order that our natural allies may be convinced that against the common enemy they may surely count upon the arms of the Magyars. We must hold ourselves in readiness, in order that the ties of the terrified Austrian may not entangle our nation in the snare. We must prepare to be in a state to seize energetically the favorable opportunity. For these purposes the Governor, Louis Kossuth, abolishing every previous order, and having judged it necessary to decree the formation of a new general committee, makes known, by the present document, to the nation, that in consequence of that order the General Committee of Independence is constituted; that it has for its end the realization of the declaration of independence of 1849; and that, full of resolution and ready for all sacrifices, it has taken in hand the direction of affairs, according to the instructions received, or to be received, from the chosen governor of our country. The committee expects, from the patriotic sentiments of the nation, that the orders emanating from it will be promptly executed, that its instructions will be followed, and that its measures will be speedily accomplished. At the same time it calls upon the enemies, open and concealed, of the flag of 1849, to abstain from any plot or intrigue if they would not incur the penalty inflicted upon traitors. At all events, the General Committee of Independence declares that it will know how, and that it is determined, to secure obedience to its orders, and the accomplishment of the measures which it must take. Long live the nation and good hope. Let every honest patriot prepare himself for action. Our motto is—1849 and victory.

Done at Bude Pesth, the 24*th Dec.*, 1863.

It was asserted that the National Committee of Hungary would act on the same footing as the secret Polish Government, that its manifesto had been placarded in all the towns of Hungary and Transylvania, and that it had produced a great sensation.

In the diplomatic complications arising out of the Polish difficulties, Austria took an active part. In common with France and England, she addressed several notes to Russia, urging upon the latter Power the expediency of adopting measures calculated to restore peace, but showed herself, however, averse to going to war with Russia. (*See* Poland.) She observed a strict neutrality in the war between Russia and Poland. Some Galician members in the Austrian Council complained of the rigorous measures adopted by the Government against the sympathizers with the insurrection, but the Council approved the steps which had been taken in this respect.

The Emperor of Austria, in August, proposed to the Governments forming the German Confederacy, a highly important plan for the reformation of the federal constitution of Germany. A Congress of Princes, and representatives of the four free cities assembled at Frankfort, on August 17th, and by a considerable majority adopted the Austrian plan; but as Prussia was not represented in this Congress, and did not consent to the resolutions, no result was obtained up to the end of the year 1863. (*See* Germany.)

In the Schleswig-Holstein question which, toward the end of the year, began to disturb the peace of Europe, and in particular that of Germany, Austria, in union with Prussia, was in favor of recognizing King Christian IX. of Denmark, as Duke of Schleswig and Holstein, and to compel Denmark to repeal the constitution by which Schleswig was to be incorporated with Denmark Proper. This view was, however, not shared by the Frankfort Diet, nor by any considerable portion of the German people, and the Austrian Government soon found itself in opposition to both.

B

BAIRD, Robert, D.D., an American Presbyterian clergyman and author, born in Fayette county, Pa., October 6th, 1798, died at Yonkers, N. Y., March 15th, 1863. He received his collegiate education at Washington and Jefferson Colleges Pa., graduating at the latter in 1818. After leaving college he taught for a year at Bellefort, where he commenced, also, his career as a newspaper writer, in the village newspaper. In 1819 he entered the Theological Seminary at Princeton, N. J., and pursued the usual course of theological study for three years, acting as tutor in the New Jersey College during his last year in the seminary. In 1822 he was licensed, and the same year took charge of an academy in Princeton, over which he presided for the next five years with great success, preaching occasionally in the neighboring pulpits. In 1827 he determined to devote himself more exclusively to professional labors, and proposed to the American Bible Society a plan for supplying every destitute family in New Jersey with a Bible, which was adopted and carried into execution through his exertions. He also accepted an appointment as agent of the Missionary Society of New Jersey, and labored for two years among the feeble and destitute churches of his denomination in that State. In 1829 he accepted an appointment as agent of the American Sunday-school Union. For nearly six years he travelled extensively in its behalf, throughout the United States, holding meetings in most of the prominent cities and towns, and enlisting the services of able speakers, statesmen, and divines, to address the audiences he had collected. By these labors he raised the annual revenues of the Union from $5,000 to $28,000. In 1835 he visited Europe, and remained there, with the exception of two brief visits home, for eight years, devoting himself to the promotion of Protestant Christianity in Southern Europe, and subsequently to the advocacy of the Temperance Reform in

Northern Europe. Possessing a fine personal appearance, a kindly face, an amiable disposition, and rare affability of manner, and being an accomplished linguist and a man of extensive general information, he enjoyed extraordinary opportunities of mingling in the best circles of European society, and was on terms of personal and friendly intercourse with many of the crowned heads of Europe. He was also the valued and intimate friend of the most eminent scholars and evangelical clergymen of Great Britain and the Continent; and, from his abundant labors on both sides of the Atlantic, received the name of the "International Preacher." Upon the formation of the Foreign Evangelical Society, since merged in the American and Foreign Christian Union, he became its agent and corresponding secretary. In 1842 he published, in Scotland, "A View of Religion in America," a work which excited much attention in Europe, as being the most complete account of the religious condition of the United States which had been published up to that time. It was translated into some of the continental languages. In 1843 he returned home and remained for three years engaged in active labors for the promotion of the work of aiding the spread of Protestantism in Europe, both by personal and written appeals. In 1846 he again visited Europe to attend the World's Temperance Convention in Stockholm, and the meeting of the Evangelical Alliance in London, and spent about a year and a half abroad, visiting Russia, where he was very cordially welcomed by the Czar, and also the German States. On his return he delivered, in connection with his labors as Secretary of the Christian Union, a series of lectures on the Continent of Europe, in most of the principal cities of the country. He subsequently crossed the Atlantic several times, but his visits there were less protracted than those already mentioned. He took a great interest in the Waldenses, and rendered efficient service in bringing their churches and institutions into Turin and its vicinity. His last visit to Europe was made in 1862, and he vindicated, in London, before public assemblies, the cause of the Union against secession with great energy and eloquence, though many of his former friends were at that time hostle to the United States. Dr. Baird had been, through life, a man of most indomitable industry, and found time, amid his other arduous labors, to prepare many volumes for the press. Among them are the following: "View of the Valley of the Mississippi," 1832; "History of the Temperance Societies" (translated into five languages), 1836; "View of Religion in America" (already mentioned), Glasgow, 1842 (this was translated into seven or eight languages); "Protestantism in Italy," Boston, 1845; "The Christian Retrospect and Register," New York, 1851; "History of the Albigenses, Waldenses, and Vaudois;" "Visit to Northern Europe," 1857; besides many small volumes, pamphlets, etc., etc. His death was quite sudden, and was caused by a severe hemorrhage from the lungs, which occurred on the 11th of March.

BALDWIN, Roger Sherman, LL.D., an American jurist and statesman, born in New Haven, Conn., January 4th, 1793; died in the same city February 19th, 1863. He was of Puritan stock on both the father's and mother's side, his father, the Hon. Simeon Baldwin, being a descendant of one of the Puritan emigrants who settled at New Haven with the Rev. John Davenport; whilst his mother was the daughter of Roger Sherman, one of the most eminent of the signers of the Declaration of Independence, himself descended from the early Puritan settlers of western Connecticut. The Hon. Simeon Baldwin, or Judge Baldwin, as he was usually called, had represented his district in Congress for some years, and was subsequently, until he reached the limit of age assigned by the State Constitution, Judge of the Superior Court and the Supreme Court of Errors of the State.

His son, the subject of this notice, entered Yale College at the age of fourteen, and graduated in 1811, with high honors. On the completion of his collegiate course, he commenced the study of law, first in his father's office, and afterward in the then famous law school of Judges Reeve and Gould, at Litchfield, Conn. Here his intense application, and his rapid acquisition of the science of law gained him a high encomium from Judge Gould. He was admitted to the bar in 1814, and by his industrious and thorough study of the principles of law, his careful preparation of his cases, his remarkable command of pure and elegant language, and the precision, definiteness, and logical character of his pleas, soon attained a very high rank in his profession. His preference was for the classes of cases which involved the great principles of jurisprudence rather than those where success depended upon appeals to the sympathies or prejudices of a jury; still he was rarely unsuccessful in jury cases, and his dignified and lofty eloquence, enforced as it was by the conviction that he would not engage in a cause which he believed to be unjust or dishonest, gave him great weight with a jury. One of the most celebrated cases in which he was engaged, and one in which his great qualities as a lawyer were finely displayed, was that of the Africans of the Amistad, in 1841. He managed their case against the Spanish authorities, who claimed them as the slaves of parties in Cuba, in the district court of Connecticut; and when the decision there was in favor of the Africans, and the executive authorities at Washington had appealed the case to the Supreme Court of the United States, he was associated with the venerable John Quincy Adams in defending their right to freedom. His plea on that occasion was pronounced by his learned and eloquent colleague, and by Chancellor Kent, one of the ablest fo-

rensic efforts ever made in that august court. At the age of fifty he was regarded, and justly, as not only holding the highest rank as a pleader in the Connecticut bar, but as being, in the words of General Kimberly, himself one of the finest legal minds of the century, "the ablest lawyer that Connecticut has ever produced in any part of her history." In 1837 Mr. Baldwin was elected to the State Senate, and reëlected the following year, when he was chosen president of that body *pro tempore*. In 1840 and 1841 he was the representative of New Haven in the General Assembly. In 1844 he was elected governor of the State, and reelected the following year. In 1847 he was appointed by the governor to the United States Senate, to fill the unexpired term of the Hon. Jabez W. Huntington, and in the following May elected to the same position by the Legislature. His course in the Senate was highly honorable to himself and the State he represented. He took his place at once among the giant intellects of the Senate of that time, and though he spoke but rarely, his speeches were always impressive and able. The exclusion of slavery from the territory acquired in consequence of the Mexican war was a measure to which he bent the energies of his powerful mind, and he had the happiness to witness the passage of the resolutions on this subject which he had introduced and advocated. His course in this measure met with the approbation of men of all parties in his native State. He also opposed with great vigor and eloquence the Compromise Bill of 1850, and especially that portion of it which contained a new Fugitive Slave Law. On one occasion Mr. Mason, of Virginia, attempted to disparage Connecticut for retaining 3,500,000 acres of her western lands for State purposes. Mr. Baldwin replied, in an eloquent and spirited speech, in which he showed that while Virginia had reserved fourteen millions of acres of her western lands for military bounties to her soldiers, Connecticut, with a larger patrimony, had reserved but three and a half million acres, and that for a school fund, while her patriotic soldiers, who outnumbered by one half the Virginia soldiers, though from a State with only one third its population, volunteered without bounty. Gov. Baldwin was the candidate of his party for the senatorship for the term of 1851–'57, and would have been elected but for the opposition of four or five members of the party, who insisted on pledges from him, which he deemed it inconsistent with his character and independence to give, and the election was postponed for a year, at which time the democratic party were in the majority, and their candidate was elected. From this time Gov. Baldwin remained in private life, devoting to his profession his great abilities, ripened and mellowed by his increasing years. In 1860 he was one of the two electors at large on the ticket for the election of President Lincoln, and by appointment of Governor Buckingham, was a member of the "Peace Congress" of February, 1861. In that Congress he opposed the action of the majority of the committee proposing amendments to the Constitution.

BAPTISTS.—The Baptist Almanac for 1864 gives the following table of the different denominations of Baptists on the American continent:

	Associations.	Churches.	Ministers.	Members.
Regular Baptists:				
United States	597	12,551	7,952	1,039,400
Nova Scotia	3	153	82	15,285
New Brunswick	2	130	73	8,392
Canada	10	429	175	13,764
West India Islands	4	205	154	36,500
Total in N. America	616	13,468	8,436	1,113,341
Anti-Mission Baptists*	180	1,800	850	60,000
Free-Will Baptists	142	1,277	1,049	57,007
Six Principle Baptists*	..	18	16	3,000
Seventh-Day Baptists†	4	66	77	6,686
Church of God (Winebrennarians)*	..	275	132	14,000
Disciples (Campbellites)	1,800	1,500	...	300,000
Tunkers	..	200	100	20,000

Comparing the statistics of the Regular Baptists, the most numerous of the Baptist bodies, for 1863, with those for 1862, it appears that the following States have suffered a loss in numerical strength:

Maine	70
New Hampshire	129
Connecticut	233
California	484
Kansas	78
Maryland	279
New Jersey	86
Ohio	1,843
Pennsylvania	300
Total	3,502

Among the States which have witnessed an increase in their Baptist membership, Illinois stands first on the list, her net gain being 2,856, more than that of all the other States put together, and nearly nine per cent. of her former numbers.

The anniversaries of the American Baptist Missionary Union, of the American Baptist Publication Society (inclusive of the American Baptist Historical Society), and of the American Baptist Home Mission Society, were held during the year in Cleveland, Ohio, from August 19th to 21st. The receipts of the Missionary Union during the year amounted to $103,956 (against $95,193 the year before). The number of its missions is 19; the number of churches about 375, with 31,000 members. The anniversary assembly of the Missionary Union unanimously adopted a series of resolutions on the state of the country, of which the following are the most important:

Resolved, That the authors, aiders, and abettors of this slaveholders' rebellion, in their desperate efforts to nationalize the institution of slavery, and to extend its despotic sway throughout the land, have themselves inflicted on that institution a series of most terrible, and fatal, and suicidal blows, from which, we believe, it can never recover, and they have, themselves, thus fixed its destiny and hastened its doom; and that, for thus overruling what appeared at first to be a terrible national calamity, to the production of re-

* 1860. † 1861.

sults so unexpected and glorious, our gratitude and adoration are due to that wonder-working God, who still "maketh the wrath of man to praise him, while the remainder of that wrath he restrains." (Psalm lxxvi. 10.)

Resolved, That in the recent acts of Congress, abolishing slavery forever in the District of Columbia and in the Territories, and in the noble proclamation of the President of the United States, declaring freedom to the slave in States in rebellion, we see cause for congratulation and joy, and we think we behold the dawn of that glorious day, when, as in Israel's ancient jubilee, "liberty shall be proclaimed throughout all the land, unto all the inhabitants thereof." (Leviticus xxv. 10.)

The Publication Society issued, in the course of the year, twenty-one Sunday-school books, and eighteen children's tracts. Of these, with the Baptist Almanac, Report, and Catalogues, there were printed 81,300 copies. Including the new editions of former publications, the total number of books and tracts issued during the year amounted to 343,850 copies. The Society employed 35 missionary colporteurs, 14 of whom labored in Sweden, the rest in the United States. The receipts were $65,044 (against $56,306 in 1862).

The Home Mission Society employed 87 missionaries, 9 of whom preached in foreign languages. Its receipts amounted to $39,647 (against $37,894 in 1862).

The American and Foreign Bible Society held its twenty-sixth annual meeting on May 14th, in New York city. Receipts for the year $19,247 (against $16,688 during the preceding year).

The American Baptist Free Mission Society held its twentieth anniversary on May 27th, at Mount Holly, New Jersey. Its receipts for the year were $19,538. A series of resolutions pledging strong support to the Union of the States, and demanding the abolition of slavery, were unanimously passed. A report expressing fraternal sympathy with the anti-slavery masses of Great Britain, was also unanimously adopted.

Through the agency of the secretary of the Home Mission Society, and Mr. Harris, U. S. senator from New York and a prominent member of the Baptist communion, the Secretary of War gave full and formal authority to the Home Mission Society to take possession of every abandoned Baptist meeting house within the insurrectionary districts, and of every other Baptist church edifice in the hands of the Confederates. The Government promised the Society every practicable protection in their new fields of labor, and corresponding facilities for reaching them.

The General Convention, as well as the Missionary, Educational, and Publishing Societies of the Seventh-Day Baptists, was held at Adams Centre, Jefferson county, New York, on September 9th. The receipts of the Missionary Society during the year were $2,634. The following resolutions were unanimously adopted:

Resolved, That the General Conference reaffirms its interest and confidence in the General Government, and desires to see the war prosecuted, on its part, until the rebellion is entirely crushed, and the authority of the Government fully restored; and that it will render, to this end, all the support at its command.

Resolved, That we approve the incipient steps taken by the Executive Board to establish a mission among the freedmen, and would recommend its prosecution as soon as possible.

At the meeting of the Baptist Missionary Convention of Canada West, which was held at Hamilton, an attempt to introduce two Confederate chaplains who had escaped from Fort McHenry, and wished to get funds to run the blockade, was met with a storm of hisses, and was utterly fruitless, and a resolution was subsequently passed condemning slavery, and sympathizing with the North.

The Baptist churches in the Confederate States continued to suffer greatly from the effects of the war. Their foreign missions in China and Africa were entirely cut off from communication with the churches and the Missionary Society from which they derived their support. The Board of Foreign Missions appointed, therefore, a committee at Baltimore, to secure and transmit funds for the use of the Southern Baptist missionaries, and otherwise to promote the interests of their missions in foreign lands. The Government of the United States gave permission to Rev. Dr. Fuller, one of the Baltimore committee, to go to Richmond, to receive $2,000, which had accumulated there. The Baltimore committee made an urgent appeal to the Border State Baptists to maintain the Southern Baptist Mission. The General Convention of Kentucky resolved to do all in its power for this purpose.

The London "Freeman," the leading organ of the English Baptists, gives the following statement of the strength and other statistics of the Baptists of the three kingdoms as follows: England contains 1,782 churches, with 188,374 members; Wales 455 churches, and 53,783 members; Scotland 97 churches, 7,940 members; Ireland 36 churches, 1,348 members. Total number of churches, 2,370; membership, 251,445. It is to be remarked that these totals are estimated, the average membership of all the churches known being taken for those whose membership is not ascertained. England has 478 churches without pastors; Wales 116; Scotland 19, and Ireland 8. Certain of the churches included in these estimates are claimed as well by the Congregationalists.

The Baptist Societies of England had, for the year 1863, the following income: Baptist Missionary Society, £27,189; Baptist Home Mission, £1,700; Bible Translation Society, £1,809.

An interesting legal decision was obtained on the question of open communion. The court had been called upon to restrain a Baptist minister, by injunction, from permitting the chapel to be used by any other persons than Particular Baptists, and for a declaration that on the true construction of the trust deeds none but Particular Baptists were entitled to participation in the Lord's Supper. The Vice-

Chancellor minutely examined the trust deeds, as well as the "Confession of Faith" published by the body in 1643 and 1680 and at other times. He did not see that the delegates from the churches, who took part in the meetings where the Confessions were drawn up, held strict communion to be an essential and fundamental doctrine, and he did not see that it was insisted upon in the trust deeds of the chapel in question. He decided, therefore, to dismiss the case.

The Baptist Union of England, at one of its quarterly meetings, adopted an address to the American Baptist churches, expressive of its views on the American war and slavery. The following are the most important passages of this address:

It will not be needful for us to prove that the fatal origin of your present national discords has been the existence in your midst of the sinful institution of slavery. In former times we have ventured to urge upon you the duty of denouncing and extirpating this baneful and unholy institution; but now we rejoice to believe that nearly all classes among you are convinced that it is wholly opposed to the will of God, and fruitful only in calamity to those who uphold it. Yes, brethren, it is slavery that has prevented our maintaining with you that close and brotherly intercourse which your hearts ardently desired; it is slavery that has so lamentably alienated one portion of your people from the other; it is slavery that has excited fierce and ungovernable passions, which will neither listen to reason nor submit to law. And it is the foul pollution and gross injustice of slavery that have brought upon you the chastisement of Heaven, and deluged your once happy and prosperous land with seas of human blood. Brethren, it has grieved us beyond all our power to express, to know that this unhallowed and accursed institution has been upheld and defended by many who profess to believe with us in the Scriptures of eternal truth; men who bear among Christians the honored name of Baptists, and claim the same spiritual lineage with ourselves. And in proportion to our former grief is the joy we now experience in learning from one of our official correspondents amongst you, that the Baptist churches and associations in your Northern States have generally, if not universally, arrived at the conviction that slavery must be forthwith destroyed. We deprecate with all our heart the efforts of interested or malicious men in this country to exasperate strife between us, or help the abettors of slavery in yours; and we shall use our utmost endeavors to strengthen the patience of our suffering countrymen, and to encourage our rulers to maintain that wise policy of non-interference which they have hitherto observed. Be assured, brethren, that our hatred of slavery is as intense as it ever was, and that our sympathies are altogether with those who strive for its total abolition throughout the entire world.

The sixth Triennial Conference of the German Baptists was held in Hamburg in July. About ninety pastors, missionaries, and delegates were present. From the report of the Committee of the Union it appeared that during the last three years 4,658 persons had been baptized; that there was a clear increase in the membership of the churches during that time of 3,367; and that the present number of members was 11,275. It also stated that nine new churches had been formed, and 327 stations established for preaching the gospel.

The progress of the Baptists in Sweden continues to be marked. According to a report of Rev. Mr. Wiberg, the founder of the Swedish mission, in the whole of Sweden, during the year, there were formed 14 new churches, baptized 850, restored 69, excluded 288. At the 1st of January, 1863, there were 161 churches, with 5,515 members; 4,231 children gathered in Sunday schools, with 90 teachers. Cases of persecution constantly occur all over the country. Baptist parents are often fined or charged to pay godfathers and policemen for assisting the priests. The Baptist Executive Committee published five baptismal tracts. Twenty-one of the churches now have places of worship of their own; the others assemble in private houses.

Considerable additions to the number of Baptists were made in Poland and in the Russian province of Courland. In the latter great efforts were made to put them down. The congregation of Libau sent two of its members as delegates to St. Petersburg, who had an interview with the emperor. This interview did not arrest persecution, for the district court of Courland condemned two Baptists to exile from Russia for preaching Baptist sentiments. Toward the close of the year, however, the Directing Senate of Russia reversed this decision of the district court of Courland, and the emperor issued an ukase, which forbids the restraining of Baptist preachers by force, and declares such force all the "more to be deprecated in a doctrine of religion, which may later find acknowledgment." So great an advance on the past policy of the Russian authorities was hailed as a wonderful sign by the Baptists of Germany, and Rev. Mr. Oncken, of Hamburg, the founder of the German mission, resolved to proceed to St. Petersburg, to organize a congregation in the capital of the Russian empire.

The first impulse to the establishment of a Baptist mission in Italy was given in October, 1860, by the "True Union," a Baptist paper of Maryland. In 1862, two Baptist clergymen of England, Rev. Edward Clarke, of Tiverton, and Rev. James Wall, of Calne, visited Italy, and on their return made an appeal to the English Baptists for the establishment of an Italian mission. This appeal was warmly responded to, and in October, 1863, Rev. James Wall took his departure from England as the first Baptist missionary to Italy.

BEAUCHAMP, Henry Beauchamp Lygon, Earl, an English peer, born in Powyke, Worcestershire, in 1784, died at Madresfield Court, Great Malvern, Sept. 8th, 1863. He entered the army July 9th, 1803, served in the Peninsula with the 16th Dragoons at the capture of Oporto, battles of Talavera and Busaco and elsewhere, and was severely wounded at Busaco. He eventually became a general in the army, colonel in succession of the 10th Hussars and the 2d Life Guards, and chamberlain in waiting to the Queen. He sat in the House of Commons for the county of Worcester, before the passing of the Reform Bill, and afterward

for the Western Division of the county, altogether for more than a quarter of a century. He was first elected for the county in 1816; and during the Reform agitation, being opposed to the measure, was defeated. The Reform Bill passed during the next year, and Worcestershire was separated into two divisions, East and West; Gen. Lygon, having been elected for the latter, continued to sit for that division until his elevation to the Upper House. In politics he was a conservative. In 1853 he succeeded his brother to the earldom. In his death the nation lost a faithful and trustworthy servant and soldier, and the county of Worcester, a benefactor who was always ready to aid in any charitable or benevolent work.

BEECHER, Lyman, D. D., an American clergyman and author, born in New Haven, Conn., September 12th, 1775, died in Brooklyn, N. Y., January 10th, 1863. His early life was spent in the family of his uncle, Lot Benton, of North Guilford, where he was fitted for college by Rev. Thomas W. Bray, the minister of the parish. He entered Yale Cyllege in 1793, at the age of 18, and graduated in 1797, having spent part of his senior year in the study of theology, under President Dwight. He continued these studies till September, 1798, when he was licensed to preach, and soon afterward began to supply the pulpit of the Presbyterian church at East Hampton, Long Island, where he was ordained, in September, 1799. In 1810 he accepted an invitation to the pastorate of the First Congregational church, in Litchfield, Conn., and was installed in June of that year. He remained at Litchfield until March, 1826, and he says, in his autobiography, "it was the most laborious part of his life." His eloquence and zeal as a preacher, and the fearlessness and resolution with which he attacked the prevalent vice of intemperance, and led the way in the organization of Bible, Missionary, and Educational Societies, had gained him already a high reputation throughout New England. The rapid and extensive defection of the Congregational churches in the vicinity of Boston, under the lead of Dr. Channing and others, had excited much anxiety throughout New England, and, in 1826, Mr. Beecher was called to Boston to the pastorate of the Hanover street church, at the urgent request of his clerical brethren, to uphold the ancient doctrines of Puritanism against the onset of the able and adroit leaders of the Unitarian party. He remained there six years and a half, and battled against his opponents with an eloquence, a logical vigor, and an overwhelming power, which won for him the admiration of the members of his own denomination, and the respect and esteem which men always feel for an ardent, earnest, and honest fighter. It was during his residence here, also, that his "Sermons on Intemperance," most of which had been preached in Litchfield, were first published. No more pungent and effective portraitures and denunciations of a national vice have ever appeared in print. In 1832, when 57 years of age, he was called to the presidency of the Lane Theological Seminary at Cincinnati, and a large amount of money was pledged to the institution on condition of his acceptance. He carried to the West the same fiery ardor, the same earnestness in his advocacy of what he believed to be truth, and the same power in assailing what he believed to be error under whatever form it might appear, which had characterized his ministry in Boston. He remained at the head of the seminary for nineteen years, and his name was continued in its catalogue, as president, until his death. During the first ten years of his presidency he was also acting pastor of the Second Presbyterian church in Cincinnati. It was not long after his removal to Cincinnati that he electrified the religious public in the East, by the publication of a tract, showing the danger of Roman Catholic supremacy in the West. In the theological controversies, which led to the excision of a portion of the General Assembly of the Presbyterian Church in 1837–'8, he took an active part, though untinged with bitterness. In 1851 he returned to Boston, where he preached with great vigor and power, notwithstanding his advanced age. About his 80th year he suffered from an attack of paralysis, that affected his mental powers, which thenceforth only gleamed out occasionally with some indications of their former splendor. He removed about this time to Brooklyn, N. Y., where his last years were passed. Dr. Beecher was the author of a large number of published sermons and addresses, most of them occasional and miscellaneous, though some are deserving of permanent preservation for their extraordinary ability and eloquence. His "Sermons on Intemperance," already mentioned, still have a large sale. He made a collection of some of those he deemed most valuable, which was published in 1852, in 3 vols. 12mo. His autobiography, and a selection from his published works, edited by his son, Rev. Charles Beecher, are now (March, 1864) passing through the press of Messrs. Harper and Brothers. During the period of his active ministry from 1815 to 1851, no clergyman of any denomination in the United States was more widely known, or exerted a more powerful influence on the educated mind of the country. He was the father of 13 children, of whom ten survived him, most of whom have attained literary or theological distinction. Rev. Edward Beecher, D.D., Rev. Henry Ward Beecher, the pastor of Plymouth Church, Miss Catharine E. Beecher, and Mrs. Harriet Beecher Stowe, the authoress of "Uncle Tom's Cabin," are the best known of this remarkable family.

BERRY, Hiram George, a major-general of volunteers in the United States service, born in Thomaston (now Rockland), Maine, August 27th, 1824, killed at the battle of Chancellorsville, May 3d, 1863. In early life he had acquired the carpenter's trade, and

followed the business for a few years, but was subsequently engaged, successfully, in navigation. He represented his native town in the State Legislature several times, and was mayor of the city of Rockland. Having a taste for military affairs he originated and commanded for several years the Rockland Guard, a volunteer company which had attained a very high reputation for its perfection of drill and discipline. At the commencement of the war he entered the volunteer service as colonel of the 4th regiment of Maine volunteer infantry. The regiment left Rockland on the 17th of June, 1861, arrived in Washington on the 20th, and went into camp on Meridian Hill on the 21st. On the 8th of July it crossed into Virginia, and on the 16th marched toward Centreville, where it arrived on the 18th. It participated in the battle of Bull Run, in acting Gen. Howard's brigade. After the battle it returned to Alexandria, and on the 24th to Meridian Hill. It was afterward brigaded in Gen. Sedgwick's brigade of the army of the Potomac, and when the army moved to the peninsula formed part of Gen. Birney's brigade, in Gen. C. S. Hamilton's division, and in that division participated in the siege of Yorktown. On the 4th of April, 1862, Col. Berry was made a brigadier-general of volunteers, his commission dating from March 17th, 1862, and was placed in charge of the third brigade of the third division of Heintzelman's third army corps. By this change he was separated from his regiment. In command of this brigade he participated in the battle of Williamsburg, where the coming of his brigade brought the first relief to the wearied and blood-stained heroes of Gen. Hooker's division; fought under Gen. Kearny at Fair Oaks, and won the special commendation of that daring and gallant officer for his indomitable bravery; bore a conspicuous part in the seven days' battles, and on the 4th of July, 1862, was, with Heintzelman's corps, highly complimented for his valor and endurance by the commanding general. On the 15th of August he moved with his brigade to Yorktown, and thence to Alexandria; thence to Warrenton Junction and Rappahannock, and on the 29th and 30th of Aug. took part with Kearny's division in the battles of Centreville and Manassas, or the second Bull Run. On the 1st of September he participated in the battle of Chantilly, where the gallant Kearny lost his life. During the campaign in Maryland he held with his brigade important fords on the Potomac, and thus cut off the retreat of the enemy. At the battle of Fredericksburg, Dec. 13th, 1862, Gen. Berry led his brigade in a charge upon a force considerably exceeding his own in numbers, and drove them back, thus relieving his division, then commanded by Gen. Birney, from imminent peril. For this brave act he was complimented by Gen. Birney in his report. In January, 1863, he was nominated by the President as major-general of volunteers, with rank dating from Nov. 29th, 1862, and was confirmed by the Senate on the 9th of March, 1863. He was then placed in command of the second division of the third army corps, which was at that time under the command of Major-Gen. Sickles. At the battle of Chancellorsville, after the flight of the eleventh army corps, who were pursued with great fury by Gen. Jackson's corps, Gen. Hooker selected Berry's division, which had been formerly his own division, and was one of the finest in the army, to charge upon the advancing foe, and stem the overwhelming wave which was sweeping his army to destruction. His order was characteristic, and showed his thorough appreciation of the courage and military skill of Gen. Berry. It was as follows: "Go in, General; throw your men into the breach; don't fire a shot—they can't see you—but charge *home* with the bayonet." They did charge *home*, and in the shock of battle which followed, the foe went down like grass before the mower's scythe. For three hours that division, almost alone, withstood the repeated assaults of a large body of Confederate troops flushed with their previous victory, and at last drove them back, and regained a portion of their lost ground. The battle was renewed early the next morning, and again Berry and his division were in front, and received the first assault of the enemy. Intent upon driving them back, Gen. Berry headed one of his brigades in several successful bayonet charges, and in one of these was instantly killed by a shot from the enemy. Gen. Berry was not only a brave and skilful commander, but a most estimable man in private and social life, and his death caused deep sorrow among a wide circle of warmly attached friends.

BIG BLACK RIVER rises in Choctaw county, Mississippi, and flowing a south-west course it empties into the Mississippi river at Grand Gulf, below Vicksburg. It is about 200 miles in length and its course is through a fertile country, which before the war abounded in cotton plantations.

BILLAULT, Auguste Adolphe Marie, a French statesman, born at Vannes, in the department of Morbihan, November 12th, 1805, died at Gresilières, near Nantes, October 13th, 1863, After studying law at Rennes, he joined the bar of Nantes at the age of 20, and practised with great success. He was elected while yet very young a member of the municipal council of Nantes, and soon after a member of the general council of the department of Loire Inférieure. While holding these offices he published several pamphlets on education in France, municipal organizations, roads, &c. In 1837, before he had attained his 32d year, his popularity was so great that he was chosen a member of the National Chamber of Deputies, by three electoral districts, those of Nantes, Paimbœuf, and Ancenis, when he selected the last, which he represented till 1848. In the Chamber of Deputies he soon attracted attention by his

energy, boldness, and readiness in debate, and took position as one of the leaders of the Constitutional Opposition. When M. Thiers formed his second cabinet, March 1st, 1840, he assigned to M. Billault the position of Assistant Secretary to the Minister of Agriculture and Commerce, and in this office he displayed a rare aptitude for business. When the Thiers ministry was replaced by that of Guizot, M. Billault resigned, and returned to his old seat with the opposition. He was soon after admitted a member of the Paris bar, and, in his place in the Chamber of Deputies, became one of the most persistent and formidable opponents of the Guizot administration, distinguishing himself particularly by his opposition to the right of search, and to what was called the "Pritchard indemnity." In 1846, he was elected for the third *arrondissement* of Paris, and also for his old constituency of Ancenis, in the department of Morbihan. He declined taking any active part in the reform banquets which preceded the revolution of 1848, though expressing his sympathy with their views and purposes. He held, however, the professional relation of legal adviser to the Duc d'Aumale, the wealthiest of Louis Philippe's sons. Immediately after the revolution, he was elected to the Constitutional Assembly for the department of the Loire Inférieure, being the third on a list of 13, and receiving 88,858 votes. In this body he took, on most questions, the extreme republican view, supporting Louis Blanc's doctrine of the "right of labor." He, however, voted with the Moderates, for the banishment of the Orleans family, and against the bills requiring security from the journals, and providing for two Legislative Chambers. He was not reëlected for the Legislative Assembly in 1849, but had become an influential and intimate friend of the Prince President, who consulted him frequently on important questions. Meantime, he devoted himself assiduously to his legal practice, which was now large, and bided his time. It came soon. Immediately after the *coup d'état* of December 2d, 1851, he was returned for St. Girons, in the Ariège, and was named President of the new Corps Législatif, in which capacity he greatly contributed to the reëstablishment of the empire. In July, 1854, he succeeded M. Persigny as Minister of the Interior, and in December of the same year was made a senator. While occupying this position, the attempted assassination of the emperor by Orsini and his associates occurred (January 14th, 1858), and M. Billault drew up, and succeeded in passing the law of public safety, popularly known as the *Lois des Suspects*, and soon after resigned to give place to Gen. Espinasse, who was considered the man best adapted to carry out its provisions. The emperor was, however, unwilling to lose the benefit of M. Billault's eminent abilities, and, accordingly, named him and M. Baroche ministers without portfolio, their duty being to defend, in the Corps Législatif, the acts of the Government. The labor thrown upon him by this unpleasant office (for he had often to defend measures of which he did not approve), undermined his health. At the next change of ministry he was appointed Minister of State in place of Count Walewski, and he still continued to be the official advocate of the Government in the Senate and Corps Législatif; this seems to be the first step toward a return to the old system of responsible ministers. The result of the elections of 1863 greatly affected M. Billault, as, notwithstanding the utmost efforts of the Government to prevent it, thirty-five opposition candidates were elected to the Chambers, nearly all of them men of eminent abilities. This untoward result aggravated a disease of the heart, under which he labored for some years, and probably caused his death. He was a ready, able, and eloquent speaker, of mild and unassuming manners, and singularly skilled in presenting a case, however bad, in fair and attractive colors. In private life he was greatly beloved for his strong domestic affections, and his kindness and affability to all, and especially to the young, and to those who were struggling to obtain an honorable position.

BLOCKADE. (*See* PRIZES.)

BOLTON, a village in Hinds county, Mississippi, seventeen miles west of Jackson, on the railroad to Vicksburg and twenty-seven miles from Vicksburg. It was on the route over which Gen. Grant's army moved.

BOTFIELD, BERIAH, M. P., born at Northamptonshire, Eng., in 1807, died at his residence in Ludlow, Aug. 7th, 1863. He was educated at Harrow, and from thence went to Christ Church, Oxford, and took his degree of B. A. in 1828. He early evinced a taste for botany, and purchased many valuable publications on that branch of science, but in after years devoted more attention to bibliography, which eventually became the favorite study of his life. In 1840 he sat in Parliament for the borough of Ludlow, and again the following year. At the ensuing election, in 1847, he contested that borough unsuccessfully, but in 1857 was solicited by his former constituents to represent them once more, and remained member for Ludlow during the rest of his life. In his early political career he was a follower and personal friend of Sir Robert Peel, and voted for free trade when that measure was first introduced into Parliament. He was remarkably successful as a book-collector, deeming neither time, labor, nor money in that service as ill spent, and his library at Norton Hall was one of the finest collections in England. Its specialty consisted in a valuable collection of *Editiones Principes* of classical authors, and costly folio editions of illustrated works, many of them in the French language. At different periods he has appeared before the world as an author, having published in 1849 "Notes on Cathedral Libraries in England," and in 1861 collected and edited the "Prefaces to the first Editions of the Greek and Roman Classics, and of the Sacred Scriptures." He also contributed articles

to the "Gentleman's Magazine," the "Philobiblon Miscellany," and other Reviews and literary societies.

BRADISH, LUTHER, an American statesman and philanthropist, born in Cummington, Mass., Sept. 15th, 1783, died at Newport, R. I., Aug. 30th, 1863. He was graduated at Williams College, Mass., in 1804, and soon after commenced the study of the law in New York, with which place his interests were thenceforth in a great measure identified. After having made a lengthened tour in Europe, he embarked in 1820 on board the United States ship of war Columbus for the Mediterranean, for the purpose of collecting and communicating to the Government information respecting the commerce of the Levant, preliminary to the establishment of diplomatic relations with the Porte. At the conclusion of his mission he travelled over many parts of Europe and the East, and in 1826 returned to New York. About the same time he removed to Franklin county in the northern part of the State, where he owned a large landed property, was a member of the Assembly 1827–'30, an unsuccessful candidate of the Anti-Masonic party for Congress in 1830, and again a member of the Assembly in 1835–'38, serving during his last term as speaker. From 1829 to 1843 he was lieutenant-governor of the State, and in 1842 he was the unsuccessful whig candidate for governor. Subsequently to that period he lived in retirement, except during the administration of President Fillmore, when he filled the office of Assistant U. S. Treasurer for New York. During the latter part of his life, which he passed in the city of New York, he was much occupied with educational, charitable, and reformatory projects, and at his death was president of the New York Historical Society and of the American Bible Society, having for many years previous been vice-president of both associations, and an active participator in all their proceedings.

BRAZIL. (For statistics, *see* CYCLOPÆDIA for 1862.) Emperor Pedro II. de Alcantara John Charles Leopold Salvador Bibiana Francis Xavier de Paula Leocadio Michael Gabriel Raphael Gonzaga, born December 2d, 1825, son of the Emperor Pedro I. de Alcantara, ascended the throne, under tutorship in virtue of the abdication of his father, on April 7th, 1831, assumed the reins of government on July 23d, 1840; crowned July 18th, 1841; married Sept. 4th, 1843, to the Empress Therese Christine Marie, born March 14th, 1822, daughter of the late King Francis I. of the Two Sicilies.

The Brazilian army consisted, in 1859, of 13,364 infantry, 2,724 cavalry, 3,582 artillery, and several smaller bodies; together, 22,546 men. In the financial bill for the year 1863–'64, presented to the Chambers in May, 1862, the effective force of land troops was fixed at 14,000 men, and in extraordinary cases at 25,000; that of marines at 3,000, eventually, 5,000.

The navy, in 1863, consisted of 16 armed sailing vessels, 22 armed steamers, and 7 non-armed vessels.

The movements of shipping in the year 1862–'63 were as follows:

FLAG.	ENTERED.		CLEARED.	
	Vessels.	Tonnage.	Vessels.	Tonnage.
Brazilian.....	499	22,089	265	21,281
Foreign.....	2,265	856,509	2,204	895,210
	2,764	878,598	2,469	916,491

The recent discovery of three extensive coal fields is of great importance for the development of the resources of the country. With the exception of rumors as to the finding of surface coal, there had been nothing definite known of the existence of coal in that country. Reports, however, of the presence of coal reached Mr. N. Plant, the State geologist in Brazil, and in 1862 he fitted out an expedition to the districts of Rio Grande do Sul. He there discovered a large coal field, which had been named the Candiota, extending over about 150 square miles. The second was on the Rio Ratos, extending over about 50 square miles; and the third was in the province of San Catharina, extending over about 80 square miles. The first field was the largest, and took its name from the river Candiota, which flowed along one side of it, and to which the field presented a noble escarpment about seven leagues long. The river had washed through the strata, and laid bare the coal beds, which could be worked in the valley from the surface. The field was partly in Brazil, and partly in the free republic of Uruguay. The country from the sea to the coal bed was a table land of basalt, by which the coal field was bounded on the east side, and on the southwestern side it was bounded by the syenitic rocks, which rose to a considerable elevation. The mineral could be conveyed in a day or so from the coal field along the Candiota and the river Jaguarao to San Pedro, where it would be of great service to the ocean-going steamers. The quality of the coal was considered to be good, and as it was similar to the Australian coal, it was believed to belong to the oolitic age. It was highly bituminous, admirably suited for steam, but perhaps not so good as some English coal for ordinary purposes. In a deposit of 114 feet 65 feet were coal, the thickest stratum being 25 feet The coal strata were separated by thin seams of clay and other deposits which sometimes totally disappeared, and in places there was a solid bed of coal 65 feet thick. The discovery of such a mineral was of immense commercial importance. The annual exports of coal to Brazil from England alone were 250,000 tons, at the rate of 49s. per ton, and these newly-discovered beds could be worked for 18s. per ton. Mr. N. Plant had obtained direct from the emperor what was termed a "concession" to work these coal beds, and he looked to English capitalists to assist him in turning it to account.

In the ANNUAL CYLOPÆDIA of 1862, the ac-

count of the difficulty between Brazil and England was continued to Jan. 6th, 1863. The people of Brazil showed with regard to this dispute the greatest determination. The Municipal Chamber of Rio had an audience with the emperor, in order to express to him their thanks for the prompt and energetic conduct of the Government, and to give him the assurance that the people of Rio would be ready to make any sacrifices which the honor of the country might demand. The emperor replied that the Brazilians might depend upon him in the hour of danger.

A committee appointed by the mercantile community to solicit subscriptions in the eventuality of a foreign war met on the 1st of January, at the house of the Viscount Ipanema, its chairman. Mr. Ottoni, the leader of the ultra-Liberal party, was appointed secretary. On the opening of the session a letter was read from the major domo of the emperor, announcing that the emperor had subscribed a monthly sum of 24,000 francs as long as it might be deemed necessary, to put the country in a state of defence; the empress a sum of 15,000 francs, and moreover 3,000 francs every month, and each of the princesses 3,000 francs a month. The emperor repeatedly visited the forts situated at the entrance of the bay, and a great agitation continued to exist in all classes of society. Enlisting offices were opened, and a large number of volunteers enrolled themselves.

It may be stated, to the honor of the English press and people, that the conduct of Mr. Christie, the British minister at Rio, was generally condemned. They declared it to be, even from a commercial point of view, entirely unpardonable to establish—for a pecuniary claim, amounting, according to Mr. Christie himself, to only £5,525, and which the British Government itself reduced to £3,200—a virtual blockade of Rio for nearly a month, and make reprisals to the value of more than £6,000. From the correspondence laid before the English Parliament it appears, that Earl Russell, in issuing instructions to Mr. Christie, expressly gave him authority to make another reference to the British Government respecting the response that might be made his ultimatum before resorting to reprisals, and that Mr. Christie, concealing that authority from the Brazilian Government, preferred the abuse to the use of those instructions. It also appears that the discussion was conducted, on his part, with a want of temper and discretion which rendered a pacific solution impossible, without such a sacrifice of principle and dignity, on the part of Brazil, as would have been a source of danger to the stability of the empire.

On February 26th, the Brazilian envoy, at London, paid the indemnity demanded by the English Government for the pretended pillage of the English vessel Prince of Wales; but, at the same time, protested against the acts of England. The further negotiations between the two Powers led to no result. On May 28th, the Brazilian minister at London left that city, after having broken off diplomatic relations, and on June 6th, the English envoy was recalled from Rio.

On June 18th, the King of Belgium, to whose arbitration the two Powers had agreed to submit one of the two points of litigation, gave his decision, which was entirely in favor of Brazil. He declared that the arrest of two British officers and a British chaplain by the Brazilian police was not intended to be an insult to the honor of Great Britain, and that it could not be so regarded. This decision only expressed the opinion of all Europe, which, from the beginning of the difficulty, looked upon the transaction as an encroachment of England upon a weak power. Even Portugal, generally the steadfast friend of England, was no exception, and the whole press of the kingdom denounced the unwarrantable conduct of the British Government.

Subsequently the King of Portugal offered his mediation, in order that the diplomatic relations between Brazil and Great Britain might be renewed. In reply to this, the Brazilian Government declared that, much as it wished the successful issue of so benevolent a proof of friendship and interest, it could not take advantage of that noble offer so long as there did not exist on the part of the British Government any explicit acceptance of that offer.

When the news of a rupture of diplomatic relations between the Governments reached Brazil, it produced a profound impression. The most perfect unanimity prevailed among all political parties as to the duty of Brazil not to submit to the demands of England. In Pernambuco the news of the rupture was received just previous to the festival of St. Anthony, and a printed handbill was immediately circulated in the streets, demanding that the English flag should be removed from the flags of friendly nations, which were to be displayed on the occasion, and that the flag of the United States be substituted in its place. The request was complied with.

In May, 1863, Mr. Webb, the American minister at Rio, called the attention of the Brazilian minister and Secretary of State for Foreign Affairs, to a gross breach of neutrality perpetrated, and continued, on the part of the representatives of his Majesty's Government in the ports of Pernambuco and Bahia. The ports of Brazil, he said, are made harbors of refuge and places of resort and departure for three piratical vessels—the Alabama, Georgia, and Florida—avowedly designed to prey upon the commerce of the United States. He asked the Imperial Government to promptly visit upon the offending governors the punishment they so richly merited. He urged a right of the United States to demand the capture of the Alabama by Brazil, if possible, as a duty due alike to itself, to the United States, to humanity, and to civilization.

To this the Marquis d'Alvantis positively de-

clared that the Government of his Majesty was firmly resolved to maintain and to cause to be respected, the neutrality in the terms in which it was declared when assumed; and that it was not disposed to allow this neutrality to be violated in any way by those interested in the contest, still less by the delegates of the Government itself.

Secretary Seward acknowledged the prompt, just, and friendly proceedings adopted by the Brazilian Government, but reserved the question, whether indemnities would be due to the United States for the losses and injuries inflicted upon their citizens.

Of the commerce between Brazil and the United States some interesting statements were made by the Rev. Mr. Fletcher, formerly Secretary of Legation at Brazil, in an address to the New York Board of Commerce. He said: That during his connection with the Legation at Brazil he was afforded an opportunity of examining the Government archives, and was forcibly struck with the large balance of trade against the United States. We had spent millions of dollars in opening a trade with Japan, while we had neglected the far richer field opened to us at our own doors. The trade of Japan with the rest of the world was only about $2,500,000 annually, while that of Brazil was $183,000,000. In the year 1861 we sent gold to all South America, except Brazil, $8,000,000 worth, and to Brazil $6,000,000. We bought from South America (Brazil excepted) $14,000,000, and from Brazil $18,000,000. This was an exceptional year, owing to the war. In 1859 and 1860 we bought from $21,000,000 to $22,000,000 of Brazil, and sold her about $6,000,000. Mr. Fletcher then dwelt at length upon the richness of Brazil; its immense resources, present and prospective; its fortunate geographical position; its topographical and geological characteristics; the salubrity of its climate, and its general adaptation to all the wants of mankind, all of which conspired to show that it would eventually become the largest producing country in the world, with perhaps the exception of the United States. He also spoke of the political condition of Brazil, the rights guaranteed to all men there without regard to color, and the measures in progress for the speedy extinction of slavery. After extensive travel in Brazil he was prepared to say that two thirds of its territory was adapted to the raising of cotton; and he had gathered tobacco a thousand miles up the Amazon river, which had been declared by good judges to be equal to the best quality of Havana. In concluding, he referred to the want of proper transportation between the United States and Brazil, and carefully demonstrated the advantages of direct steamship communication. Passengers now must go in English steamers by way of England to that port, and trade, to some extent, takes the same circuitous route. The Liberals in Brazil were desirous of establishing better means of transportation between their country and the United States; they were now in a majority, and a proposition had already been made by them looking to the freedom of Brazilian ports, the opening of the Amazon, and the establishment of direct steamship and mail communication. The interests of the merchants of the United States, and particularly of New York, demanded that this subject should receive adequate attention.

BRIDGEPORT, is a station on the Nashville and Chattanooga railroad near the State line of Tennessee. At this point the railroad crosses the Tennessee river by a bridge which was partly destroyed by the army of Gen. Bragg on its retreat from the State—it was occupied by the force of Gen. Hooker at the time when communication with Chattanooga was interrupted. Several boats were built at Bridgeport to be used as transports for the Federal army.

BRONSON, Hon. Greene C, a distinguished lawyer and politician, died at Saratoga, aged about 65 years. He was a native of Oneida, and resided the greater portion of his life at Utica, in that county, where he enjoyed an extensive practice and a high reputation. In April, 1819, he was chosen surrogate of Oneida county; in 1822 was a member of Assembly, and in 1829 was elected attorney general, which latter office he held up to January, 1836, at which time he was elected one of the Puisne Judges of the Supreme Court of Judicature. He was next appointed Chief Justice of the Supreme Court in 1845; and, two years subsequently, one of the Judges of the Court of Appeals, then just organized. After leaving the bench he removed to New York, and practised law; but, having become involved in some unfortunate speculations, he lost nearly the whole of his property. In 1853 he was appointed collector of the port, but was removed in 1854. In December, 1859, he was elected corporation counsel, which office he held until January, 1863. As a lawyer, he ranked among the first in this country. In politics he was a staunch democrat, and was the leader of the Hard Shells. He was the candidate for governor of that section of the democratic party, in 1855.

BRUINSFORD or BRUINSBURG, is a small village in Claiborne county, Mississippi. It is on a point of land on the east bank of the Mississippi river, and is the spot where Gen. Grant's army landed when it crossed the river below Vicksburg.

BUFORD, John, a major-general of volunteers in the United States service, born in Kentucky in 1825, died at Washington, Dec. 16, 1863, of typhoid fever contracted in service with the army of the Potomac. His early training and education were carefully conducted, and his mental and moral development gave bright promise of future usefulness. He was appointed from Illinois, to the Military Academy at West Point, and graduated in 1848, standing well in his class, and in the estima-

tion of all who knew him; was appointed brevet second lieutenant of 1st Dragoons and served on the Plains until the war broke out, when he promptly and heartily offered himself to the service of his country. His rare abilities as an officer attracted the attention of the Government, and he was early made a major in the Inspector-General's corps. His peculiar duties did not give him an opportunity to engage in the leading campaigns until 1862, when he was made a brigadier-general, simply as an acknowledgment of his military merits. In the early part of 1862, he fought under Gen. Pope, in his Virginia campaign, succeeding General Stoneman (who afterward became his commander) on Gen. McClellan's staff, during the battle of Antietam. When the present cavalry organization of the army of the Potomac was perfected, of which Gen. Stoneman was at that time the chief, Gen. Buford was assigned to command the reserve cavalry brigade. He was subsequently conspicuous in almost every cavalry engagement, and at Gettysburg commenced the attack on the enemy at Seminary Ridge before the arrival of Reynolds on the 1st of July, and on the second of July rendered important services both at Wolf's Hill and Round Top. A short time previous to his death he was assigned to the command of the cavalry in the army of the Cumberland, and had left the army of the Potomac for that purpose. He was a splendid cavalry officer and one of the most successful in the service; was modest, yet brave; unostentatious, but prompt and persevering; ever ready to go where duty called him, and never shrinking from action however fraught with peril. His last sickness was but brief, the effect, probably, of protracted toil and exposure. On the day of his death, and but a little while before his departure, his commission of major-general was placed in his hands. He received it with a smile of gratification that the Government he had defended, appreciated his services, and gently laying it aside, soon ceased to breathe.

BURNS, Hon. Robert Easton, was born at Niagara, C. W., on the 26th December, 1805. His father was the Rev. John Burns, a Presbyterian minister, who emigrated from Scotland in 1803, and became principal of the Niagara Grammar School. Educated by his father, young Burns commenced the study of the law at the age of 16, in the office of the late Mr. John Breckenridge, of the town of Niagara, C. W. He was called to the bar immediately after concluding his studies, and practised for some years in Niagara, St. Catherine's, and Hamilton, with considerable success. In September, 1837, he was appointed Judge of Niagara District, and in the spring of 1838 went to Toronto and entered into partnership with Attorney General Hagerman. When the seat of Government was taken to Kingston the Count of Chancery followed, and Mr. Burns became resident of that city, but removed again to Toronto on the Government becoming established in Montreal. Here Mr. Burns became a partner of Mr. Philip Vankoughnet, the present Chancellor of Upper Canada, and Mr. Oliver Mowat, the present Postmaster-General, but was very soon appointed to the important office of Judge of the Home District, which he held until the year 1848 or 1849, when he resigned to form a partnership with Mr. John Duggan. A very short time afterward, however, he was appointed by the Baldwin-Lafontaine government *puisne* Judge of the Court of Queen's Bench, an office which he held until his death. A few years ago, he was appointed Chancellor of the University of Upper Canada. His last public duty was performed at the Hamilton Assizes, about two months before his death. He returned home suffering from an attack of dropsy, accompanied by a general break-up of the constitution, and was unable afterward to leave his house. At noon on the 12th January, 1863, his sufferings, which had been severe, were brought to a close, and he peacefully expired, surrounded by the members of his family. Mr. Burns married first, on the 10th Feb. 1835, Anne Flora Taylor, daughter of Mr. John Thomas Taylor. By this marriage he had four sons, three of whom survive him. His wife having died in September, 1850, in 1856 he married Miss Britannia Warton, of Toronto, who died in 1858. The funeral of the Judge took place from his residence, Yorkville, on Thursday, the 14th of January, at two o'clock, and was largely and respectably attended. Although Mr. Justice Burns never engaged in politics, yet as a leading member of the Chancery Bar, and the occupant of three judicial situations he filled a prominent position in Upper Canada. He possessed a sound judgment, an accurate and retentive memory, and large experience.

C

CÆSIUM. Professors S. W. Johnson and O. D. Allen, of the Sheffield Laboratory, of Yale College, still separate this element from the associated rubidium, by their method of fractional crystallization of the bitartrates of the metals. Their analysis having led to doubts of the correctness of Bunsen's equivalent of cæsium, they made with great care four determinations of the atomic weight of the element in its combination with chlorine, the mean of which giving 133.036, they have assumed as the equivalent of cæsium the round number 133. They conclude that the chloride of cæsium is not only not deliquescent, but hardly even hygroscopic. They find the cæsium spectrum to be, from the number, color, and definition of its lines, per-

haps the most beautiful to be observed among all the alkali and earthy metals. Kirchhoff and Bunsen, in the figure originally given by them, had represented 11 lines: to these, which they do not find altogether correct in position, the authors add 7 more; viz., 4 red lines, one of which is as bright as any of that color in this spectrum, a fine yellow line, and two unimportant green ones.

Bunsen, in a later communication (*Pogg. Ann.*, cxix. 1), states that he found Allen's method for preparing pure cæsium inapplicable in case of sources furnishing very minute quantities of this element. He even avails himself of the great deliquescence of the chloride of cæsium (in an atmosphere at once moist and warm) for obtaining the metal entirely free from rubidium. He now admits the correctness of the chemical equivalent, 133, found by Johnson and Allen. These authors, in their latest communication, agree with him in attributing the want of deliquescence of the cæsium chloride, in their earlier experiments, to the influence of an atmosphere at the time relatively cool and dry. Their views in reference to the spectrum of cæsium Bunsen does not substantially contradict; and it appears that a part of the disagreement between the two sets of results had arisen from differences in the spectroscopes employed in the respective experiments. ("Amer. Jour. of Science," Jan. and Nov. 1863.)

CALIFORNIA. One of the Pacific States of the Union first settled in 1769, ceded to the United States by Mexico, by the treaty of March 16th, 1848, and admitted into the Union as a State in 1850. Its capital is Sacramento, population in 1860, 13,788. The area of this State is 188,982 square miles, and its population in 1860 was 379,994, of whom 23,848 were Chinese and Mexican half-breeds, and 14,555 Indians.

The governor of the State, from December 1863 to January 1868, is Frederick F. Low, whose official residence is at Sacramento. His salary is $7,000. The election for State officers, except superintendent of public instruction, was held September 3d, 1863. Gov. Low, Union, received 63,165 votes; the democratic candidate, John G. Downey, receiving 43,229. In October, an election was held for judges of the supreme and district courts, and the Union candidates, Oscar L. Shafter, Lorenzo Sawyer, S. W. Sanderson, John Curry, and A. L. Rhodes, were elected. The Union majority in the State was about 20,000. The Legislature elected at the same time stood as follows: Senate, 35 Unionists to 5 Democrats; Assembly, 72 Unionists to 8 Democrats—Union majority on joint ballot, 94.

Under the provisions of the amended Constitution the sessions of the Legislature are to be biennial, meeting on the 1st of December of the odd years, 1863, 1865, etc. The time of session is limited to 120 days; senators are elected for four years, one half being elected every second year; the Assembly is elected for two years.

The population of California has probably diminished somewhat during the year 1863, from the great excitement among the mining people in relation to the extraordinary productiveness of the gold mines of Idaho and of the Colorado river region in Arizona, and the large yield of the Nevada and Colorado Territory silver and gold mines. In California, placer mining is almost wholly abandoned in the oldest mining districts, though it pays well in the more recently discovered deposits, and in some sections, where the auriferous earth is deep. The shallow placers, where the gold was washed out in a cradle or tom, are now only resorted to by the Chinese miners who are contented with small gains. *Sluice* and *hydraulic mining* are now the processes most in use in placer diggings. The former requires a considerable stream of water, in such a position that it will permit a fall of from twenty to one hundred feet. This stream is conducted through an artificial aqueduct composed of sluice boxes (boxes of rough boards twelve feet long and from five to twenty feet wide, one end being four inches narrower than the other, so that the ends of the boxes may slide into each other); these boxes are set upon trestles at different angles of depression, according to the character of the dirt—tough clayey dirt requiring a steeper pitch than that which is more sandy. An eight-inch pitch or grade, that is, eight inches for each sluice box, or length of twelve feet, is the lowest grade generally used, and sixteen inches the highest. The sluice boxes have riffle-bars or clusters of slates with spaces between, wedged into them either longitudinally or at different distances across, to catch the gold and fine dirt, and to give the quicksilver an opportunity to come in contact with the fine particles and form an amalgam with them. The quicksilver is usually put in near the head of the sluice, which may be fifty or five hundred feet in length, according to the circumstances, and the dirt being thrown in by the miners, and the water let on, the washing of the gold goes on without cessation, usually from three to ten days, when the miners "clean up" by taking out a portion of the riffle-bars at a time, and collecting the coarse gold and the amalgam, pressing the gold from the mercury by straining it through cloth or buckskin, and sometimes increase the product by panning the fine sand, which is usually rich in gold, which has collected in the rifts and corners of the sluice. Where there are considerable quantities of boulders, the sluice boxes wear out very rapidly, and hence, where it is practicable, the miners often make the bottom of the sluice of cobble stones instead of wood. As water is not over-abundant in most parts of California, and it is desirable to use it as economically as possible, the miners sometimes, where they find a hill of auriferous earth situated near their sluice, resort to blasting to bring down and loosen large quantities of the earth so that it can be

more rapidly thrown into the sluice while the water is running.

Hydraulic mining requires the use of the sluice, but subjects the pay dirt, as it is called, to a preliminary process, and this dispenses with the severe digging required in the ordinary sluice mining. The water is collected either in a natural or artificial pond, flume, or canal, by some of the numerous hydraulic companies, and thence conducted by hose of from four to ten inches diameter to a point where it can be directed, under a pressure of from fifty to two hundred feet of vertical elevation against a hill of auriferous earth. The earth is rapidly washed away, and the stream of mud and water directed into the sluice, when it undergoes the further processes of amalgamation, panning, cleaning up, etc. The water is furnished to the miners at a rental of so much per inch of orifice of hose, usually about twenty cents per inch.

Quartz mining is an entirely different process, though one now carried on extensively in California. The beds of auriferous quartz are found in the mountains, at elevations ranging between two thousand and ten thousand feet. Though most of the quartz veins between these elevations contain some gold, but a small portion of them have enough to be washed profitably. Unless the yield is at least ten dollars per ton of quartz the vein will not pay for working. The quartz is first quarried at a cost of two dollars or more per ton, then carried to the stamping mill to be crushed to a fine powder, and then, by a variety of processes, the gold is separated from the quartz and caused to amalgamate with mercury. The capital invested in these enterprises is large, and when veins of quartz rich in gold are quarried the returns are ample. The Mariposa Mining Company's works yield from $75,000 to $100,000 of pure gold monthly; the Allison Company, in Nevada county, from $60,000 to $80,000 per month; and the Sierra Butte Company, in Sierra county, from $25,000 to $50,000 per month.

In agricultural products California is rapidly becoming a leading State. The climate and soil are admirably adapted to the growth of the vine, and she is in a fair way to become the vineyard of the Union. The production of wine in 1863 was very large, and she exported of her wines to the appraised value of $79,026, an amount which will probably be doubled the coming year. One and a quarter millions of lbs. of grapes were also sent to market. Considerable attention is paid to the culture of tobacco, of which a superior quality can be produced in the State; and in Santa Clara county, as well as in some other portions of the State, a large amount of capital is invested in silk growing. The silk of California is regarded as superior in quality to that of any other country. The worms are fed mostly on the leaves of the morus maretti and other varieties of the white mulberry, though the morus multicaulis is used to some extent in the first two stages of its growth. The silkworms are perfectly healthy, and the eggs are in demand to a far greater amount than can be supplied by the silk growers in Europe. The dryness of the climate, and the entire absence or infrequency of thunder-storms, as well as the strength and richness of the mulberry leaves produced in the fertile soil of California, render it certain that this State must become one of the best silk-growing regions in the United States.

The great staple product of California at present is gold. Of this, $39,938,699 were received from the interior at San Francisco in the year 1863, besides $2,836,973 from Oregon, and $1,347,523 from Victoria, and $2,156,677 from foreign parts.

The wool product of the State for the last eight years has been:

Year.	Pounds.	Per cent. increase.	Year.	Pounds.	Per cent. increase.
1856	600,000		1860	3,260,000	37
1857	1,100,000	83	1861	4,600,000	41
1858	1,428,000	30	1862	6,400,000	40
1859	2,378,000	66	1863	7,600,000	19

Of Wheat, 1,983,655 sacks were received at San Francisco, and 1,146,478 sacks exported. Of flour, 124,863 bbls. were received, and 153,454 bbls. exported. Of barley, 607,216 sacks were received, and 50,026 exported. Of oats, 260,366 sacks were received, and 87,075 exported. Of hides, 308,189 were exported in 1863, a falling off of 7,562 from the exports of the previous year. Fruits are sold almost entirely by the pound, box of 25 lbs., or basket of 30 lbs. The receipts of the principal fruits were: strawberries, 300,000 lbs.; raspberries, 200,000 lbs.; blackberries, 200,000 lbs.; gooseberries, 15,000 lbs.; cherries, 75,000 lbs.; currants, 8,000 to 10,000 lbs.; apricots, 600,000 lbs.; figs, 10,000 to 15,000 lbs. (grown in California); nectarines, 15,000 lbs.; quinces, 30,000 to 40,000 lbs.; plums, 450,000 lbs.; peaches, 2,400,000 to 3,000,000 lbs.; grapes, 1,250,000 lbs.; apples, 75,000 boxes of 25 lbs.; pears, 30,000 boxes, a large proportion of them winter varieties. Besides these there were very large quantities of dried fruit, principally peaches and plums, sent to market.

The high price of turpentine and rosin has led to the collection of these articles from the pines of California. The business is yet in its infancy; but 7,250 gallons of turpentine and 1,150 barrels of rosin were sent to market in 1863, and the quality is so good that there can be no doubt that the production will be rapidly developed.

The income of the Federal Government on the California coast in the past year has been as follows:

From duties on imports	$4,688,399	
From internal taxation, estimated	2,000,000	
From Postal Department, estimated	200,000	
From Branch Mint	240,000	
Total income		$7,128,399
Deficit of income		2,757,132
Total expenditures in 1862		6,726,598
Total income in 1862		4,150,645

The large increase in duties on imports as com-

pared with last year, $4,688,399, against $3,-277,308, will attract attention, and results mainly from an increase of foreign trade.

The official returns of the internal duties for the San Francisco district gave $969,447, of which $351,943 was for incomes. The tax on manufactures indicates that the production has doubled in the year. The disbursements of the Government were as follows:

FOR THE ARMY.		
Quartermaster's Department		$5,344,526
Paymaster's Department		1,700,000
Commissary Department		609,494
Total army		$7,654,020
FOR THE NAVY.		
Coast squadron, estimated		1,000,000
FOR THE REVENUE SERVICE.		
Custom-house, light-house, and marine hospital, estimated		320,000
Cost of collecting internal revenue, estimated		240,000
FOR POSTAL SERVICES.		
Transportation of mails on this coast not including overland route to Atlantic States), estimated	$210,000	
Compensation expenses of officers, esti'd.	65,000	
		$275,000
MISCELLANEOUS.		
Mint Department, gross, estimated	$301,511	
Judicial Department, estimated	25,000	
Land offices, estimated	10,000	
		$366,511
Total disbursements		$9,885,531

The duties are all collected in gold, amounting to $4,688,399, and which is sent to the Atlantic States for use, while all the payments of the Government are in notes. Those received by the Government officials, contractors, &c., are paid out to the extent of nearly $10,000,000; but they will not circulate, the receivers sell them to the brokers, who re-sell to taxpayers, and for shipment to the Atlantic States. The price at which they sell undergoes fluctuations. In January it was 68 and 72 cents per dollar; in March the rate had fallen to 50 cents; in July it had risen to 80 cents, and subsequently declined to 70 and 68 cents. The California merchants profited largely from the paper currency at the expense of their Eastern creditors. This was emphatically the case in 1862, when paper receded from par to about 30 per cent. discount. Parties who were in debt at that time to Eastern creditors, or who purchased merchandise on credit at any time during the year, were enabled to meet their obligations fully and satisfactorily with remittances that cost much less in gold currency than the amount of their indebtedness or their invoices. The debtor classes and credit buyers were benefited largely. Meantime the value of most articles of merchandise at the East, according to the gold standard, underwent but little change.

The treasure exports of California in the last year were as follows, also the value and destination of treasure shipments from San Francisco during the past ten years—1854 to 1863:

Years.	To Eastern ports.	To England.	To China.	To Panama.	To other countries.	Total.
1854	$46,533,166	$3,781,080	$965,887	$204,592	$560,908	$52,045,633
1855	38,730,564	5,182,156	889,675	231,207	128,129	45,161,731
1856	39,895,294	8,666,289	1,308,852	258,268	573,732	50,697,434
1857	35,531,778	9,347,743	2,993,264	410,929	692,978	48,976,697
1858	35,891,236	9,265,739	1,916,007	299,265	175,779	47,548,026
1859	40,146,437	3,910,930	3,100,756	279,949	202,390	47,640,462
1860	35,719,296	2,672,936	3,374,680	300,819	258,185	42,325,916
1861	32,628,011	4,061,779	3,541,279	349,769	95,920	40,676,758
1862	26,194,035	12,950,140	2,660,754	434,508	322,324	42,561,761
1863	10,389,330	28,467,286	4,206,370	2,503,296	505,667	46,071,920
	$341,659,147	$88,306,054	$24,957,524	$5,267,602	$3,516,011	$463,706,338

Including the exports of treasure, the entire exports of the productions of the State, during the past three years, may be classified as follows:

	1861.	1862.	1863.
Products of the mine	$42,103,193	$44,105,662	$47,982,398
Products of agricult're	3,265,471	1,645,350	2,013,975
Products of the herd	1,041,217	2,027,082	2,182,155
Products of the forest	69,931	149,560	134,086
Products of the sea	21,828	21,868	11,285
Products of manufact.	962,876	798,191	873,854
Products of the vine	8,000	25,836	81,456
Total	$47,472,217	$48,773,549	$53,280,209

The following are the returns of treasure at San Francisco from the interior, and coastwise through regular channels, the records of which are accessible; also importation from foreign countries during the past three years:

	1861.	1862.	1863.
Receipts from interior	$41,689,077	$42,539,799	$45,327,326
Receipts from n'th c'st		4,931,579	4,970,023
Imports, foreign	1,702,683	1,904,084	2,156,612
Total	$43,391,760	$49,375,462	$52,453,961
Exports	40,676,758	42,561,761	46,071,920
Currency movement	$2,715,002	$6,312,701	$6,382,041

Included in the last year's receipts from the north coast is the sum of $1,411,387 from British Columbia. The total receipts from that quarter for the year just closed, are estimated at not less than $7,000,000.

From the silver districts (included in the northern mines), the total receipts for the past year were $12,433,915, against about $6,000,-000 in 1862. They were divided as follows:

Total disbursements	$9,885,531
From Washoe	$11,846,915
From Esmeralda	587,000
	$12,433,915

The receipts from the south coast in 1863 amount to $110,322 through regular channels, and probably as much more by private hands. From all the new mining localities the proportion of private receipts is much greater than from the older ones. Over all the established routes through the interior of this State, and from Nevada Territory, very little treasure comes in the hands of indiyiduals. (*See* ARMY, UNITED STATES, and SANITARY COMMISSION.)

CENTRAL AMERICA, REPUBLICS OF. There are at present in Central America five independent republics, namely: 1. Guatemala, with an area of 1,918 geographical square miles, and about 850,000 inhabitants. Gen. Carrera is president for life. He was elected October 19th, 1851. The receipts of the Government in 1859 amounted to $1,283,594, the expenditures to $1,272,280. The regular army consisted of 3,200 men; the militia of 12,000. The value of the importations was (in 1860), $1,434,671; that of exportations, $1,916,325. 2. San Salvador. According to a decree of 1809, the president of this republic is to be chosen every six years, and the legislative chambers consist of 24 deputies and 12 senators, who meet biennially. The area of the republic is 345 geographical square miles; the number of inhabitants 600,000. The receipts were in 1861, $559,623; the expenditures, $604,847. There were in circulation in 1862, treasury bonds to the amount of $175,245. Besides the republic had a consolidated foreign debt, amounting to $360,000. The army consisted of 1,000 regular troops and 5,000 militia. The importations amounted, in 1861, to $1,319,727; the exportations to $2,340,778. 3. Honduras. The duration of the office of the president is four years. The representative chamber consists of 11 members, the senate of 7, the council of state of the ministers and 7 other members. The area is about 2,215 geographical square miles, and the population 350,000. The annual receipts of the Government amount to about $250,000. The importations are about $750,000; the exportations, $825,005. 4. Nicaragua. According to the constitution of August 19th, 1858, the president is elected for four years. It has a representative chamber and a senate. The area is 2,736 geographical square miles, and 400,000 inhabitants. The receipts of the Government, in 1861, amounted to $385,044; the expenditures to $378,955; the public debt to $4,000,000. 5. Costa Rica. The president and vice-president of the republic are elected for a term of three years. The senate has 25, and the chamber of representatives 29 members. The area is 1,011 geographical square miles, and the population 126,750. The annual revenue of the Government is about 1,000,000 piasters. The militia numbers about 5,000 men, 200 of whom are periodically called into active service.

Propositions for reuniting the republics of Central America have frequently been made. The latest of these is the one made by Senor Iglesias, the minister of foreign affairs of Costa Rica. Under date of November 25th, 1862, he issued a project for a Central American union. By this document it was proposed that Guatemala, Salvador, Honduras, Nicaragua, and Costa Rica should mutually guarantee their territorial integrity, their independence and institutions. To effect this purpose two representatives were to be elected by each State, and remain in permanent session, under the name of the Central American Diet.

These representatives were to be elected according to the law which exists in each State relative to the election of members to the legislature. It was proposed to elect them for two years, with power to continue them in office indefinitely. Their duties were thus defined:

In all questions arising between the Central American Governments, threatening to disturb the peace, their decision is to be definite and without appeal; in case of foreign invasion they are to adopt the measures for the general protection, decide on the contingent to be furnished by each State, and appoint the commander-in-chief. By them all treaties made with foreign Powers were to be either rejected, accepted, or modified, and all questions of colonization, transit, navigation, or grants of territory, must be submitted to them and approved.

In addition to the foregoing, constituting the principal duties of this body, a power was given to decide in international questions between the States, and to propose the best plan for a uniform system of duties, weights, measures, &c.

After a number of minor clauses, the last article of Sr. Iglesias's project appoints the first meeting to be held in the city of Guatemala, to consider on a permanent location, but the clause expressly declares that none of the capitals of the five States shall be selected.

Many of the statesmen of Central America sympathized with the plan of Sr. Iglesias, but it was not adopted.

On January 23d, 1863, the president of Guatemala, Gen. Carrera, declared war against the republic of San Salvador. Four months before, the president of San Salvador, Gen. Barrios, had proposed to Gen. Carrera to place himself at the head of a Central American league, and march to the aid of Mexico against France. The answer of Gen. Carrera was a declaration of war against Salvador. He left his capital, Guatemala, on February 4th, with an army of 2,700, who were to be joined on the frontier by 2,300 men. On February 18th, he entered the territory of Salvador, and occupied the town of Santana. On February 24th, he attempted to storm with his entire army the position of the Salvadorians at Ocotepec, but was totally routed, and forced to retreat into the territory of Guatemala. Soon after he again invaded the territory of Salvador, but had scarcely crossed the frontier before a revolution broke out against his rule in Guatemala. He at once returned, after having burned the town of Matapan, and succeeded in crushing the insurrection. He then resumed the invasion of San Salvador, in which he was assisted by the troops of Nicaragua. Gen. Barrios, who was supported by Honduras, encouraged an invasion of Nicaragua by Gen. Jerez, an exile leader of the liberal party of Nicaragua. This insurrection was, however, soon suppressed, Gen. Jerez having been totally defeated at Leon. During this insurrection the steamers of the Central American Transit Company were seized, on April 7th, by an Amer-

ican, named James Thomas, and handed over to a general of the revolutionary party. As the company observed a strict neutrality in the revolutionary troubles, both parties declared themselves satisfied with such a course, and the steamers were restored to the company.

The war in San Salvador finally took a turn unfavorable to Gen. Barrios. By the beginning of September he was completely surrounded in his capital, and its seaport cut off by the invading army. In November he escaped, with the assistance of the United States minister and the English consul. Gen. Carrera, having now conquered the whole republic, appointed Gen. Dueñas acting president, and on November 15th, with his army, retired to Guatemala.

CHATTANOOGA was a flourishing village in Hamilton county, Tennessee, situated on the Tennessee river, two hundred and fifty miles below Knoxville, and one hundred and forty miles southeast of Nashville. It is the terminus of the Nashville and Chattanooga railroad, and of the Western and Atlantic railroad, which connects it with the chief towns of Georgia. The Tennessee river is navigable by steam during eight months in the year, and by small boats at all times. This has made Chattanooga one of the most important towns in the State. The surplus productions of East Tennessee, and mostly of Middle Tennessee, are shipped from this point. It was occupied by Gen. Rosecrans in September, and subsequently held by the Federal army. Its location rendered it a very important military position.

CHEMISTRY. The record of the present volume under this head is designed to present, in brief form, some of the more important discoveries and theoretic views, in connection with chemical science, which have been published or have especially attracted attention during the year 1863. It is not intended to devote as much space as in the preceding volume to applications of chemistry; nor will the great body of the discoveries which continue to be made in the way of new derivatives from substances of an organic nature, and most of which are as yet interesting only to the chemist, be embraced in this account. For certain topics more or less directly related to chemistry, the reader is referred to the article on ILLUMINATION, &c.

I. ELEMENTS.—A writer in a recent number of a scientific journal, in speaking of one of the new metals below named, humorously remarks that the metals would appear to be envious of the asteroids, and to be doing their best to keep pace with them in revealing themselves to modern science. To this remark, which must be understood as in a certain degree retrospective, it may be added, however, that while the asteroids are succumbing to the increased power secured in a long-used instrument, the telescope, most of the newly-discovered metals have the honor of having waited for the development of a wholly new scientific means and apparatus, the spectroscope. (*See* CÆSIUM, INDIUM, MAGNESIUM, RUBIDIUM, SIDERIUM, THALLIUM, and WASIUM.)

II. ALLOTROPIC STATES. *Oxygen.*—The reader is referred to this head, in the article CHEMISTRY in the preceding volume. By the method there briefly stated, that with hypermanganate of potash, sulphuric acid, and peroxide of barium, Schönbein states that ozone proper (—O) is produced in large quantities, and possessing all the energetic oxidizing properties of that obtained during the slow oxidation of phosphorus or by electrolysis.

Böttger claims priority in the discovery of the method just referred to. He recommends a mixture of two parts of dry hypermanganate of potash with three of sulphuric acid; and finding that this mixture at ordinary temperatures slowly evolves oxygen, he declares the peroxide of barium unnecessary. He finds the mixture one of the most powerful oxidizing agents yet known. Ether, alcohol, and the ethereal oils, brought into contact with a mere trace of it, burst into flame, and flowers of sulphur are converted with some degree of explosion into sulphuric acid.

Schönbein (*Journal für prakt. Chemie*, 86, p. 30) endeavors further to establish the existence of three distinct states of oxygen—the *neutral*, the *negative*, and the *positive;* or, common oxygen, ozone, and antozone. Among the facts adduced are such as the following: The —O rapidly turns brown strips of paper soaked in sulphate of manganese, in consequence of forming peroxide of manganese, $Mn\ O_2$; while +O not only has no such effect, but even bleaches paper previously rendered brown with the peroxide. Hypermanganic acid is rapidly decolorized by +O, with formation of protoxide of manganese, which, by −O, may then further be converted into $Mn\ O_2$. In place of sulphate of manganese, basic acetate of lead may be used: this with −O gives $Pb\ O_2$, in its turn reduced by +O to PbO and neutral oxygen. Schönbein's explanation of facts of this sort proceeds upon the assumption that in the peroxide of lead, hypermanganate of potash, and chromic acid, the whole or a part of the combined oxygen exists in the form of −O; in the peroxides of barium and hydrogen, in the form of +O. He believes that union of equal weights of +O and −O gives ordinary oxygen. He lays it down as a principle, that for the oxidation of the same bodies the same kind of oxygen is always necessary.

The fact of production of both nitrous acid and ammonia in air, in presence of water and nascent oxygen, was announced by Prof. T. S. Hunt in 1861; and this fact has become the occasion of the objections frequently urged against the employment of paper saturated with starch and iodide of potassium (ozonometric paper, so-called) for determining the

presence of ozone in the air. The coloration of this ozonometric paper, which is still, as a very general rule, regarded as indicating the presence of ozone, may, it appears from the principle just stated, show in fact only the presence of the nitrite of ammonia which arises during evaporation of water, and in increased quantity (it is said) when the water contains calcareous substances. (*See* also *Nitrification*, further on.)

Dr. Wilhelm Heldt, in a pamphlet upon the "Fundamental Properties of Oxygen and Hydrogen," controverts the views of Schönbein in reference to the allotropic modification of oxygen. Among his conclusions are the following:

1. There are no such modifications of oxygen as ozone and antozone. Phosphorus, with water and oxygen, yields the ordinary—and also, a gaseous—peroxide of hydrogen; and the latter, which has powerfully oxidizing properties, is mixed in variable proportions with air or oxygen. The presence of hydrogen in this compound can be proved by the deliquescence of anhydrous phosphoric acid beyond the heated part of a tube through which the gas is passed. The so-called antozone, from peroxide of barium, gives the same result.

2. Pure uncombined oxygen never possesses the properties of the gas spoken of.

3. Various liquid or gaseous organic compounds, as oil of turpentine, &c., when saturated with oxygen, become—like the inorganic superoxides—powerfully oxidizing bodies.

4. Oxygen never passes, previous to oxidation of bodies, into a new or active state. The author proved that the air [*sic*] employed to oxidize a solution of sulphate of iron, had undergone no change whatever.

5. The only method of communicating to perfectly dry oxygen a higher activity, is by electrization. And oxygen is never, otherwise, capable of setting free iodine from iodide of potassium.

6. Atmospheric air almost always gives a more or less distinct reaction with iodide of potassium paper. This is to be explained by the fact that the atmosphere is a reservoir for all the gaseous substances formed at the earth's surface. In the reaction there are always two opposing agencies—one setting the iodine free, another combining with the iodine or bleaching the blue paper. In the former class stands nitrous acid; in the latter, various hydrogen compounds, as HS, PH_3, &c.

7. Peroxide of hydrogen (of Thénard) is not, as Schönbein assumes, oxidized water, that is, HO + (+ O); but is a carrier of oxygen, and of which all the oxygen may be transferred. When the peroxide is brought in contact with another substance which has an attraction for oxygen or hydrogen, the whole quantity is resolved with oxygen or with hydrogen, either of which may combine with the body in question; that is, the peroxide may act as a reducing or as an oxidizing agent. Finally, the author so explains certain instances urged by Schönbein, as apparently to show that, in relation to them, the assumption of the polarity of oxygen is unnecessary.

[These views, it may be remarked, tend to unsettle only the question as to the precise nature of the agency concerned in constituting a certain physical condition of the atmosphere, and in producing certain specific results of a chemical or of a physiological character. The new views cannot assume to deny that peculiarity of atmospheric condition, or those special manifestations of chemical and of physiological activity, which have come latterly to be ascribed to ozone. If no such thing as ozone exists, still the so-called "ozonized atmosphere," and "ozone action" in chemical affinity and upon living bodies, are *facts;* and as such they remain to be accounted for.]

Sulphur (*New Modification of.*)—M. Dietzenbacher (*Comptes Rendus*, Jan. 5th, 1863) observes that by action of chlorine, bromine, or iodine, the properties of sulphur may be modified to a remarkable extent. A mixture of 400 parts of sulphur and 1 of iodine being heated to about 180° C., upon cooling, a sulphur is obtained which remains a long time elastic, and which, poured on a glass or porcelain plate, forms flexible sheets. The like change is produced by iodide of potassium, and even by a less amount of sulphur. The sulphur thus prepared is insoluble in bisulphide of carbon.

The action of 1 per cent. of bromine at 200° C. is similar; but the sulphur, instead of being then black and having a metallic lustre, has the color of yellow wax; and this variety is much softer than that before described. Of it 75 to 80 per cent. is insoluble in bisulphide of carbon. Chlorine being passed through sulphur at 240° C., changes it into a sort of soft sulphur, which can readily be drawn out, and the parts again stuck together. Of this, rather more than of the last is soluble in bisulphide of carbon. After this modification of sulphur has been worked up for an hour or two, it suddenly hardens; and it then becomes quite insoluble in the bisulphide.

III. Inorganic Compounds. *Supposed New Series of Metallic Oxides.*—M. H. Rose is led to believe that he has detected the existence of a new class of metallic oxides, at least one of which he appears also to have succeeded in forming. Reasoning both from the law of the relation of the specific heats of elements to their atomic weights, and also from that of isomorphism, it is inferred that the atomic weight of silver should be reduced to one-half that usually admitted. Rose finds the sulphide of copper (Cu_2S) isomorphous with that of silver (Ag_2S). But now, if in what has been called protoxide of silver there are 2 atoms of Ag to 1 of O, then the suboxide of the same metal must have the composition Ag_4O. This last consequence would necessarily be doubted, until analogous compounds are shown to exist. Rose has accordingly experimented with very

great care, with a view to find whether other such oxides can be formed. He has succeeded in the case of copper, and hopes soon to do so with mercury also, as well as to show that, though difficult of isolation, the number of such oxides is not small.

He calls attention to the great irregularity now existing in our nomenclature of the oxides of different degrees of oxidation, with the consequent uncertainty that—so far as the names go—is left in any case in respect to actual composition; and he presents a new nomenclature which, saying nothing of the assumed new oxide to be named, is in any case beautiful by reason of its simplicity and entire definiteness. He finds that there are thus far known five distinct classes (degrees) of oxides proper, at least the first four of which are salifiable; viz.:

(1.) 4 atoms	of metal	to	1 atom	of	oxygen.
(2.) 2 "	"		1 "	"	"
(3.) 1 atom	"		1 "	"	"
(4.) 2 atoms	"		3 atoms		"
(5.) 1 atom	"		2 "	"	"

To these in order—M representing in the formula any metal—he assigns the following names:

(1.) $M+\frac{1}{4}O$=Quadrantoxide.
(2.) $M+\frac{1}{2}O$=Semioxide.
(3.) $M+O$=Isoxide.
(4.) $M+1\frac{1}{2}O$=Sesquioxide.
(5.) $M+2O$=Diploxide.

Corresponding compounds of the metals with chlorine, bromine, iodine, cyanogen, or sulphur, would be indicated by similar prefixes; thus, quadrantichloride, semichloride, &c.

As to the forming of the new oxide of copper: when a solution of sulphate of copper is added to an excess of a very dilute solution of protochloride of tin in caustic alkali, a hydrate of protoxide of copper is precipitated, which after a short time becomes yellow, and on shaking passes into an olive green: still later, this in turn changes color, and finally becomes reduced to metallic copper. The green oxide is only with great difficulty obtained in a state of purity, owing to its tendency to oxidize, and also to the difficulty of removing the last traces of tin.

Rose appears to have established the constitution of this green oxide beyond a doubt. Dilute sulphuric acid decomposes the oxide into 1 atom of sulphate of copper and 3 of metallic copper. Dilute chlorhydric [muriatic] acid yields at first a dark colored substance (perhaps Cu_4Cl), but metallic copper and the white subchloride are then speedily formed. Sulphydric acid water converts the oxide into a black powder, which the author regards as Cu_4S. Cyanhydric acid also converts the oxide into a black substance, probably Cu_4Cy. The moist oxide is distinguished in a remarkable manner from the suboxide and the protoxide, in not being dissolved by ammonia.

Rose extends his view to the 5 alkaline metals, and to thallium; regarding potash and soda [in this, following the views of Gerhardt and Regnault] as K_2O and Na_2O; and so of the others. He recalls the formation by Bunsen of blue alkaline subchlorides by electrolysis, and states that these compounds can also be obtained by fusing K with KCl, or Na with NaCl, in a current of hydrogen gas. These compounds he regards as quadrantichlorides, K_4Cl and Na_4Cl.

New Compound of Arsenic and Hydrogen.—It is well known that, in presence of zinc, iron, and certain other metals, acids disengage hydrogen from water; and also that if the nascent hydrogen comes at the moment in contact with solid arsenic, a new compound, AsH_3, is generated. An exception is presented in case of nitrous acid and its derivatives, which, in giving rise to ammonia, generate a solid and not a gaseous hydruret of arsenic, its formula being As_2H. This is either deposited on the zinc or floats in flocculi through the liquid; and such a compound results even when the solution contains any quantity of a nitrous compound. Still, there are two obstacles that may prevent the formation of this solid body—the presence either of such metals as lead, or of organic matter.—Wiederhold has described also a method of preparing the solid As_2H, by passing an electric current through the water, and using arsenic as the negative pole.

But from the facts in relation to the first-named of the modes of formation of this compound, it must follow that Marsh's test for the presence of arsenic is still less to be relied on than was formerly supposed—that it is liable to a twofold error. Thus, if from the sulphuric acid employed, or from organic matter present, the smallest quantity of a nitrous compound be developed, the solid and not the gaseous hydruret will then be formed. Of course, as has been for some time known, the not unusual circumstance of the presence of arsenic in the sulphuric acid employed may, on this score also, lead to error.

Bloxam, indeed, finds that all sulphuric acid contains a trace of arsenic which cannot be separated by boiling with HCl or KCl, nor by the usual methods of fractional distillation. He traces the arsenic of the acid to the sulphur from which it is made. He has prepared pure sulphuric acid from sulphurous acid, steam, and nitric oxide, but only when the sulphurous acid used was evolved from crystallized sulphite of soda and sulphuric acid at a low temperature, and the nitric oxide from nitre, sulphate of iron, and dilute sulphuric acid, at a very moderate heat.

Formation of Nitrite of Ammonia in Air: Nitrification.—For a synopsis of the history of these questions, so far as developed up to the close of the year 1862, see the similar title in the preceding volume. An account is there given of the experiments of Prof. C. F. Schönbein, of Basle, apparently showing that during combustion or evaporation of water in free air, nitrite of ammonia is incidentally produced; and brief allusion is also made to the views of certain other chemists, among them Drs. Schæffer and Jones, and Prof. T. S. Hunt, which would appear in greater or less degree to have

prepared the way for Schönbein's results, if not indeed to have anticipated them.

Schönbein's experiments have appeared to show that during combustion in air of charcoal, fats, illuminating gases, wood, coal, and phosphorus, nitrite of ammonia is incidentally generated in determinable quantities; and at least ammonia, during slow combustion in air of arsenic, at 200°.

Prof. Böttger, of Frankfort, has more recently published a reclamation, believing himself to have been the first to show by experiment, and to announce, that in every act of combustion in air nitrite of ammonia is formed. (*Pogg. Ann.*, cxvii, 175.)

M. J. Nicklès ("Amer. Jour. of Science," March, 1863) is struck with what he considers a recent change in the results of Schönbein's labors—in that, where he once recognized only *ozone*, he appears now to discover only *nitrous oxide* or *nitrite of ammonia*. To the test commonly employed by Schönbein and others to determine the presence of these compounds—namely, starch-paste, to which iodide of potassium, and sometimes a very little dilute sulphuric acid is added—he objects that the blue coloration of the starch relied on as the test in the case, may no less take place from the presence of *ozone*, of *chlorine*, *bromine*, or *iodine*, of *aqua-regia*, or *hypochlorous* or *hypobromous acid*. He is led to conclude, also, that the general theory of formation of nitrites in air was substantially anticipated both by Prof. T. S. Hunt, of Montreal, and by Prof. Böttger. But he credits to Schönbein alone the observation of the apparent fact—perhaps yet to be found of the first importance in connection with vegetable physiology and with the science of agriculture—that the generation of nitrite of ammonia goes on at the very surface of the leaves of plants from which water is evaporating, and as a simple and necessary consequence of the evaporation itself that then occurs.

Prof. Hunt, in a letter to the editors of the journal last quoted (same number), says: "My object is to claim for myself the new theory of nitrification, which Schönbein seeks to found upon his recent experiments, and which I published nearly two years since. It is in reality but a natural deduction from my view of the double nature of nitrogen as the nitryl of nitrous acid [presented under ALLOTROPIC STATES, preceding volume; and which the author repeats in his communication], which I have maintained since 1848." It does not appear, however, that Prof. Hunt made explicitly a deduction of the nitrite-theory as it now stands, however naturally it might flow from his actual observations at the time.

Dr. G. C. Schæffer, in a letter through the same medium (May) claims to have put forth, through Dr. Craig's "Report on Nitrification" (really presented in 1856, although published in 1861), a "hypothesis * * * arrived at by legitimate analogies, and which it would be interesting to test by experimental investigations," and which, "based upon that general chemical action by which various bodies assume the elements of water in such a way as to produce salts of ammonia," claims that this principle may be exemplified in the case of atmospheric nitrogen, the latter assuming 4 equivalents of water, and thus giving a nitrite of that alkali. Further, he believes himself to have made the first announcement, in a paper appearing in the "Proc. of the Amer. Assoc. for Adv. of Science," 1850, of such a fact as that the rainwater collected after a period of frequent and severe thunder showers contained of itself so much of nitrates and nitrites, as to be unfitted for use in certain tests for these compounds which he was then making.

Meanwhile, the subject is further complicated, if indeed the theory be not in some degree unsettled, by the recently published researches of E. Bohlig (*Ann. der Chem. und Pharm.*, cxxv, 21–33), and which he states that he has for some time been carrying on, independently of the investigations of Böttger and Schönbein. He is lead to believe that the atmosphere at all times contains in greater or less proportion the nitrite of ammonia, but never the nitrate, the former being originated "wherever ozone comes in contact with nitrogen [and water-vapor, of course], as well as in all cases of combustion in free air." He does not admit Schönbein's view of a direct union of nitrogen and water attending evaporation; but he concludes that in such case the water-vapor forming merely collects the preëxisting nitrite from the atmosphere. He holds that Schönbein's experiments are vitiated by the facts of their being made with unlimited quantities of air, and of his having overlooked the preëxistence of nitrite in the air. In some of Bohlig's experiments on rain-water, as after a protracted rain, the water required to be evaporated to $\frac{1}{6}$th its original bulk before giving evidence of nitrous acid; at other times, when the weather was fine, the water often gave the reaction after once flowing over the test-paper, and when its quantity was yet scarcely diminished by evaporation. Again, allowing carbonate of potash to *deliquesce* in the air, the liquid salt then showed that it contained also nitrite of ammonia: would Schönbein affirm that water, in the act of *condensation*, also unites with nitrogen, and generates the nitrite?

In concluding his abstract of these researches, Prof. S. W. Johnson, of Yale College, remarks that the whole subject requires thorough experimental revision. And although some of Schönbein's experiments can scarcely be explained on any other hypothesis, he thinks that the facts in our possession are still not sufficient to warrant the assumption that nitrite of ammonia is spontaneously formed in the air from nitrogen and the elements of water.

IV. ORGANIC COMPOUNDS.—Under this head will be included not only compounds which are directly of organic origin, but also such as, while resembling the former in composition and

properties, may be actually produced chemically, by any of the so-called modes of synthesis.

Acetylene.—M. Berthelot has found that when graphite is intensely heated by means of the galvanic current in an atmosphere of hydrogen, acetylene is formed in considerable quantity. The same result is obtained with gas-carbon and with purified wood-charcoal, though in this last case with much greater difficulty, perhaps because of its not being easy to heat the very porous mass to the requisite high temperature. Under the circumstances in which acetylene is thus formed, carbon does not combine with chlorine, bromine, or iodine; nor can pure carbon be made to combine with pure nitrogen. The spark of Ruhmkorff's apparatus gives no acetylene with pure carbon and hydrogen.

Alcohol from Olefiant Gas.—M. Berthelot considers that his experiments have sufficed to prove that the alcohol produced by his method from olefiant gas (C_4H_4), and common alcohol derived from the vinous fermentation, are not merely analogous and yet distinct bodies, but that they are in every respect identical—there being no physical or chemical distinction between either these alcohols or their ethers. Thus, the ethyl-sulphate of barytes obtained from ordinary alcohol is the same as that from the olefiant alcohol; and when the latter is treated with chromic acid, it gives rise to an ether and to acetic acid which are in no way distinguishable from those produced in similar manner from ordinary alcohol.

Manufacture of Alcohol by means of Olefiant Gas.—M. J. Nicklès gives an interesting statement upon this subject ("American Journal of Science," Nov., 1863) which we condense:

The industrial world has been, for some time, much interested in a process for producing alcohol by means of illuminating gas, at a very low cost—25 francs (18¾ cts. each) per hectolitre (about 22 gallons), or about 21 cts. per gallon. It has been stated in some journals that the manufacture is going on at St. Quentin; and that the apparatus, taking in coal upon one side, pours out alcohol on the other! These statements are exaggerations; but a company at St. Quentin are now actually engaged in attempts at such a manufacture, under a patent of Mr. Cotelle, founded on Berthelot's synthesis of alcohol (1855) in the way of causing sulphuric acid to absorb olefiant gas (C_4H_4), with the production of sulpho-vinic acid, which is then readily turned into alcohol ($C_4H_6O_2$).

Cotelle employs chiefly illuminating gas, which contains from 4 to 12 per cent. of C_4H_4. He purifies the gas from sulphydric acid and ammonia; and he then desiccates it by passing it over mono-hydrated sulphuric acid. The dry gas is then drawn along by suction and directed to a column of glass or sandstone furnished with trays or diaphragms pierced with small holes, from which descends the same acid and of the same strength as just named, to meet and dissolve the C_4H_4. This solution, which takes place slowly, may require a succession of 40 such trays, to take up all the olefiant gas and secure saturation of the acid. The sulpho-vinic acid thus obtained is next treated with 5 times its volume of water; a stream of vapor is made to carry over the alcoholic product; the vapors are condensed; the alcoholic liquid obtained is redistilled over a little lime, to remove any traces of sulphuric acid, and the liquid condensed from this distillation is rectified to produce alcohol of 90°.

The residue of the illuminating gas, consisting largely of C_2H_4, CO, H, &c., can be advantageously used for fuel, thus offsetting in part the cost of making the gas in the outset, and rendering the expense of it small, especially if, as near the mines, use can be made of the gas which issues from the coke furnaces. To produce one hectolitre of alcohol of 90 per cent., about 40 cubic metres of C_4H_4, answering to about 2 tons of the coal employed, are required. Among the chief practical difficulties, thus far, are the large amount of the acid requisite (10 parts to 1 of the alcohol product), and its great deterioration; in the latter respect, the acid, employed at a strength of 66° of Beaumé's areometer, being after the process reclaimed at from 20° to 25°; so that while a hectolitre of alcohol requires for its production 1500 kilometres (?) of sulphuric acid at 66° B., the acid after use must either be turned to some account in its dilute state, or must be concentrated for a new process; and hence, to all the other apparatus there must be added that for concentration, or leaden chambers. It is declared, however, that these difficulties are being gradually overcome.

Bases of Anilin Colors.—Prof. A. W. Hofmann has continued his researches into the composition and properties of the derivatives of anilin. He finds that the oxidation of anilin results in a beautiful yellow coloring matter, which he terms *chrysanilin.* This base accompanies rosanilin in all the usual modes of preparation. Isolated, it is a fine yellow amorphous powder, very soluble in alcohol and ether. It yields two classes of well crystallized salts, being monacid and biacid: its nitrate is so insoluble as to constitute chrysanilin the best known reagent for nitric acid. By the action of the chlorides of carbon, tin, mercury, and other metals, and of certain oxidizing agents upon anilin, the red coloring matter is produced: this organic base he terms *rosanilin.* Pure, it is colorless, crystalline, and slightly soluble in water, and becomes red on exposure to the air. It dissolves in alcohol with a dark red color. The change in color is not attended with change of weight. This base forms three classes of salts, monacid, biacid, and triacid. The dry salts of the first of these classes show a greenish lustre, but by transmitted light are red; their solutions are of a magnificent red color. Rosanilin, by action of nascent hydrogen, is converted into another

colorless and crystalline base, *leucanilin*: this forms salts which are triacid.

The formulas of the three bases now named exhibit a remarkable connection—a sort of homology in which H_2 is the constant difference. They are now given by Dr. Hofmann as follows:

Chrysanilin.....$C_{40}H_{17}N_3$.
Rosanilin.....$C_{40}H_{19}N_3$.
Leucanilin.....$C_{40}H_{21}N_3$.

The same author has examined the beautiful blue coloring matter obtained from crude chinolin, by action of iodide of methyl, or of ethyl, &c., and termed *cyanin*. The iodide of this base has the formula $C_{60}H_{39}N_2I$. Another and homologous base, its iodide $C_{56}H_{35}N_2I$, is in the commercial cyanin associated with the former. (*Comptes Rendus*, liv. 428; lv. 817–49.)

More recently, Hofmann has determined the facts that either anilin or toluidin, pure and taken singly, does not yield coloring matters with oxidizing agents. Since a mixture of these two bases readily yields the characteristic colors, he infers that the coloring matters contain both the phenyl and tolyl molecules. For the anilin blue, he has found the formula $C_{76}H_{31}N_3$; and regarding this as rosanilin in which 3 equivalents of H are replaced by 3 of phenyl, he considers its rational formula to be $C_{40}H_{16}(C_{12}H_5)_3N_3$, and terms it triphenyl-rosanilin. It is prepared by heating rosanilin with an excess of anilin. This base, free, is a white amorphous substance: its chlorhydrate has a bluish-brown color, and dissolves in alcohol with a magnificent blue. The iodides of methyl, ethyl, and amyl act readily upon rosanilin, forming new coloring matters analogous to anilin blue, and which contain three equivalents of one or other of the three radicles just named, in lieu of 3H. The author promises further communications on the nature of anilin-green, anilin-violet, and azulin. (*Ibid.* lvii. 25.)

V. Physico-Chemical *Phenomena and Principles. Dialysis.*—M. Ern. Guinet has been investigating the phenomena of transport through porous bodies. Having experienced difficulties in the use of the dialyser of vegetable parchment [*see* under Chemistry, prec. vol.], he substituted for it a porous septum of pipe-clay, similar to the material of the porous cups of certain batteries. With this he succeeded in repeating most of Graham's principal experiments; and he also performed some which with the parchment septum appeared impossible.

Thus, into a mixed solution of gum and sugar was plunged a porous vessel containing pure water: in 24 hours most of the sugar had traversed the porous vessel and was dissolved in the water, which did not, however, contain a trace of gum. In like manner bichromate of potassa is speedily separated from its solution with caramel. M. Guinet was at the time of writing experimenting with a view to obtain a soluble modification of cotton, by separating this substance from its solution along with ammoniacal oxide [query: sulphate?] of copper—the latter alone passing through the septum. This experiment could not be made with the vegetable parchment, since the latter would be acted on by the ammoniacal copper.

The author finds that the diffusibility of different crystalloids in a given liquid, as bisulphide of carbon, is by no means the same. When iodine, sulphur, and naphthaline are dissolved in the bisulphide, the latter permeate a porous vessel into pure bisulphide much sooner than the former. The explanation he gives of phenomena generally of the sort here considered, is not directly chemical, or physico-chemical, as that of Mr. Graham, but simply mechanical, though conditioned upon differences in character of the molecules of different substances.

He supposes the porous membrane or septum of any sort to act merely as a sieve, through which the molecules of various bodies pass with greater readiness as they are more attenuated. Thus, the crystalloids, which pass readily, have generally a compound atom but slightly complex; while the colloids, which are detained, have a high equivalent and considerable atomic volume—a consequence of their highly complex atom. And the less diffusible of the crystalloids are, also, those which correspond to the greatest atomic volume (taking for this, however, the quotient of the atomic weight by the density, which cannot be exact). Such an instance he considers as being presented in case of the two elements, iodine and sulphur, the former of which is the less diffusible.

Dissociation of Bodies by Heat.—M. Sainte-Claire Deville has made some interesting discoveries in connection with the decomposition of bodies by heat. On passing through a porous earthen tube a current of hydrogen, this element diffuses so rapidly that the gas which issues from the other end of the tube will be found to be, not hydrogen, but air. If this porous tube be surrounded by a longer and shorter tube of glazed porcelain, and carbonic acid be passed into one end of the latter, the two gases will be found to have changed places by the time they have reached the other end of the two tubes.

When the tubes were heated to 1100°—1300° C., and a current of steam passed through the inner one, while a carbonic acid current is made to pass through the outer tube, the gas collected at the other end of the tubes consisted of hydrogen and oxygen gases, mixed with carbonic acid—a fact showing that the steam, or a portion of it, had undergone decomposition.

Deville is led to consider the decomposition of a substance as in all respects analogous to the ebullition of a liquid: water is completely decomposed at a temperature sufficient to expand its vapor to ten-fold its volume at 0° C. The decomposition can also take place at lower temperatures, the phenomenon being in this respect analogous to that of the evaporation of liquids below their boiling points. Deville

has also extended his observations to the dissociation of the elements of carbonic acid by means of heat.

Deposit of Camphor toward the Light.—It has been generally stated in books of chemistry that camphor vapor has a tendency to be deposited toward the light; that is, if a bottle containing camphor be exposed to sunlight, the camphor will be deposited in crystals against that side of the bottle which is turned toward the light. Mr. C. Tomlinson's experiments have led him to conclude that heat is the real agency concerned in determining the phenomenon thus observed. He exposed a great number of bottles of camphor to light under different circumstances (as, for intance, when immersed in water), and found that no deposit was formed under those conditions that prevented a *radiation* of heat.

His theory is to the effect that, in all cases in which deposits are produced in preference upon one side of a containing vessel, as of such materials as camphor, naphthaline, iodine, mercury, water, &c., from the state of vapor, this result is determined in accordance with two well-known laws: 1, there has been a radiation of heat to greater extent from that surface, rendering it colder than the vapor in its vicinity; and, 2, a condensation of vapor then takes place by contact with the colder surface. A like result is obtained with some salts in solution.

VI. Theoretical Chemistry. *Numerical Relations of the Alkali-Metal Equivalents.*—M. Dumas remarks that, among the alkali-metals, thallium is (so far as yet known) the last term of a scale of numerical relations in which lithium is the first, and in which the equivalents of the others mark so many different degrees. Thus, taking Li as 7, and correcting Dumas' list and ratio (in this single particular) with Profs. Johnson and Allen's result for cæsium, we have the following scale:

Elements.	Equivalents.
Lithium	7
Sodium	23
Potassium	39
Rubidium	85
Cæsium	133
Thallium	204

Now, between certain terms of this series the following striking relations are to be discovered:

1. Li, Na, and K form a triad, the equivalent of the middle term of which is exactly the mean of those of the other two, thus, $\frac{7+39}{2} = 23$.

2. K, Rb, and Cs appear to form a second triad, the equivalent of its middle term being almost exactly the mean of those of the other two; thus, $\frac{39+133}{2} = 86$.

3. Addition of double the weight of Na to that of K, gives precisely the weight of Rb; thus, $23 \times 2 + 39 = 85$.

4. Addition of double the weight of Na to the weight of Rb, gives approximately the weight of Cs; thus, $23 \times 2 + 85 = 131$.

5. Addition of double the weight of Na to 4 times that of K, gives approximately the weight of Tl; thus, $23 \times 2 + (39 \times 4) = 202$.

These relations, Dumas believes, must attract the attention of chemists; and without attributing to them a value that the actual numbers would not justify, they show the interest which attaches to the careful comparison of the equivalents of bodies belonging to the same family.

[The analogies above shown, if they have any real value, would appear to suggest a doubt whether the equivalents of some of the elements here considered have yet been with entire correctness determined.]

VII. Applications of Chemistry.—For certain applications of chemical facts and principles, the reader is referred to the subject of Illumination, and some others of the heads previously mentioned in this article.

Coloring Articles of Copper and Brass.—Mr. J. Hunt, of Birmingham, England, coats articles of copper and brass with platinum, by immersing them in a weak solution of the bichromate of that element, heated to the boiling point, and then by the galvanic battery in the usual method causing the deposit of a thin film of the metal over their surfaces. The effect is to impart to the articles so treated a bright steel color, which, when the articles before immersion are burnished, is of a beautiful bluish cast.

Bronzing Cast Iron.—The pure copper which is deposited by a galvanic battery has been found to be peculiarly adapted to the coating of cast-iron figures exposed to the weather. This copper is mixed in a state of powder with oil, and is then laid on with the brush, as a paint. The iron balcony decorating the façade of the *Théâtre Français*, in Paris, is thus bronzed.

New Uses of Aluminium Bronze.—An account of the composition and properties, and of certain uses, of aluminium bronze, was given in the preceding volume. As the bronze is very ductile, and well suited to the processes of rolling and hammering through which steel and gold require to be passed in the making of pens, Mr. R. Pinkney, of London, proposes to substitute it for those metals in the manufacture of pens. He states that the alloy of which the aluminium amounts to 95 per cent. has a fine gold color; while that in which the copper forms 7½ per cent., is of a beautiful green.

Mr. J. Erwood, also of London, has patented the manufacture of bronze powders and leaf from the aluminium bronze, and which are intended to take the place of the powders and Dutch-metal leaf in common use, for application to paper-hangings, gildings, &c. Copper 90 parts to 10 parts of aluminium are said to produce a bronze of a fine yellow color. This is rolled, annealed, and beaten to the thinness of foil or leaf; and in this form it can

be used for common gilding. By stamping and grinding the foil, in the manner in which the ordinary powders are produced from tin and brass, the new bronze powders are obtained. The foil and the powders are applied by pressing or dusting them upon varnished surfaces.

Paints from Iron Slag.—The iron slag produced in puddling furnaces, containing a large quantity of oxide, can, it is found, when reduced to powder, be employed as a substitute for litharge, as a drier for paints. It is prepared by pulverizing, washing and drying. It serves not only as a cheap drier for paints, but also when mixed by itself with oil, as a cheap paint for coarse uses.

Silvering Cloth.—Mr. J. Cimeg, of London, has patented a process for depositing metallic particles upon fabrics of silk or wool. He states that the concentrated juice of fruits, as of currants and apples, contains in small amount a chemical principle capable of acting as a mordant on cloth, and of precipitating from the state of solution the particles of certain metals, as silver and gold. Having cleansed thoroughly a silk or woollen fabric, to remove from it all oily and gummy matters, he immerses it (for silvering) for a short period in a solution of nitrate of silver, ammonia, and Rochelle salt; after this the fabric is steeped in the fruit juice. In consequence of the reaction then taking place, pure silver is, from the solution of the nitrate previously taken up by the cloth, deposited upon its fibres. The fabric being cleansed in soft water, the silver is found to adhere to it, and so as to be incapable of removal by washing.

Rendering Fabrics Non-inflammable.—In a notice of this subject in the CYCLOPÆDIA for 1862, mention was made of the use for the purpose specified of the chloride of zinc, the sulphate of ammonia, tungstate of soda, and common salt. It is recommended also to mix the phosphate of ammonia with chlorhydrate of the same base; an efficacious solution should contain 20 per cent. of this mixture; or of the sulphate alone a 7 per cent. solution will prove equally effectual. Either of these can be applied in those manufactures where stuffs are stiffened under the action of hot air or by cylinders heated by steam; but they cannot be used where the common smoothing-iron is to be employed, from the fact of their being then decomposed by the heat. In such case, however, a 20 per cent. solution of tungstate of soda may be employed; but like borax, alum, &c., this is liable to destroy the thread of cotton stuffs. All these solutions should be applied to the stuffs after they have been first stiffened with starch and dried. Common salt is not liable to either of the sorts of objection holding against the ammonia salts on one hand, and the tungstate of soda on the other.

M. Sauvageon has discovered that cotton stuffs exposed for awhile to the vapor of burning sulphur, assume such a degree of incombustibility that, although they will char and become brittle when held over the flame of a spirit lamp, yet they cannot be made to take fire; while in the same circumstances, similar fabrics not so prepared are inflamed at once. It would appear an easy matter to subject white clothing after washing to the vapor of sulphur; and an incidental effect would be that of bleaching it more perfectly. How often the exposure would be necessary appears not yet to be known; nor, perhaps, whether the fibre is damaged in consequence. But the suffocating and poisonous properties of the sulphur vapor (sulphurous acid) would evidently necessitate much precaution in any attempts at a domestic application of this method.

Caustic Soap for Cleaning Flax, &c.—In the "Scientific American"—to the weekly notices of discoveries and of important patents appearing in which, we are indebted also for some other items under this topic——date of April 4th, 1863, an account is given of Mr. Henry's patent for a highly caustic soap, to be used in the treatment of flax, hemp, nettles, straw, grass, &c., to obtain fibre for spinning. The soap is made by combining a concentrated solution of caustic alkali with oil, grease, or other saponifiable substance, in such a way as to secure an excess of alkali. Mr. Henry states that after the gathering of flax, &c., no further preparation than that of steeping in a solution of such soap is requisite: the fibre will then be properly freed from the glutinous matters of the plant; and pulp for paper may also be thus obtained. The use of the soap in moderate quantity is said to take the place of the usual rotting process, and to render the subsequent crushing operation much more easy. The gummy and oily parts of the plant are so removed, or disintegrated, that upon subsequent washing a clean and beautiful fibre is obtained.

Purification, and also Concentration, of Waters, by Freezing.—Sea-water, in freezing, forms flakes of ice consisting of nearly pure water, the residual liquid being then extremely saline, so that in some northern countries it is used to furnish salt. Dr. Robinet, of Paris, has recently applied the same process for the purification of fresh water. He found the ice of water taken from the Seine, and from wells and springs, and then frozen, to be nearly as perfectly freed from such impurities as salts of lime and magnesia, as is distilled water. It is accordingly now proposed to procure fresh water on shipboard, not by distillation, but by congelation.

Again, the concentration of mineral waters has long presented a difficult problem, from the fact that, if heat were resorted to, it expelled the gases in solution in such waters. Dr. Henry, of Paris, has now experimented by congelation upon forty varieties of mineral water, reducing these to $\frac{1}{8}$, $\frac{1}{15}$, and even $\frac{1}{20}$ of their original volume, but without removing or altering the gases contained in them. It is quite certain, however, that in some cases changes will under such process take place in the salts in solution; and so far, this will vary

the therapeutic properties of the waters. The concentration will secure great economy in transportation; and the ice meanwhile obtained has of course its value. Messrs. Tichon and Melsens, of Aix les Bains, Savoy, have recently put in a reclamation on the score of this process, claiming to have applied it since 1856 for the improvement of the taste of disagreeable sulphurous waters, and also to concentrate their mineral ingredients. The former asserts that the method will not suit all mineral waters, since it alters organic matters if these are held in solution in them.

Manufacture of Ice.—The objects to be secured in the processes just treated of, are much facilitated by the new method of M. Carré for the manufacture of ice, and of course, for the freezing of waters for any required purposes. This method, which attracted much attention in the Exhibition of 1862, and of which a full description is to be found in *L'Année Scientifique et Industrielle*, by Figuier (1863), is one which M. Carré has based essentially upon an apparatus of American invention, that of Prof. A. C. Twining. The latter had produced ice in a brief time by the cold consequent on volatilization of sulphuric ether; but a difficulty existed in the way of maintaining the requisite vacuum: M. Carré now substitutes ammonia, previously liquefied by condensation; the frigorific effect being due to the large amount of heat which becomes latent in this material when allowed again to assume the gaseous form. The new apparatus, which can be worked either intermittently or constantly, is being introduced into many branches of industry. Besides its application for purifying water, and for concentrating mineral waters, as above referred to, it is also employed by brewers for freezing the wort of beer destined to undergo fermentation; by restaurant keepers for preparing ices and sherbets; and by vine growers to concentrate wines.

Alcohol, Manufacture of, from Olefiant Gas.—See this subject under the preceding division of Organic Compounds.

A New Safety Paper.—Mention is made in "Macniven and Cameron's Paper-trade Review," of a new safety paper, designed to prevent forgery or alteration of shares, bank-notes, checks, bills, or any paper demanding such security. The sheet of this paper is formed of several layers of pulp superposed, and which can be of different colors or nature, according to requirement. It is only necessary that the middle layer of the paper be colored of a delible or destructible color, when, if acids or other chemicals are employed to obliterate the writing or print on its surface, they will also destroy this color; and the hue wanting at such spot cannot be restored save by means that will destroy the whiteness of the surface of the paper. Thus this plan is likely to serve as an excellent check to the fraudulent alteration of documents.

Protection of Skins and Furs from Vermin.—Dry skins, as those of stuffed birds and animals, as well as furs, &c., are known to be subject to the attack of insects, by which they may soon be destroyed. To prevent such injury, P. W. Payras, of Paris, has taken out a patent for treating such articles with a mixed solution of the sulphate and the chloride of zinc, of a strength corresponding to 15° Beaumé, with the addition of ten grains of arsenic to each quart of the liquid. The preparation having been applied with a brush or sponge to the fleshy side of the skin, the latter is then hung up and dried. Where greater expedition is desired, the whole skin may be dipped in the solution, and then dried. The liquid should be kept in a glass or porcelain vessel. In moderately cold climates, the addition of arsenic may be dispensed with.

Gold and Rubber Plates for Artificial Teeth.—Mr. M. Cartwright, of London, has patented plates for artificial teeth, composed of gold and india-rubber intimately blended. The rubber having been first dissolved in benzine, leaf gold is then ground with it until an intimate mixture, and which is plastic, is formed. This compound is further softened by heating, until it can be worked into the model of the plate required; afterward it is vulcanized by heat in a suitable oven.

CHILI, a republic in South America. The population amounted on December 31st, 1861, to 1,648,804 inhabitants, of whom 822,727 were men, and 826,167 women. The annual increase is about 20,000. In 1861, 10,604 marriages were celebrated, being at the rate of one for every 153 inhabitants. The Chilian army numbered 2,028 men, and the national guard 26,839. The custom house receipts of Valparaiso, in December, 1862, presented an excess of 30,000 piasters over those of December, 1861, and the general receipts for 1862 an excess of 240,000 piasters over the receipts of 1861. The budget of expenditures for 1863 was fixed at 6,529,000 piasters.

The political history of Chili presents no events of marked importance. In the President's message on the opening of Congress, in June, reforms were as usual noticed and great promises made.

The Chilian Government claimed the ownership of the guano lately discovered on the coast in Mejillones, in conformity with a law of 1842, which declared all discoveries to be "public property," but subsequently stated its willingness to grant licenses to load vessels as formerly, when applied for according to custom house regulations, and thus in a great measure satisfied the public.

At the beginning of the year, Chili had a serious diplomatic difficulty with England. The British representative claimed £50,000 for damages for the loss of an arm sustained by a young man, Whitehead, who had most imprudently and unjustifiably exposed himself by his interference with a sentry in the streets during the late revolution. The enforcement of this claim by order of the British Government, ex-

cited the greatest indignation throughout the country, not only among the natives but also among the British residents. A meeting of about four hundred of the most influential British merchants was held in Valparaiso, to express their feelings with regard to the claim, and they were unanimous in condemning it as most unjust. The English Government, at length, consented to compromise the matter.

On the 8th of December, 1862, Santiago, the capital of Chili, was the scene of a terrible calamity. The church of the Jesuits, while crowded in the evening to overflowing by more than three thousand persons, caught fire. The camphene in a transparency on the high altar set on fire its frame-work, and wrapped in flame a kind of tabernacle wholly composed of canvas, pasteboard, and wood. As no less than twenty thousand lights in long festoons of colored globes hung in the church, with gauze and drapery of every description, the whole interior was in a few minutes an inextinguishable bonfire, and a rain of liquid blue fire poured down upon the crowded masses below. The church had only one door of easy access, which, opening inside, was soon blocked up, and made escape impossible. In less than a quarter of an hour, about two thousand human beings had perished, including many children, but very few men. Feats of the most prodigious valor and thrilling heroism were performed by many individuals on the spot. Mr. Nelson, the American ambassador, in particular, distinguished himself. He was instrumental in saving the lives of fifty young ladies, and never deserted his post at the threshold of the doors until the roof had fallen in, when a complete shower of sparks and cinders seemed to envelop him. He was carried from the spot, with his clothes smouldering, and his hair singed to the roots.

On December 11th, he addressed a letter to the Secretary of Foreign Affairs of the republic, expressing the profound regret caused in his mind, and in that of his fellow citizens residing in Chili, for the terrible misfortune, and assuring the Chilian Government that the Government and people of the United States would feel the deepest sorrow upon receiving the news of this catastrophe. To this letter Señor Toornal, the Secretary of Foreign Affairs of Chili, replied, on December 12th, that he was specially charged by the President of the republic to assure the representative and the citizens of the United States who had taken part in the public mourning, that the noble conduct manifested by them upon this sad occasion would ever be gratefully remembered by the Chilian people and Government. To allay the popular excitement, the Government issued an order that the building in which the disaster occurred should be razed to the ground. The Legislature also passed an act providing that henceforth there should be no illuminations of churches and splendid night services, and that proper measures should be taken in all the churches to secure a sufficient number of doors. Another result of the calamity was the organization of a fire brigade. On the 31st of December, a similar calamity had nearly befallen the worshippers in another church of Santiago, but fortunately the fire was extinguished.

In point of material prosperity, Chili is making great progress. The railway of Coquimbo, and the line from Santiago to Valparaiso, are finished, and it was intended to construct a telegraphic line from Valparaiso to Panama.

CHINA. An empire in Eastern Asia. Emperor: Ki-Tsiang (before his accession to the throne, Tsai-Sung), born in 1855, succeeded his father Hiengfung in August 22d, 1861. Prime Minister, Yih-soo, Prince of Kung. Population, in 1849, estimated at 415 millions. Area, estimated by McCulloch at 76,815 geographical square miles, by Malte Brun at 69,840, by Barrow at 60,072.

The treaty of Nankin, concluded in 1842, opened to foreign commerce the ports of Canton, Amoy, Fu-tcheu, Ningpo and Shanghai. The treaty of Tien-tsin opened also the following ports: Kiung-tcheu on the island of Hainan, Taiwan upon the island of Formosa, Swatan on the coast of the province of Kiang-tung, Tchi-fou on the northern coast of the province of Shan-tung, Niutchiang in the gulf of Leaotong, and the ports of Chinkiang, Kiukiang and Hangchow on the Yang-tse-kiang. The treaty of Pekin, of Oct. 24th and 26th, opened the port of Tien-tsin.

Since the middle of the year 1862 the Imperial Government, supported by England and France, has been constantly gaining upon the powerful Taeping rebellion. A number of English and French officers have been in the employment of the Chinese Government and formed different corps of native troops, which learned from them the tactics of the European troops. Several of the French officers lost their lives in engagements with the Taepings. Thus Admiral Protet was killed in an attack upon the city of Kiu-ting, which he undertook to take from the insurgents. Two other officers, Lebreton and Tardif de Moidry, captains of artillery, were likewise killed. The latter was succeeded by Gen. d'Argraibelle, who, in March, 1863, compelled the insurgents to evacuate the towns of Shaouh-sing (90 miles from Ningpo) and Seaousan (20 miles from the former place), and to fall back upon Hangchow. In Oct. 1863, the Franco-Chinese contingent captured Foyang, which was accomplished with 900 men and four guns.

The American General Ward, who had greatly distinguished himself in the service of the Chinese Government, was mortally wounded on September 20th, 1862, in an engagement with the Taepings near Ningpo, and died on the following day. He was succeeded in the command of the disciplined Chinese by Gen. Burgevine, who, however, got very soon into difficulties with the Chinese. On Jan. 4th, 1863, Gen. Burgevine marched into the settlement of

Shanghai from Soong-keong with his body guard, and entered the premises of Ta-kee, a mandarin of wealth, who acted as paymaster to the force. The object of this visit was to obtain money for the payment of his men, which was in heavy arrear. It had been repeatedly promised and as repeatedly withheld, and the consequence was that the troops, being entirely dependent on their pay for the means of subsistence, became insubordinate. To prevent open mutiny, Gen. Burgevine appears to have given his personal promise that they should receive at least a portion of their dues at once, and hence his march to Shanghai. A violent altercation ensued between him and Ta-kee, which ended in Gen. Burgevine giving the Chinaman some violent blows, and seizing $40,000, which he carried off and distributed among the starving soldiers. The Footai on this issued a proclamation denouncing Burgevine as guilty of treason, removing him from his command, and finishing by offering a reward for his head. Gen. Burgevine retired on board a British vessel, and Captain Holland, an Englishman, was in his place appointed to the temporary command of the Chinese. Mr. Burlingame, U. S. minister at Pekin, while disclaiming any right to have General Burgevine restored, or to interfere in the civil war, defended him against the unjust charges brought against him, and at length sent to the Chinese Government a kind of ultimatum demanding that the charges against Burgevine, having been admitted by the Chinese Government to be unjust, should be withdrawn. The Chinese Government complied with this request on the same day.

In July, 1863, Gen. Burgevine with 500 followers joined the insurgents, and the military mandarin at Shanghai offered a reward of £1,000 for the person of Burgevine "dead or alive." Against this offer, Mr. Seward, the United States consul, protested, and the other European consuls signed the protest. Gen. Burgevine became, however, soon disgusted with the insurgents, and left them.

The Anglo-Chinese contingent, under Major Gordon, was particularly successful against the Taepings. In March, Fooshan yielded to an attack, and the siege of Chiang-zu had to be raised by the rebels. Taitsan was recaptured in April, after some severe fighting, and after 500 men who had been sent to receive the surrender of the town from the rebel authorities had been treacherously murdered. On Oct. 12th Major Gordon captured Patolkon and Leookadis; on Oct. 24th, Prelung-vor (Wu-lungyow). A correspondent of the Paris "Moniteur," dated Shanghai, Nov. 2d, stated that Ly-Chung-Wong, the commander-in-chief of the rebel troops, after a brilliant campaign of three years, undertaken to relieve Kiang-si, the Hou-nan, and the Hou-pe, had returned precipitately to Nankin, which was attacked by the Imperialists and their allies. He had increased the garrison of the town to 30,000 men, and supplied it with provisions and ammunition for three years. He added to the guns on the 28 advanced works which form the exterior defences of the place, and he established an intrenched camp at Mo-ling, of which he gave the command to Heon-Tien-Hia, his adopted son. Chung-Wong had learned that the greater number of the towns which he captured during the campaign had been retaken by the allies; that, moreover, the Franco-Chinese contingent was laying siege to Hangchow, and that the Anglo-Chinese forces were attacking Soochow. Should these two places fall, the strategic line which the rebel general had formed round Nankin, would be destroyed, and in that case the Imperialists and the allies would unite their forces round the capital, which must be defended to the last extremity. Such were the last orders given by the rebel commander-in-chief.

On December 5th, the important city of Soochow capitulated to Major Gordon. From the account which Major Gordon published of the capitulation, it appears that the Chung Wong, who may be called the Taeping commander-in-chief, held a council of war at Soochow, at which all the Taeping chiefs (or Wongs) were present. He suggested that, as it was useless to fight against the English, both Soochow and Nankin should be evacuated, and that they should retire to the fastnesses of Kwangsi. This all agreed to, except the Mo-Wong, who had charge of the defence of Soochow, and who was determined to defend the city to the death. The Chung-Wong then withdrew with all his men, and the other Wongs, excepting the Mo-Wong, made overtures of surrender, promising to deliver the Mo-Wong a prisoner. At a council of war, however, they came to a different conclusion, and slew the Mo-Wong in his presidential seat. They then made terms which were distinctly understood, and agreed to by the Footai, Gen. Ching, and Major Gordon. These terms embraced a full pardon for the Taeping chiefs and their followers. The city being entered under this capitulation, the Footai decapitated all the Wongs, and gave the city over to plunder, which, to a certain extent, was followed by indiscriminate massacre. Major Gordon exerted himself most efficiently to stop the carnage, to warn the Taepings at a distance of the bad faith in store for them, and to give shelter to all the refugees who were in the neighborhood. On finding himself in an anomalous position, Major Gordon sent a communication to Gen. Brown, the commander-in-chief of the British forces in China, who was on the point of leaving Shanghai for Hongkong. The General immediately proceeded to Soochow, and had an interview with both Major Gordon and the Footai. He then returned to Shanghai, and called a meeting of all the treaty consuls. The result was simply this: that Major Gordon should remain in charge of his disciplined force, and act on the defensive only, but quite independent of the Footai, until a

reply should come from Pekin as to the perfidy practised by the Footai. The reason why Major Gordon retained the command is, that if he resigned a Frenchman would be appointed in his place.

In December, a great sensation was produced in Europe, and particularly in England, by the report that Prince Kung, the Chinese Minister of Foreign Affairs had refused to ratify an agreement made by Mr. Lay, inspector-general of the Chinese customs at Shanghai, with Capt. Osborn for the purchase of a fleet, and that Mr. Lay had been dismissed from the Chinese service. Mr. Lay had been authorized by Prince Kung to purchase some vessels, equip them, engage officers and seamen for them, and retain money out of the customs for his pay. He was, indeed, to make what arrangements might, in his judgment, seem desirable, with a view to successfully carrying out of the object in view. Mr. Lay accordingly set out for London, bought the ships, and put Capt. Sherard Osborn in the command of them. Messrs. Lay and Osborn entered into an agreement, and settled the terms upon which the Anglo-Chinese contingent should be managed and paid. Some of the clauses of this document were as follows:

1. Osborn agrees to take the command of the European Chinese navy for a period of four years, and stipulates that there shall be no other European naval commander-in-chief.
2. Osborn, as commander-in-chief, is to have entire control over all vessels of European construction, as well as native vessels manned with Europeans that may be in the employ of the Emperor of China, or under his authority, of the native guilds.
4. Osborn undertakes to act upon all orders of the Emperor which may be conveyed direct to Lay, and Osborn engages not to attend to any orders conveyed through any other channel.
5. Lay, upon his part, engages to refuse to be the medium of any orders of the reasonableness of which he is not satisfied.

Even the color and device of the flag under which the fleet should sail were prepared, and the two Englishmen were perfectly agreed as to the manner in which the whole affair should be managed. When the fleet reached Shanghai, Capt. Osborn was greatly surprised to receive instructions, not from Mr. Lay, whose orders alone he had bound himself to regard, but from Prince Kung, who addressed him as "Osborn, the assistant commander-in-chief of the Chinese navy." Mr. Lay, at the same time, informed him, that he was unable to obtain the emperor's ratification to the terms of agreement, which they had settled in London, and, indeed, that the Chinese authorities had not even taken the trouble to acknowledge its receipt. Capt. Osborn subsequently refused to serve under Prince Kung. "I did not come here," he writes, "or my followers either, to accustom ourselves to the treatment usual with Chinese sailors or soldiers, or to assist in a retrogressive policy in the treatment of European *employés*, or Europeans in general. The employment of ships of war and steamers of European construction is an innovation; that of European officers and gentlemen still more so. I and my force are part and parcel of a new order of things, indicating 'progress in China.' I will be no party to her lapsing back into her ancient system, and treating Europeans as if they were Chinamen. By submitting to such instructions and violation of my original agreement, I should at once deprive myself of the power to assist in carrying out in China the policy of Western civilization."

The European ministers in Pekin protested against allowing Prince Kung to have the ships on his own terms, and Prince Kung then requested Mr. Bruce to sell the ships for him. Mr. Bruce having requested Capt. Osborn to undertake their disposal, a part of the squadron were to sail for England, and Capt. Osborn, with the Keangsoo, Quantung, and Amoy, sailed for Bombay.

The "Overland Trade Report," an English paper, published in Hongkong, gives the following interesting details of this swindle:

The downfall of the Anglo-Chinese fleet scheme is likely to prove injurious and detrimental to British interests. It would seem that the British minister was palpably implicated in the fraudulent transaction, for it deserves no other name. The Chinese Government remitted Mr. Lay, when he was in England on sick leave, the sum of 650,000 taels (about £200,000) to buy steamers. He procured a flotilla which cost far more than the means placed at his disposal, which fleet he hypothecated to the British Government not only for the deficiency, but under certain conditions which were especially adapted for the exclusive advantage of British interests. It seems that the French and Russian ministers naturally became alarmed at the influence which the scheme, if carried out, was calculated to give the British minister, and consequently they stated their objections to Prince Kung, who, being pressed by the anti-foreign party in the state, became alarmed, and took occasion to break off friendly relations with Sir F. Bruce. The French minister supplanted him in the Prince's counsels, and his Highness has declined for some months all personal interviews with the British minister, during which period Mr. Lay has acted as his Excellency's Chinese secretary. This state of things was undoubtedly brought about by the underhand dealings of the British minister in relation to the fleet, and has ripened into an ill-feeling, if not into an open rupture of friendly relations, in consequence of his Excellency supporting Mr. Lay and Capt. Osborn in their unreasonable demands upon the Chinese Government.

The relations of the Chinese Government to the Great Powers of Europe were on the whole of a very amicable character. Prince Kung, the Minister of Foreign Affairs, showed himself anxious to introduce reforms, and to develop the resources of the country.

One of the most important reforms that were determined upon in the course of the year 1863, was that of the army. The Paris "Moniteur" publishes some very interesting details on this subject. The Chinese army, says the "Moniteur," which, according to official reports, should consist of 1,000,000 infantry, and 800,000 cavalry, had actually not one tenth of the number under arms. It is composed of Tartar troops, exclusively employed in the guard of

the emperor's person, and in the defence of the principal towns. These troops are, moreover, badly armed, badly officered, badly organized and devoid of all military enthusiasm. They are quite incapable of resisting the Taepings, who would have possessed themselves of Pekin long since had it not been for the European troops. Prince Kung, perceiving at length that such a state of things cannot longer be continued, and being confirmed in that view by the empress-mother, who comprehends that the safety of her son is identified with that of the dynasty, has resolved to create an active army, while retaining the one under arms. The new army is to be organized and armed after the European fashion, and commanded by European officers, or by natives educated at the military school by French professors. This school, to which none are admitted but young Chinese who show a disposition for a military life, will, it is expected, produce officers capable of contending with the Taepings.

Great concessions continued to be made to the foreign communities in the large commercial cities. The British community at Hangchow, on the river Yang-tse, obtained from the Government a grant of 90 acres of ground. Thirty English commercial firms, three or four French manufactories, one Russian, and one American, are established there. Fifteen large business houses are in the course of construction for English subjects. A municipal council has been established, to conduct the affairs of the European community, and it pays great attention to the construction of roads. At Shanghai, these concessions to foreign communities gave rise to an interesting question. The exemption of the "foreign concessions" from Chinese authority has long been claimed, and practically acted on, by the foreign communities resident in them, with the sanction and concurrence of the consular body—the Chinese tacitly yielding the right. In the autumn of 1862 it was proposed to extend the powers of the present municipality, and the British consul, having submitted certain proposals in that sense to her Majesty's minister at Pekin, received a reply, dated September 8th, 1862, that totally upsets the rights hitherto assumed. Sir F. Bruce clearly lays down that "there is great misapprehension of the position of these so-called foreign concessions. The British concession at Shanghai was neither a transfer nor a lease of the land in question to the British crown. It was simply an agreement that British subjects should be allowed to acquire land for their personal accommodation within a certain space, in order that they might have the advantage of living together. The land so acquired remains Chinese territory; it is subject to the land-tax; and if the jurisdiction of the Chinese Government over it is denied, it is done, because in China it was deemed essential, for the security of British trade, that the person and establishment of the trader should be secured from molestation." The English minister then goes on to describe the present position of the settlement as entirely altered in its character, and to remind the consul that "the Chinese Government has never formally abandoned its right over its own subjects, nor has her Majesty's Government ever claimed or expressed any desire to exercise a protectorate over them."

In October 22d, 1862, Prince Kung informed the representatives of the foreign Governments at Pekin, that the Imperial Government had adopted a national flag, to be triangular in shape, and ten feet broad for the largest vessels, and between seven and eight feet for smaller vessels. The ground color is yellow, and a dragon is painted on it, the head pointing upward.

At the close of 1863, a meeting of the Imperial Council for Foreign Affairs was held, to consider the translation and publication of a system of international law. Mr. Burlingame, the minister of the United States at Pekin, called attention to the translation of Wheaton's work, which has become an authority in the cabinets of Europe. He requested an interview with one of the members, and four of them appeared and evinced by their intelligent interest, as well as by their presence, that they deemed the subject one of great national importance. It is remarkable that one of the reasons adduced by the Chinese authorities for the translation, was that it would serve as a guide to future embassies to foreign Powers. This implies a departure from the ancient disdainful policy of the Chinese Government toward "outside barbarians," which indicates that the torpidity for which it was notorious is at last giving way under the influence of new ideas and liberal sentiments.

On July 10th, 1863, the envoy of Denmark, Col. Raaslof, succeeded in concluding with the Chinese Government a most favorable treaty. The Chinese at first intended that the treaty recently concluded with the Belgians should be tendered to the Danish envoy on the coast, or at Tien-tsin, and that he should have nothing more. Col. Raaslof, however, penetrating this design, determined to proceed at once to Pekin, where, after three months of earnest negotiations, he succeeded in obtaining much more favorable conditions. The Danish treaty is substantially the British treaty, with this advantage for all the foreign nations, that those changes which have been yielded to the solicitations of the foreign Powers from time to time since that treaty was signed, have been placed in the Danish treaty, and are therefore not liable to be changed. Article xvi. of the treaty mentions sixteen ports as being opened, and among them Nankin, Kiukiang, Chinkiang and Hangchow, on the river Yang-tse, although the first named city is in the hands of the rebels. For the present the trade is carried on at these ports under river regulations, to which foreign legations have agreed. Article xii. declares the coasting trade of China open to foreign nations, a stipulation which no former treaty contained. In the tariff, the clause prohibiting the

exportation of beans, peas, and bean cakes from New Chwang and from Pang-chow (Chefoo) is omitted, and foreign nations can thus rightfully participate in this important branch of the coasting trade.

CLINTON, a village in Hinds co., Mississippi. It is nine miles west of Jackson, on the railroad to Vicksburg. It was the seat of Mississippi College.

CLYDE, Colin Campbell, Lord, a British general, born in Glasgow, Scotland, October 20th, 1792, died in Chatham, August 14th, 1863. He was of humble parentage on the father's side, but through his mother claimed descent from an ancient Highland family. Removed at an early age from Scotland, to be educated in England, he was appointed in 1808, while a pupil in a military school at Gosport, through the influence of a maternal uncle, ensign in the 8th regiment of foot, with which in a few days he embarked for the Peninsula. Within three weeks from the time he had quitted the schoolboy's desk at Gosport, he stood in presence of the French at Vimiero. His first experiences in military life were gained in the unfortunate campaign of Sir John Moore, terminating in the glorious fight of Corunna, where, with the remnant of the British army, he embarked for England. Scarcely had he landed from the transport, which bore him home, than he was ordered off to participate in the disastrous Walcheren expedition. A fever, contracted in the marshy plains of Holland, clung to him for more than 30 years, and until he went to China in 1842. "Walcheren," he used to say, "was with me every season." In 1810 he returned to Spain, shared in the battle of Barossa, in 1811, and the defence of Tariffa, 1812, and in the latter year was actively employed in the Spanish corps. In 1813, having meanwhile reached the grade of lieutenant he rejoined the army of Wellington, took part in the battle of Vittoria, was severely wounded while leading a forlorn hope at St. Sebastian, and at the passage of the Bidassoa received a bullet in his thigh. In the succeeding year he was transferred to America, fought at Bladensburg and New Orleans, and after the peace of Ghent returned to England, where, for many years, he rusted in inactivity. In 1823 he was promoted to a majority, having for the previous ten years been a captain, and, in 1832, he purchased a lieutenant-colonelcy.

The breaking out of war with China, in 1842, restored him to active military duties, and in command of the 98th regiment he participated in the siege and capture of Chin-Kiang-Foo, and other enterprises. From China he was transferred to India, and, during the Sikh war of 1848–'9, commanded with distinguished bravery the third division of the army of the Punjab. At Ramnuggar, at Chillianwallah, where he was again wounded while directing an important movement, and at Goojerat, he added to his reputation for intrepidity that of a skilful tactician; and his conduct at the last of these battles obtained for him the title of Knight Commander of the Bath, and the thanks of Parliament, and of the East India Company. After conducting some successful operations against the Hill Tribes, in 1851–'2, he returned to England, was gazetted a major-general in 1854, and in the same year proceeded to the Crimea, in command of a Highland brigade of three regiments, forming part of the division of the Duke of Cambridge. His Highlanders contributed materially to the victory of the Alma, and at the succeeding action at Balaklava, drawn up in line, they easily repelled an attack of heavy Russian cavalry, eliciting by their coolness the applause of the numerous spectators of the fight. For many months after, Sir Colin held the responsible, but comparatively inactive, post of commander of Balaklava and its works. His reputation as a soldier nevertheless stood high in the army, and after the disgraceful failures of Sir James Simpson and Sir William Codrington, he was designated for the chief command of the British forces in the Crimea, but was prevented by the termination of hostilities from assuming that office. He returned to England with the army, was appointed a lieutenant-general in 1856, and prepared to enjoy his much-needed repose.

Short respite, however, was allowed him. In 1857 occurred the dreadful mutiny of the Sepoys in India, and. at twenty-four hours' notice, Sir Colin embarked for that country to assume the supreme command in Bengal, arriving at Calcutta, August 14th, thirty-two days after the issue of his commission. Organizing his forces as rapidly as circumstances would permit, he marched in October for Lucknow, where Gens. Havelock and Outram were heroically holding out against an overwhelming force of the enemy, commanded by Nena Sahib. On November 21st, he forced his way into the city, but the preponderance of the Sepoys over his army and the garrison united, being too great to admit of successful operations on the part of the Europeans, he succeeded by a clever ruse in withdrawing through the enemy's lines toward Cawnpore, where, on December 6th, he dealt the Nena a blow which may be said to have broken the strength of the rebellion. Making Cawnpore his centre of operations, he organized a series of combined movements which resulted in driving the rebels into Oude, where, during, the succeeding year, they were gradually dispersed and subdued, the contest assuming, finally, the character of a guerilla warfare. On February 1st, 1859, he was enabled to declare the campaign in Oude at an end, and having accomplished the pacification of a country which, at the time of his arrival, seemed almost lost to British rule, he returned home to receive the well-merited honors and congratulations which his sovereign and country united in bestowing upon him.

During his absence in India, he had been raised to the peerage as Baron Clyde of Clydesdale, and had received the thanks of Parlia-

ment and a pension. In 1860 he was appointed colonel of the Coldstream Guards and in 1862 a field-marshal, and he had at various times been enrolled among the chief military orders of Great Britain, France, Sardinia, and Turkey. Thenceforth his declining health, undermined by long and arduous services in the field, permitted him to undertake no active duties. At a review of volunteers at Brighton in 1862, he took the command at the request of the higher powers; but, at the close, he said it was his last day in the field, and he shaved off his moustache as a sign that he had retired from active service. Within a twelvemonth occurred his final illness.

In person, Lord Clyde was well knit, symmetrical and graceful, and though late in life his shoulders became somewhat bowed, he lost little of the activity of his prime. "To the last," says a writer in the London "Times," "his teeth remained full and firm in the great square jaws, and his eye pierced the distance with all the force of his youthful vision. His crisp gray locks still stood close and thick, curling over the head and above the wrinkled brow, and there were few external signs of the decay of nature, which was, no doubt, going on within, accelerated by so many wounds, such fevers, such relentless, exacting service." Measured by the exploits of other commanders, Lord Clyde cannot be classed among the great generals of the present century, although, in consequence of the dearth of military talent in Great Britain, he stood, at the time of his death, head and shoulders above his contemporaries. As a brave, prudent, and honest soldier he will always hold an honorable place in the annals of British warfare; and he will be especially remembered by the rank and file of the army, as one who understood their character and virtues better, perhaps, than any other; who constantly looked after their comforts, and who, bearing in mind from what humble beginnings he had himself risen to the highest honors of his profession, wished to make merit, and not influence, the key to advancement.

COCKERELL, Charles Robert, emeritus professor of architecture, in the Royal Academy, born in London in 1788, died at his residence in Chester Terrace, Regent's Park, aged 75 years. His father, an eminent architect, sent him, at an early age, to Westminster School, and from thence took him into his own office, where he studied for some years, perfecting his taste for the pencil and making such proficiency that, in 1809, he became confidential assistant to Sir R. Smirke, who was then engaged in rebuilding the Covent-garden Theatre. His love of adventure, combined with a desire for a wider field from whence to draw knowledge, led him, in 1810, to secure a safe conduct to the East. Accordingly he sailed in a sloop of war, intrusted by the Under Secrerary for Foreign Affairs with despatches for the embassy at Constantinople. Here he passed some months in the society of Byron, Hobhouse, Stratford Canning, and others of taste and genius; but Greece was the country of his longing, and he was impatient to realize the dreams which had so long dazzled his imagination. At Athens, where he arrived in autumn of the same year, he associated himself with Haller of Hallerstein, the eminent Bavarian; with Linck and Stackelberg; and Foster, an architect of Liverpool; and, purchasing the right of establishing themselves on the island of Ægina, they gave themselves up to the laborious but pleasant work of excavating the valuable specimens of sculpture near the temple of Jupiter Panhellenius. Here they were exposed to many dangers, not of climate only, but the island itself was a stronghold of pirates, while the mainland swarmed with banditti, who, at a later period, held Stackelberg a prisoner for ransom, and made cartridges of his valuable drawings. As a reward of their perils, they made, among other important discoveries, that of the celebrated Æginetan marbles, now at Munich. An article on these sculptures, from the pen of Mr. Cockerell, appeared in the "Quarterly Journal of Science," 1819; but the beautiful and elaborate work in which they, together with the treasures from Bassæ, are described and criticized, was not brought out by him until 1860. In 1811 they set sail for the port of Pyrga, and from thence took a fatiguing land journey, and, arriving at an Arcadian village, in the immediate neighborhood of which stood the remains of a temple of Apollo Epicarius, with indications of buried treasure, they again commenced their research, which resulted in the discovery of the Phigaleian marbles, now to be seen in the British Museum. Their labors at Bassæ being interrupted by the opposition of the police authorities, he left that country and returned to Athens. Subsequently he went to Sicily, and spent the greater part of 1812 in Syracuse and Agrigentum, a visit which resulted in his work, published at a later date, on the temple of Jupiter Olympus, or the "Temple of the Giants," as it is there styled. After a severe attack of fever, he resumed his travels, visiting Thebes and Delphi, and other haunts of classic fame. In 1814 he visited the Seven Churches of Asia Minor, and investigated Pompeii and other points of interest, and subsequently spent some time in Rome, where he was welcomed with open arms by the artistic circles there, and brought into intimate companionship with Caristie, Handelbourg, Mazois, Ingres, and other distinguished men. In 1816 he was at Florence, where, by his arrangement of the group of Niobe, he solved a long vexed question, and left to the city of the Medici a lasting memento of his perception and skill. Returning in the ensuing spring to England, he found that his fame had preceded him. Business flowed at once to his office, and before the year 1825 he had executed many valuable and important pieces of workmanship. Among them, the Hanover Chapel in Regent

street, Lampeter College, and the Bristol Institution of Science. He designed the London and Westminster Bank, the Taylor Buildings at Oxford, the Sun Fire Office in Threadneedle street, the Church of St. Bartholomew, and completed the St. George's Hall at Liverpool, the architect, Elwes, having been worn out with the work. In 1819 he was appointed surveyor of St. Paul's, which office he held till his final retirement from the profession. About the year 1832 he became architect of the Bank of England, and in that capacity executed important works, not only at headquarters, but also at Bristol, Liverpool, Manchester, and Plymouth. In his efforts for the advancement of art, he was eminently catholic and liberal. He was long a director of the School of Design at Somerset House, and was connected with the Royal Academy, where he held a position of much influence. He was for forty years treasurer of the Artists' General Benevolent Institution; was president of the Royal Institute of British Architects, receiving the first gold medal awarded by her Majesty to the institute. He was also a member of the Dilletante Society, and Fellow of the Society of Antiquaries. His honors were not confined to his own country. He was appointed one of the eight foreign members of the Institute of France, in 1841; was a member of the Royal Academies of Bavaria, Belgium, Copenhagen; of the Society of Arts of Geneva; of the Archæological Society of Athens, and of the Institute of Architects of New York, in 1860. He was the author of a preface to the "Iconography of the West Front of Wells Cathedral," and of many valuable papers written for the Archæological Institute.

COLOMBIA, United States of, a federal republic in South America, which, until September 20th, 1861, was called New Granada. The area of the republic is estimated at 521,948 English square miles. It consists at present of nine States, beside the Federal District of Bogota; the names, capitals, and population of which are exhibited in the following table:

States.	Capitals.	Population.
Panama	Panama	138,108
Bolivar	Cartagena	182,157
Magdalena	Santa Maria	730,093
Santander	Pamplona	378,376
Antioquia	Antioquia	224,442
Boyacá	Tunja	379,682
Cundinamaria	Funza	474,648
Tolima	Purificacion	
Canca	Popayan	330,331
Federal District	Bogota	43,000
		2,223,837

The receipts for the financial year beginning September 1st, 1861, and ending August 31st, 1862, were estimated at 1,824,000 piastres,* the expenditures at 2,136,517 piastres: deficit, 312,517 piastres. The public debt for the same financial year was as follows: Interest on the external debt, 202,000 piastres; interest on the internal debt, 218,104 piastres; interest on the floating debt, 68,100: total, 488,204. The army, which is divided into four army corps, was to consist, according to the law of August 24th, 1861, of 19,385 men. The importations amounted in the year 1856–'57, to 3,255,873 piastres; the exportations, 7,064,584.

An important revolution broke out in this republic at the beginning of the year 1860. The Liberal party, under the leadership of Gen. Mosquera, rose against the constitutional President Ospina, who had entered upon the presidential office, on April 1st, 1857, as the successful candidate of the conservative or Federalist party. On July 18th, 1861, Mosquera took possession of Bogota, the federal capital, deposed President Ospina, and assumed the reins of Government. The Federalist party continued to have control of the southern portion of the republic, with Antioquia as the seat of Government. The representatives of the Liberal States met in a Congress at Bogota, which closed on October 20th, 1861. They assumed the name United States of Colombia, and adopted a new constitution, according to which the legislative bodies of the republic were to be a Senate, consisting of three senators from each of the new States, and a Chamber of Representatives, chosen by the nine States and the Federal District, at the rate of one representative for every 50,000 souls, and every fraction over 20,000.

The leader of the troops of the conservative party, Gen. Arboleda, was assassinated in November, 1862, and was succeeded in the command of the Federalist army by Gen. Canal. On December 29th, 1862, an agreement was made between Gen. Canal and Gen. Mosquera, which put an end to the civil war. Gen. Canal, together with his troops, submitted to the Government of the United States of Colombia, which, in its turn, pledged itself to grant a complete amnesty. On February 4th, 1863, deputies of all the States met at Rio Negro, in the State of Antioquia, to form a constitutional convention. Gen. Mosquera resigned to the convention the dictatorial power which had been conferred upon him on September 20th, 1861, and the convention appointed a Provisional Government, composed of five ministers, who were to remain in office during the organization of the constitution. The new liberal constitution was proclaimed on April 23d, 1863. According to its provisions, each State administers its local affairs independently of the Federal Government. Congress and the President are elected by the States. Gen. Mosquera was appointed Provisional President until the 1st of April, 1864, when the President elected during the year 1863 by the people, was to take his place. During the existence of the Provisional Presidency, there was to be no fixed capital, Gen. Mosquera having the power to move it where he pleased. Among the provisions of the new constitution was one granting religious liberty, and another confiscating the church property. This called forth an en-

* A piastre is equal to an American dollar.

cyclical letter from the pope to the bishops of the republic, condemning both the confiscation of the church property, and the establishment of religious toleration, and urging the bishops to use the whole influence of the Church for the repeal of these features of the constitution. At the end of the year the conflict between Church and State had not terminated.

In the latter months of the year, a war broke out between the United States of Colombia and Ecuador. Gen. Mosquera, whose course in bringing about these hostilities was generally censured by the press of South America, victoriously advanced into Ecuador. On December 30th, peace was restored between the two republics by a treaty, which, at the same time, established between them free trade.

At the presidential election held toward the close of the year, Senor Murillo, the minister of the republic at Washington, was elected. His term of office begins in April, 1864.

A revolution of the conservative party against the Government of the republic, broke out in November, 1863, in the State of Antioquia, but it did not assume large dimensions, and seemed to be nearly at an end at the close of the year.

COMMERCE. The year 1863 has not exhibited much advance in a commercial point of view. The expectations that had been entertained of an immediate renewal of trade as a necessary consequence of the opening of the Mississippi, and the continued occupation of the Atlantic coast of South and North Carolina, and the penetration of the troops into the Texan country, have not been realized; and the foreign commerce of the country has greatly contracted in face of the improved harvests in Europe. These have enabled the people to dispense with much of the breadstuffs and provisions which were the main staples of the national export. The official statement of the Treasury Department gives the following returns of the trade of the Union for the fiscal years 1862 and 1863. The fiscal year ends June 30th.

Imports.	1862.	1863.
Goods	$189,404,771	$252,731,939
Specie	16,415,052	9,555,648
Total	$205,819,823	$262,287,587
Exports.		
Domestic produce	$181,875,988	$249,856,649
Foreign "	11,027;336	17,796,200
Specie	36,886,956	64,156,610
Total	$229,790,280	$331,809,459

The import valuations are in specie, being the invoice value of the goods entered. The export values are at the legal tender prices, and require to be corrected by the premium on gold in order to approximate to the value actually realized for the goods abroad. The average rate of specie for the year 1863 was nearly 50 per cent. The "balance of trade," so called, may then be approximated as follows:

Imports—Goods		$252,731,939
Exports—Produce	$267,652,849	
" " specie value		178,435,233
Excess imports		$74,296,706
Net specie export direct		54,600,962

There remains $20,000,000, which has been met by the sale of California and Canada bills, which have been sent: in the former case against gold shipped from San Francisco, and in the latter case against gold carried unreported to Canada. There is, however, a correction to be made from this result, since the exports of goods from California have been on a specie valuation. The currency in that State has continued to be in the precious metals, and, as a consequence, prices of commodities there have maintained their specie values. The prices in New York and San Francisco on the same day were as follows for the same articles:

	New York.	San Francisco.	Lower.
Gold	152	par	
Greenbacks	par	68c.	
Coffee, Java	40c.	27½c.	12½c.
Coffee, Rio	33c.	23c.	10c.
Shirting, ¾	28c.	20c.	8c.
Prints, Merrimacks	23c.	17c.	6c.
Prints, Spragues	22c.	16c.	6c.
Denims	51c.	25c.	26c.
Cambrics	24c.	13c.	11c.
Flour	$7·00	$4·50	$2·50
Wheat, white	1·77	1·00	77c.
Hay	32·00	14·00	18·00
Oak Sole Leather	41c.	30c.	11c.
Iron, Scotch	46·00	42·00	4·00
Rice, Patna	6·50	4·00	2 50
Sugar, New Orleans	11½c.	9c.	2½c.

The exports of wheat from San Francisco to England declined. This wheat is of a quality which commands 10 per cent. higher price than that of the Western States. Wheat therefore has ceased to be an article of export from the Atlantic States into California in exchange for gold.

The duties, under the existing tariff, weighed heavily upon the imports. The value of dutiable goods imported as above was $202,731,939, and the amount of duty paid was $69,059,642, or an average of 34 per cent. The cost was therefore as follows:

Invoice cost of Imports			$202,731,939
Advance in exchange, 50 per ct.	$101,365,969		
Duties, 34 "	69.059,642		
Gold for exchange, 50 "	34,529,821		204,955,432
Total cost landed			$407,687,371

This cost is exclusive of freight, insurance, storage, labor, commission, &c., which raised the cost to fully 150 per cent. of the invoice prices. These imports include large quantities of those raw materials, cotton, wool, naval stores, &c., that formerly were our staple exports, but which now must be imported at high cost to feed the manufactories. In the case of many articles of importation the rate was much higher, reaching on ordinary woollen goods 234 per cent., and on linens 164 per cent. The high cost of importation naturally checked in some degree the consumption of goods; but the growing abundance of money gave a new impulse to business, and the stocks of goods generally diminished as the year drew to a close.

The imports at the port of New York monthly for the year are shown in the following table:

IMPORTS, PORT OF NEW YORK.

Months.	Specie.	Free goods.	Entered for Consumption.	Entered for Warehouse.	Total.
January	$101,906	$2,413,649	$ 8,741,227	$4,482,794	$15,739,676
February	213,971	783,561	7,372,539	3,657,775	12,037,846
March	123,616	1,328,806	11,461,572	3,454,530	16,370,524
April	107,061	1,328,216	9,493,830	6,456,208	17,385,315
May	197,217	710,021	7,980,281	5,437,404	14,324,923
June	109,997	780,963	6,328,581	5,377,885	12,597,426
July	182,245	683,880	9,080,210	4,227,265	14,173,600
August	113,877	509,781	10,004,580	4,409,891	15,038,129
September	78,231	786,864	11,203,535	3,431,310	15,499,940
October	78,053	741,888	11,885,569	4,189,457	16,894,967
November	103,144	665,207	10,326,929	4,950,415	16,045,695
December	116,493	834,074	10,498,576	5,676,955	17,126,098
	$1,525.811	$11,567,000	$114,377,429	$60,144,337	$187,614,577

The volume of goods imported rose considerably from month to month during the year, and the quantity which was entered for consumption was much affected by the price of gold. The first months of the year, when gold underwent a rapid rise, and Congress authorized large issues of legal tenders, the desire to buy goods was very active and strong. There was a prevailing belief in a continual and rapid decline of paper as compared to commodities, which naturally indicated a desire to hold the most stable values, and large quantities of goods changed hands for investment. The estimates of the probable consumption of goods, as well imported as domestic, did not apparently, however, take fully into account the influence of high prices in checking this consumption. The stocks of goods in the country were known to be insufficient as measured by the usual scale of consumption, but the high prices which special duties and paper threw upon the goods greatly diminished this scale. In illustration of this effect are the figures of some leading imported articles.

	Coffee, lbs.	Molasses, gallons.	Sugar, lbs.	Spirits, imp. bbls.	Rosin, bbls.
1860.	177,111,923	47,318,877	930,229,400	88,059	113,565
1861.	187,045,786	40,191,556	814,957,560	34,150	55,900
1862.	88,989,911	62,668,400	968,600,640	20,836	49,790
1863.	79,719,641	37,569,088	636,849,920	8.220	14,253

The decline here apparent pertains to almost all articles of consumption, and arises from the common cause of enhanced prices. The effect of this diminished consumption was to disappoint, to some extent, the anticipations of a continued rapid rise in goods; the more so, as a reaction in the price of gold set in, which, being equivalent to a rise in Federal stocks, attracted to them the money that had previously sought merchandise as an investment. With the summer months, the stock of imported goods became greatly diminished, and with the autumn trade a renewed activity sprung up. The decline in gold and exchange from 72 in February, to 25 in August, naturally operated against activity in trade, because it was virtually a fall in the prices of merchandise and a rise in the value of stocks. When, however, in August, gold again began to rise, under the renewed activity of the autumn trade, importations were renewed with much vigor, notwithstanding which the supplies of goods in the hands of dealers at the close of the year were unusually small. The necessities of the times compelled the transaction of business mostly on a cash basis, and this of itself tended to make the trade of the year more safe and consequently more profitable. The following synopsis will, however, show a largely diminished number of failures for the past year as compared with the preceding one, and a remarkable decrease when compared with the average number in a normal condition of the country. This is accounted for chiefly by the check given to speculation, the heavy rise in the prices of goods, and the disposition shown by merchants, in view of the uncertain prospect which the future presented, to profit by the opportunities offered and place themselves in shape to meet any emergency. The number of failures has diminished in uniform ratio throughout the Northern and Western States.

The liabilities of the partner firms in the last two years have been as follows:

	1862.	1863.
New York City and Brooklyn	$7,491,000	$2,035,000
Philadelphia	1,310,000	442,000
Boston	2,013,000	1,133,000
Balance Northern States	12,235,300	4,289,000
British Provinces	3,292,588	2,568,000
Total N. States and British Prov.	$26,341,888	$10,467,000

The insignificant figures here presented, may be appreciated by comparison with former years. Thus, in 1857, the failures in New York city were $135,129,000; for 1858, $17,773,462; in 1859, $13,218,000; and these were reduced to only $2,035,000 for the past year. In Philadelphia, the failures in 1857 were $32,954,500; in Boston, they were $41,010,000. The figures have now become, therefore, quite nominal.

The large number of houses that have, from various causes, either failed or ceased business in the prominent cities since the war began, has left the trade in the hands of comparatively few, whose ample means enabled them to lay in their stocks in the beginning of the year at low figures. The rapid advance in price of all merchandise, with a steady, but not excessive demand, has made the year's business a more than usually profitable one to importers and jobbers; while the purchases have not been on so large a scale as in peaceful times, the enhanced value of goods has increased the amount beyond precedent. The retail trade has been equally prosperous.

Stocks of merchandise of all kinds, at the close of the year, were comparatively light, and business generally in a healthy and prosperous condition. There has been but little disposition to speculate by regular traders. The producing interests of the country have not shown a disposition to expand. The plethora of money, and the high prices of produce, have enabled them to clear themselves of all indebtedness: hence the country merchant has been enabled to buy, either for cash, or on short credit.

The imports at the port of New York for the year 1863, were as follows:

Dry Goods	$68,764,847
Other "	117,323,929
Specie	1,525,811
Total	$187,614,587

The general import trade embraces many articles which formerly figured in the export column. Of these cotton and wool are the most conspicuous.

The imports at the port of New York were as follows:

FOREIGN IMPORTS AT THE PORT OF NEW YORK FOR THE YEAR ENDING DECEMBER 31ST, 1863.

[The quantity is given in packages when not otherwise specified.]

	Quantity.	Value.
Alabaster, Orn	408	$4,943
Baskets	3,863	59,329
Bags	—	403,775
Boxes	15	15,296
Bricks	2,424	9,288
Buttons	871	176,443
Building stones	—	25,691
Burr stones	—	9,867
Candles	—	4,813
Clay	30	42,553
Cheese	1,636	47,957
China, glass & earthenware:		
Bottles	100	11,511
China	4,843	263,218
Earthenware	32,966	1,067,477
Glass	74,195	171,536
Glassware	6,102	156,085
Glass plate	2,846	363,459
Cigars	—	608,433
Coal, tons	305,884	808,456
Corks	247	154,125
Cotton, bls	103,542	13,153,314
Clocks	203	19,260
Cocoa, bags	9,461	167,623
Coffee, bags	391,918	7,796,635
Drugs, &c:		
Acids	1,881	153,506
Alkali	527	7,772
Asphaltum	70	934
Aloes	293	8,592
Alum	787	21,470
Aluminous cake	100	1,640
Ammonia, carb	313	16,718
Ammonia	20	1,073
Ammonia, sal	383	25,036
Ammonia, sulph	50	1,817
Aniline	8	1,834
Annotto	430	4,233
Aniline colors	45	41,780
Arrow root	924	5,338
Argols	1,265	161,362
Assafœtida	58	8,225
Arsenic	1,052	5,676
Bark	178	7,339
Barilla	—	6,501
Bark, peruv	5,875	391,802
Barytes	100	401
Bark, cascarilla	197	880
Bismuth	16	10,069
Blea. powder	18,037	225,107
Blue galls	30	2,256
Borax	15	387
Brimstone	25,330	201,676
Castor oil	3,486	50,246
Camphor	1,741	61,984
Chamomile	35	638
Cantharides	—	583
Carmine	12	3,042
Chalk	10	1,665
Camomile flowers	30	1,389
Cream tartar	596	163,038
Chicory	23,856	199,005
Cochineal	1,037	120,102
Crystals, Pruss	37	7,683
Cubebs	120	10,833
Cudbear	774	56,030
Cutch	3,480	16,861
Ext. safflower	16	7,639
Flor. sulphur	100	5,278

	Quantity.	Value.
Drugs, &c.:		
Gambier	22,390	104,728
Gum arabic	2,468	89,795
Gum crude	5,362	123,074
Gum copaivi	630	19,962
Gum cowrie	2,926	41,071
Gum copal	1,126	16,646
Gum varnish	1,000	10,290
Glue	93	4,575
Indigo	4,039	713,730
Iodine	69	11,861
Iodine, pot	205	24,411
Ipecac	68	25,504
Ipecacuanha	3	346
Insect powder	13	3,707
Isinglass	3	1,181
Jalap	5	1,107
Lac dye	127	6,293
Leeches	260	10,388
Licorice root	11,248	31,698
Lic. paste	12,086	344,582
Madder	3,178	497,753
Magnesia	515	8,244
Manganese	146	1,996
Manna	92	4,512
Morphine	2	1,923
Nutgalls	—	8,763
Nux Vomica	—	1,754
Nitrate soda	500	170,976
Oils, unspecified	993	101,212
Oil, cod	619	30,329
Oil, ess	1,980	139,489
Oil, linseed	145	10,625
Oil, olive	41,313	167,561
Oil, palm	915	59,508
Opium	435	259,432
Orchilla weed	—	4,581
Paints	—	405,694
Paris white	134	573
Pearl sago	350	1,286
Potash, chlo	713	19,926
Potash, hyd	27	2,666
Phosphorus	752	44,444
Plumbago	—	37,056
Pruss. white	50	236
Quinine	186	27,353
Quicksilver	25	47,997
Reg. antimony	530	32,460
Rhubarb	120	5,557
Saffron	1	857
Safflower	64	9,618
" ext	16	7,639
Saltpeter	20	392,349
Sarsaparilla	1,281	30,496
Scammony	4	4,533
Senna	5	2,485
Shellac	2,224	135,129
Soda, bicarb	98,491	293,348
Soda, sal	18,112	84,108
Soda ash	27,734	641,863
Sponges	791	29,160
Sugar of lead	254	14,507
Sulphur	200	960
Sumac	49,604	167,259
Tonqua beans	146	18,610
Vanilla beans	82	26,457
Vermilion	294	28,539
Yellow ochre	771	2,537
Zinc oxide	250	2,131
Drugs, unspec	—	175,847

	Quantity.	Value.
Emery	855	11,513
Fancy goods	—	1,480,126
Fans	—	11,230
Feathers	—	289,920
Fire crackers	—	72,063
Fish	—	620,159
Flax	2,366	108,974
Flour	400	3,836
Fruits:		
Bananas	—	40,043
Citron	—	93,772
Currants	265	115,745
Dried fruit	—	14,957
Dates	—	4,312
Figs	—	35,161
Ginger root	—	3,019
Lemons	—	267,925
Nuts	—	558,747
Oranges	—	362,616
Preserved ginger	—	10,047
Pine apples	—	88,765
Plums	—	37,355
Prunes	—	21,268
Raisins	—	568,064
Sauces & pres	—	150,697
Grapes	—	17,807
Other fruits	—	172
Furs, &c.:		
Felting	557	14,815
Furs	4,966	1,912,166
Furniture	107	15,756
Grain	—	280,332
Grindstones	104	11,160
Gunny cloth	9,608	189,077
Gutta percha	132	10,088
Guano	1,460	2,492
Hair	3,487	359,280
Hair cloth	333	151,813
Hemp	84,733	965,909
Honey	5,101	133,828
Hops	355	9,202
I. R. goods	5	6,639
India rubber	33,211	1,467,536
Irons	52	4,448
Ivory	231	81,273
Instruments:		
Chemical	15	1,007
Mathematical	21	6,205
Musical	1,689	173,118
Nautical	11	4,550
Optical	330	125,402
Surgical	37	9,720
Jewelry, &c.:		
Jewelry	618	1,048,788
Watches	615	950,522
Leather, Hides, &c.:		
Boots and shoes	213	22,481
Bristles	651	175,895
Hides, dressed	2,921	1,084,708
Hides, undressed	—	5,966,385
Horns	—	3,703
Leather	16	2,558
Leather, pat	78	44,117
Liquors, Wines, &c.:		
Alcohol	11	416
Ale	5,074	49,464
Brandy	8,017	261,234
Beer	1,895	16,059
Cordials	1,451	11,750
Gin	9,109	105,353

FOREIGN IMPORTS AT THE PORT OF NEW YORK, &c.—(*Continued.*)

	Quantity.	Value.
Liquors, Wines, &c.:		
Porter	3,094	$25,546
Rum	666	33,882
Whiskey	1,159	51,362
Wines	181,774	1,198,283
Champagne	101,901	601,028
Metals, &c.:		
Brass goods	150	29,889
Bronzes	40	7,555
Ch's & anch's	6,665	334,641
Copper	—	574,286
Copper ore	—	145,365
Cutlery	2,574	964,313
Gas fixtures	82	7,747
Guns	11,996	2,975,413
Hardware	3,179	501,253
Iron hoop, tons	3,110	134,905
" pig, tons	26,375	397,916
" R. R. bars	275,855	1,484,973
" sheet, tons	5,202	270,576
" tubes	52,719	142,794
" other, tons	49,127	2,457,575
Lead, pigs	268,232	1,520,519
Lead ore	—	3,524
Metal goods	16,272	597,791
Nails	3,303	62,072
Needles	502	171,206
Nickel	276	147,538
Old metal	1	221,536
Plated ware	72	15,847
Platina	55	97,522
Percus'n caps	331	71,559
Saddlery	161	41,976
Steel	119,699	2,063,842
Spelter, lbs	4,796,674	204,710
Silverware	35	11,145
Silver ore	2	3,060
Tin plates, bxs	557,745	3,090,815
" slabs, lbs	2,598,289	584,790
Wire	4,530	144,982
Zinc	4,769,086	$228,210
Lithograph stones	—	540
Machinery	1,550	103,862
Marble & manuf. do.	—	123,028
Matches	54	1,084
Macaroni	9,188	16,328
Molasses	92,394	1,928,598
Mules & horses	—	10,020
Oil paintings	439	143,114
Ostrich feathers	—	7,943
Onions	—	10,614
Paper hangings	380	27,864
Perfumery	894	70,757
Plaster	—	24,593
Pipes	—	265,802
Potatoes	—	100,255
Provisions	—	18,044
Pumice stone	—	1,010
Rags	68,884	1,286,431
Rice	—	849,362
Rope	2	68,408
Rosin	2,656	86,587
Salt	—	373,725
Seeds, unspec.	—	110,196
Castor seed	10,503	44,889
Flaxseed	920	18,400
Linseed	278,756	1,276,157
Soap	22,543	75,064
Spices:		
Cassia	—	58,323
Cinnamon	85	17,697
Cloves	—	25,905
Ginger	100	32,415
Mace	—	557
Mustard	—	2,888
Nutmegs	—	34,967
Pepper	—	234,541
Pimento	—	42,636
Stationery, &c.:		
Books	3,233	371,430
Stationery, &c.:		
Engravings	284	$95,182
Paper	7,424	274,289
Other stat'y	—	186,544
Statuary	1,424	68,157
Sugars, hhds, bbls&tcs.	235,911	10,855,925
Sugars, boxes & bags	310,084	3,678,627
Tar	2,017	16,080
Tapioca	4,372	18,726
Trees and plants	2	17,535
Tea	511,903	6,796,802
Twine	370	24,547
Toys	6,397	303,934
Tobacco	33,909	870,354
Tomatoes	—	6,448
Turp. sp'ts	4,641	292,039
Waste	15,003	497,536
Whalebone		2,657
Wax	—	11,008
Woods.:		
Boxwood	—	1,016
Brazil	—	57,426
Cam. wood	—	1,867
Cedar	—	75,294
Cork	466	42,779
Fustic	4,537	34,632
Lima wood	—	5,357
Lignumvitæ	1,803	42,097
Logwood	65,415	431,534
Mahogany	—	97,417
Palm leaf	—	38,947
Ratan	600	42,506
Rosewood	—	109,279
Sapan wood	—	2,742
Willow	—	18,504
Other woods	1,811	99,963
Wool, bales	114,864	8,538,021
Other miscel	—	61,369
Grand Total		$117,328,929

This table embraces the following unusual items in the list of importations:

Wool, lbs	114,864	$8,538,021
Cotton, "	103,542	13,153,314
Hides		7,051,091
Guns, no	11,996	3,975,413
Lead, pigs	268,262	1,520,599
Tar	2,017	18,080
Turpentine, spirits	4,641	292,039
Rosin, bbls	2,656	86,587
		$34,635,144

These figures were formerly on the export list, and aided farm produce to pay for imports, but by the change produced by war they are now to be paid for by farm produce, and thus curtail the national resources. Rosin was formerly sold at 80 cts. per bbl., it is now bought back at $32 per bbl. That is, we give for one bbl. what we formerly got for forty bbls.

The exports from the port of New York were in the aggregate, monthly, as follows:

EXPORTS—PORT OF NEW YORK.

Months.	Specie.	Free. (Foreign)	Dutiable. (Foreign)	Domestic.	Total.
January	$4,624,574	$73,111	$668,275	$14,829,398	$19,695,351
February	3,965,664	43,889	610,009	17,780,586	22,400,148
March	6,385,442	213,685	758,266	16,137,689	23,695,082
April	1,972,834	74,949	375,224	11,581,933	14,004,940
May	2,115,679	101,337	602,254	13,183,510	16,002,780
June	1,367,774	49,380	298,067	14,780,072	16,495,293
July	5,268,881	77,232	448,601	15,298,073	21,092,787
August	2,465,361	90,813	231,774	10,666,959	14,454,809
September	3,480,385	55,400	238,972	11,717,761	15,492,518
October	6,210,156	145,525	350,614	14,513,454	21,219,549
November	5,438,363	56,534	383,948	11,413,591	17,292,436
December	5,259,053	55,555	458,575	12,846,151	18,619,334
Total	$49,254,066	$1,087,212	$5,424,579	$114,249,177	$220,465,034

These values, except for specie, are in currency, and widely different from their real value, or that which is realized abroad. The fluctuation in the value of exchange, however, had an important influence upon the export market, since the disposition to ship depended almost altogether upon what could be obtained for bills. Nevertheless, the chief exports were breadstuffs and provisions; and those articles, in consequence of the improved crops of England and Western Europe, were far less in demand than in the previous year. The following table shows the exports, from the port of New York, of the articles which make up the bulk of the export trade for the year:

Exports from New York.

	January 1 to December 31. 1863.	1862.
Ashes—Pot.....bbls.	9,708	10,875
" Pearl.....bbls.	1,026	976
Bark—Quercitron.....hhds.	730	1,107
" Quercitron.....bags.	3,113	8,803
Beeswax.....lbs.	189,591	106,145
Candles.....boxs.	122,703	145,889
Clover Seed.....tcs.	39,897	14,786
Coal.....tons.	64,636	74,926
Cocoa.....bags.	5,945	9,482
Coffee.....bags.	19,324	72,224
Corn Meal.....punch.	3,190	2,768
Corn Meal.....bbls.	146,943	133,162
Cotton.....bales.	14,658	25,175
Domestic Cotton Goods.....pkgs.	2,519	6,288
Dyewoods—Logwood.....tons.	13,681	9,703
" Fustic.....tons.	955	878
Fish—Codfish.....100lbs.	55,040	47,103
" Mackerel & other Pickled...bbls.	47,462	33,513
Flour—Wheat.....bbls.	2,608,525	3,043,082
" Rye.....bbls.	5,204	8,547
Flaxseed.....tcs.	1,274	2,497
Grain—Corn.....bush.	7,553,270	11,883,272
" Wheat.....bush.	15,842,513	25,761,798
" Rye.....bush.	420,156	1,026,833
" Oats.....bush.	126,218	207,792
Gunpowder.....kegs.	386	18,151
Hemp.....bales.	1,762	12,617
Hops.....bales.	28,106	37,539
Lumber—Boards, &c.....M ft.	39,334	30,347
" Staves.....M.	17,698	14,661
Molasses.....hhds.	837	1,429
Molasses.....bbls.	203	244
Nails.....kegs.	50,902	27,203
Naval Stores—Turpentine.....bbls.	16	.....
" Sp. Turpentine...bbls.	487	811
" Rosin.....bbls.	4,333	18,081
" Tar.....bbls	8,225	4,560
Oil Cake.....tons.	23,312	19,439
Oil—Whale.....galls.	272,715	1,502,498
" Sperm.....galls.	545,108	806,718
" Petroleum, Lard, &c.....galls.	21,141,845	7,825,036
Provisions—Beef.....tcs.	77,160	55,084
" Beef.....bbls.	41,990	34,462
" Pork.....bbls.	198,928	168,976
" Butter.....100 lbs.	245,210	320,043
" Cheese.....100 lbs.	423,271	390,320
" Hams and Bacon 100 lbs.	1,880,950	1,470,440
" Lard.....100 lbs	1,201,027	1,281,525
Rice.....tcs.	8,008	10,460
Soap.....bxs.	239,478	201,448
Spices—Pepper.....bags.	12,765	4,464
" Pimento.....bags.	12,109	251
Sugar.....hhds.	2,428	5,796
" Havana.....bxs.	9,007	5,883
" Manila, &c.....bags & bskts.	100	..
" Refined.....100 lbs.	56,177	41,114
Tallow.....100 lbs.	461,165	435,474
Teas.....chests.	34	2,128
Teas.....pkgs.	26,803	16,031
Tobacco.....hhds.	64,543	51,003
Tobacco.....bales, cases, &c.	36,004	52,640
Tobacco, Manufactured.....100 lbs.	53,225	36,857
Whalebone.....100 lbs.	4,382	9,850
Wool.....bales, &c.	2,880	169

Reducing the flour to wheat, the quantities of grain exported were comparatively as follows:

	1862.	1863.	Decrease.
Wheat, bushels.....	40,977,208	28,884,138	12,093,070
Corn, "	11,883,272	7,553,270	4,330,002
Rye, "	1,026,832	420,156	606,676
Oats, "	207,792	126,218	81,574
Total, bushels.....	54,095,104	36,983,782	17,111,322

This represents a decline of nearly $20,000,000 in the grain exportation—a result of the improved harvests and decline in prices abroad. The price of wheat fell in England from 48s. in January, to 39s. per quarter of eight bushels, at the close of the year, or about 30 cents per bushel. The shipments were large when the rate of exchange was high; but the losses sustained were very considerable through the year on corn and wheat. An actual shipment of corn resulted as follows, showing the effect of the high rate of gold upon exchange; 7,714 bushels of corn equal 900 quarters; the cost price was 94 cents per bushel; freight 6d. sterling; exchange 160. The grain sold at 26s. 6d. per quarter:

900 quarters, at 26s. 6d.....		£1,192 10 0
Insurance and 3 per cent. war risk..	£36 00 00	
Freight and primage.....	202 10 00	
Duty and dues.....	60 9 11	
Master porterage.....	10 2 0	
Fire Insurance on quay.....	13 0	
Use of sack ties.....	18 0	
Porterage, weighing, &c.....	19 5 5	
Interest on cost and charges,.....	10 8 7	
Bank commissions, ½ per cent.....	2 9 0	
Carriage samples.....	5 2	
Commissions and guarantee.....	47 6 6	
		383 3 7
Actual net proceeds.....		£809 6 3
Cost—7,714 loads, at 94 cents.....		$7,252 16
Brokerage, ½ per cent.....	$38 07	
Weighing, screening, &c. ½ per ct..	38 07	
Commmission, 2½ per cent.....	181 50	257 64
Total cost.....		$7,509 80
£809 6s. 3d. drawn at 160.....		5,749 33
Loss, 22¾ cents per bushel.....		$1,760 43

Without either buyer's or seller's commissions, the loss would have been 16 cts. per bushel. Such a trade could not continue, and corn ceased, with the summer, to be exported; especially as a severe frost at the West was supposed to have done much damage to the crops, and the distillation of whiskey was carried on to a great extent in the prospect that the necessities of the Government would require a higher tax to be imposed upon that article, and that all whiskey on hand, when that tax should be laid on the manufacture, would have the benefit of the rise. Under these circumstances corn rose to very high prices, and ceased to be exported. The exports of wheat were diminished, and suffered loss in most cases, but with an occasional rally as the price fluctuated abroad. The internal movement of the grain trade, as indicated in the movements at Chicago, the great growing grain market, and Buffalo and Oswego, the points of receipt, will be seen in a table on the following page.

The amount of grain and flour—reducing the latter to wheat—delivered at tide-water by the Erie Canal to the close of navigation, compares as follows with the season of 1862:

	1863. Bushels.	1862. Bushels.
Wheat.....	22,206,900	32,699,900
Wheat in flour.....	7,804,000	9,132,500
Corn.....	20,603,600	23,709,800
Rye.....	470,500	700,100
Oats.....	12,437,500	5,940,000
Barley.....	3,190,500	2,062,700
Total, bushels.....	66,713,000	74,245,000

The numerous lake ports that discharge their wealth of produce upon those waters, swell the volume that arrives at Buffalo and

	Shipment from Chicago.		Receipts at Buffalo.		Average.	
	1862.	1863.	1862.	1863.	1862.	1863.
Wheat, bushels	13,808,898	9,341,881	30,435,831	21,240,348	10,982,132	8,785,425
Corn, bushels	29,452,610	24,444,147	24,288,627	20,086,952	4,528,962	2,676,367
Oats, bushels	3,112,366	7,504,994	2,624,932	7,322,187	187,284	433,147
Rye, bushels	871,796	885,133	791,564	422,309	130,175	116,355
Barley, bushels	532,195	668,735	423,124	641,440	1,050,361	1,824,667
Total	47,777,865	42,844,890	585,64,078	49,713,236	16,878,914	13,835,961
Reduce flour into wheat	8,698,245	7,683,455	4,692,110	5,956,178	1,176,910	576,460
Total	56,476,110	50,528,345	63,652,188	55,669,414	18,055,824	14,412,421

Oswego, in addition to the quantities sent by rail. In the last year the decline was very considerable, as well in wheat as in corn. The rise in price, however, compensated in the value of exchanges. The rate of freight was also well sustained, and the vessels and tonnage of the lakes were as follows:

Craft.	No.	Tonnage.	Value.
Steamers	124	51,522	$1,885,600
Propellers	286	78,035	4,389,500
Barks	1	310	4,500
Barkatines	142	63,341	2,215,000
Brigs	1	307	9,000
Brigantines	84	23,835	579,500
Schooners	1,095	225,868	7,262,300
Sloops	16	725	14,300
Barges	121	26,901	361,100
	1,870	470,034	$16,720,800
Loss by disasters—sailing vessels			693,596
" " steamers			468,577

One of the most remarkable features in the export trade was the rapid increase in the quantity of coal oil or petroleum, shipped as follows:

Export of Petroleum.

From	1861.	1862.	1863.
New York	1,112,476	6,720,273	19,547,604
Boston	....	1,071,100	2,049,431
Philadelphia	....	2,800,978	5,395,738
Baltimore	....	174,830	915,866
Portland	....	120,520	342,082
Total gallons	1,112.476	10,887,701	28,250,721

The average price of crude was 30.4 cents. This very large business has grown up in the three last years, and as the use of the article spreads in Europe, it seems scarcely to have a limit to its future growth.

The operations of the Confederate cruisers have had a strong adverse influence upon the commerce of the country. The arrivals of vessels at the port of New York were as follows:

	Foreign arrivals.	Of which Br. vessels.	Passengers from foreign ports.	Pass. from California.
1861	5,122	1,449	80,790	9,117
1862	5,487	1,919	94,607	7,421
1863	5,129	2,280	178,727	11,561

The freights in American bottoms became very unsafe, and the majority of goods were carried in foreign bottoms. The sales of American vessels to foreign nations were numerous.

The cotton trade of the United States being cut off, there has gradually been produced a most extraordinary change in the commerce and financial condition of Europe. The great rise in prices in Europe, consequent upon a short supply of cotton, naturally gave an immense impulse to its production in all parts of the world. It also diminished the local consumption of the article, and urged shipments from all quarters to the common centre, England, for the supply of the workshops of Europe. The general tendency is seen in the imports into England for four years:

	United States.	Brazil.	Egypt.	East Indies.	Other countries.	Total cwt.
1860	9,963,309	154,347	392,447	1,822,689	86,304	12,419,096
1861	7,316,969	154,378	365,108	3,295,004	91,619	11,223,078
1862	120,752	208,384	526,897	3,505,844	316,456	4,678,333
1863	46,201	182,977	701,847	2,964,278	825,550	4,720,853

Thus, the whole quantity of cotton obtained was little more than one third of that before the war, when seven eighths was supplied by the United States. The other countries, including Egypt, had been enabled to double their production, under prices which have risen as follows, at Liverpool, for middling:

	United States.	Brazil.	Egypt.	E. Indies.
1861	7	8¼	7½	4½
1862	13¾	13¼	12½	7¼
1863	27½	27½	27¼	20

This enormous rise has brought forward large supplies, with the drawback upon the production that the moment the American war should cease the product would become unsalable, since the accumulated American cotton would everywhere have preference.

Meantime the amount of money that must be paid into new channels for the produce of cotton, is apparent in the following figures of the value imported into Great Britain, rendering the £ at $5 each:

Cotton imported into Great Britain.

From	1861.	1862.	1863.
United States	$132,851,995	$6,106,385	$2,300,000
Brazil	3,450,500	8,383,705	8,500,000
Egypt	12,354,490	18,617,200	39,000,000
East Indies	47,297,780	110,212,185	132,200,000
Other countries	1,932,220	11,145,750	34,000,000
Total	$197,886,985	$154,465,225	$178,500,000
" cwt	11,223,078	4.678,333	4,720,857

Thus, in 1861, England bought 1,262,607,800 lbs. of cotton for $197,886,985, and this year she has been obliged to pay as much money for only 431,085,300 lbs., or little more than one third the quantity. This is, however, not the

chief difficulty growing out of the change. The cotton purchased now is not of the same quality as the American, and will not answer the same purposes; moreover, it is to be paid for in money, and not in goods, as was the case with the United States article; and this fearful drain of money in a new direction, has produced great changes in the financial condition of France and Great Britain, notwithstanding that an improved harvest greatly reduced the payments abroad for food.

COMMERCIAL INTERCOURSE. Extensive regulations were adopted by the Government of the United States relative to trade with the inhabitants within the lines of the army in the insurrectionary States.

On the 13th of July, 1861, Congress passed an act to provide for the collection of duties on imports and for other purposes, which authorized the President to issue his proclamation declaring certain States in insurrection, and prohibiting all commercial intercourse with them, except under certain conditions.

On the 16th of August, 1861, the President, by proclamation, declared certain States and parts of States to be in insurrection, and that all commercial intercourse with them by citizens of other parts of the United States was unlawful, and would remain unlawful until such insurrection should cease or be suppressed, and that all goods, &c., coming from or proceeding to any parts of such States without his license through the Secretary of the Treasury, would be forfeited. An exception was made to this prohibition in these words: "except the inhabitants of that part of Virginia lying west of the Alleghany mountains, and of such other parts of that State and the other States hereinbefore named as might maintain a loyal adhesion to the Union and to the Constitution, or might be from time to time occupied and controlled by forces of the United States engaged in the dispersion of said insurgents."

Under this proclamation, licenses were granted by the Secretary, as the armies progressed; some ports, such as Beaufort, Port Royal, and New Orleans, were opened under licenses, except to whatever was contraband of war, and the collectors and surveyors on the Ohio and Mississippi rivers were instructed to act, dispensing with applications to the Secretary for licenses.

On the 31st of March, 1863, the President issued another proclamation, stating that embarrassments had arisen to the due enforcement of the original act, by the exceptions of the first proclamation; therefore, so much was withdrawn as "related to the parts of States which might be from time to time occupied and controlled by forces engaged in the dispersion of the insurgents."

On the 12th of March, 1862, an act of Congress was approved, which authorized the Secretary of the Treasury to appoint special agents to receive and collect all the abandoned property in any of the States and Territories designated as in insurrection against the United States Government, and prescribed the manner of proceeding.

On the 20th of May, 1862, another act of Congress was approved, which authorized the Secretary of the Treasury to refuse a clearance to any vessel or vehicle laden with goods, &c., destined to any domestic or foreign port, whenever he thought such goods were destined ultimately for places in possession of the enemy. It further authorized the Secretary to take security in such cases and to establish such regulations as he might deem necessary for the purposes of the act.

On the same day that the President issued his last mentioned proclamation, general orders were issued by the Secretaries of War and Navy to the officers of their respective departments, for the purpose of "more effectually preventing all commercial intercourse with insurrectionary States, except such as shall be authorized in pursuance of law, and of securing consistent, uniform, and efficient action in conducting such intercourse as shall be authorized, and for the purpose of carrying out the provisions of the act of Congress entitled 'An act to provide for the collection of abandoned property, and for the prevention of frauds in insurrectionary States.'" These orders prohibited every officer of the army or navy or any person connected with either from having any interest in the transportation of any goods, &c., into any State declared by the President to be in insurrection, excepting supplies for the military and naval forces, and excepting sutlers' supplies, and other things for the comfort of the military and naval forces moving under authorized permits of the Treasury. The orders further continued: "nor shall any person aforesaid have any interest in the purchase or sale therein of any goods or chattels, wares or merchandise, cotton, tobacco, or other product of the soil thereof; nor the transportation of the same, except as aforesaid, therefrom or therein; nor shall any such officer or person authorize, prohibit, or in any manner interfere with any such purchase or sale or transportation, which shall be conducted under the regulations of the Secretary of the Treasury, unless under some imperative military necessity, in the place or section where the same shall be conducted, or unless requested by an agent or some other authorized officer of the Treasury Department, in which case all commanders of military departments, districts, and posts, will render such aid in carrying out the provisions of the said act, and in enforcing due observance of the said regulations of the Secretary of the Treasury, as can be given without manifest injury to the public service."

Further regulations prescribed the manner of proceeding with abandoned property.

At the same time, the Secretary of the Treasury prescribed the Regulations for the government of the several special agents and agency aids in pursuance of the act of March 12th,

1863. The first, second, and third of the Regulations were as follows:

The territory of the United States designated as in insurrection against the lawful Government of the United States by the Proclamation of the President, July 1st, 1862, to which special agents have been assigned to receive and collect abandoned and captured property, is divided into districts called Special Agencies, numerically designated and described as follows, viz.:

The First Special Agency comprises the district of the United States west of the Alleghany mountains, known as the Valley of the Mississippi, and extending southward so as to include so much of the States of Alabama, Mississippi, Arkansas, and Louisiana, as is, or may be occupied by national forces operating from the North.

The Second Special Agency comprises the State of Virginia, and so much of West Virginia as lies east of the Alleghany mountains.

The Third Special Agency comprises the State of North Carolina.

The Fourth Special Agency comprises the States of South Carolina, Georgia, and Florida.

The Fifth Special Agency comprises the States of Texas and Louisiana, and so much of the States of Arkansas, Alabama, and Mississippi, as is, or may be within the lines of the national forces operating from the South.

If additional Special Agencies shall be established, they will be numerically designated in the order of their establishment. And if the boundaries of agencies already established shall be changed, due notice thereof will be given.

Supervising Special Agents and Assistant Special Agents will be appointed by the Secretary of the Treasury, and Local Special Agents and Agency Aids will be appointed by Supervising Special Agents, or under their direction by Assistant Special Agents, subject to the approval of the Secretary, to carry into effect the said Act and these Regulations.

Supervising and Assistant Special Agents are authorized and directed to receive and collect all abandoned and captured property found within their respective Agencies, and within the lines of military occupation by the United States forces, except such as has been used or was intended to be used for waging or carrying on war against the United States, viz.: arms, ordnance, ships, steamboats or other water craft and their furniture, forage, military supplies, and munitions of war.

The Regulations required the special agents to collect and receive property, and make and keep a true record and account of expenses; to receive voluntarily abandoned property, give receipts, and take stipulations; to collect and receive from officers and privates, sailors and marines, abandoned property, and give receipts; captured property in the hands of officers or others was to be turned over and receipts given; property required for public uses was to be appraised and delivered over; perishable property was to be sold; household furniture and family effects to be stored; agents might contract with others for the collection and delivery of property; a bond was to be given by the contractor to indemnify the Government; local special agents and agency aids were to be appointed; necessary expenses were to be paid; property to be transported to loyal States and sold, except household effects, perishable property, and that taken for public use.

On the 3d of July, the Secretary addressed the following general circular to the agent at Memphis, Tennessee:

TREASURY DEPARTMENT, *July 3d*, 1863.

SIR: I have received your letter of the 5th of June, from Memphis, and also those of previous dates from Cincinnati, relative to the collection of abandoned and captured property within the States heretofore declared to be in insurrection.

In reply, I think it important to direct your attention, in the first place, to the general distinctions under which all property, subject to the disposition of national officers within the district under your supervision, may be arranged.

There may be said to be four classes of such property, viz.: abandoned, captured, commercial, and confiscable.

First; Abandoned property is of two descriptions, (1st), that which has been deserted by the owners; and (2d), that which has been voluntarily abandoned by them to the civil or military authorities of the United States. Such property is to be collected or received by the special agents of this department, and sold under the authority of the Act of March 12th, 1863; and the proceeds, after deducting the expenses of transportation and sale, and other expenses attending the collection and disposition thereof, are to be deposited in the Treasury, subject to award by the Court of Claims. Before this Court, claimants to such property, or the proceeds thereof, have the right, under the Act, to prefer their claims at any time after the sale, and before the expiration of two years from the close of the war. No guaranty can be given to owners of abandoned property in respect to the time when, or the persons to whom proceeds will be paid.

Second; Captured property is understood to be that which has been seized or taken from hostile possession by the military or naval forces of the United States, and is to be turned over, with certain exceptions named, to the Special Agent of this Department, in accordance with the provisions of the Act of March 12th, 1863. All property taken possession of by military or naval forces and turned over to Special Agents, must be regarded as *prima facie* captured property. Such property you will receive and direct to be sold, and will cause the proceeds to be deposited in the Treasury, subject to the future award of the Court of Claims.

Captured property which is held as lawful prize by the navy is not to be turned over to the Department Agents, nor to be in any way controlled by them.

Third; Commercial property is that which has been or may be sold and purchased under the license of the President, through permits granted by the officers of the Treasury Department.

Fourth; Confiscable property is that which belongs to certain classes of persons, as recited in the Confiscation Act of July 17th, 1862, and is liable to seizure and condemnation by judicial proceedings in the manner prescribed by that act.

Great care must be exercised in properly classifying all property, that the provisions of the law applicable to each class may be complied with; and it must be remembered that with the property included in the fourth class, unless found deserted and abandoned, the Agents of the Treasury Department have no authority to interfere. The execution of the Confiscation Act is confided by its express terms to the President, by whom the Attorney-General has been charged with the direction of all seizures and proceedings under it.

It must be remembered, also, that all property coming from insurrectionary districts into loyal States, or in reversed direction, or being transported within or to insurrectionary districts, in contravention of law or Departmental Regulations, is forfeited or forfeitable; and that it is the duty of the Agents of the Department, as well as of other proper officers, to enforce the forfeitures thus incurred; but property thus forfeited or forfeitable must not be confounded with confiscated or confiscable property, which is to be proceeded against and disposed of under the Act of July 17th, 1862, or with prize-money captured by the navy, and sub-

ject to disposition under the direction of Prize Commissioners and Courts.

In respect to property embraced in the first class, namely, abandoned property, it is to be observed that no agent is authorized to make any other assurance than that property, voluntarily abandoned, shall be faithfully disposed of, under the law, so as to secure, as far as practicable in the existing condition of the country, the rights of owners. No authority is given, or intended to be given, to agents to make any promises of special immunities or advantages not specified in the law.

In respect to both descriptions of abandoned property, whether found deserted or voluntarily abandoned, the law authorizes the payment of such expenses as must necessarily be incurred in its collection, or receipt and disposition.

You will, therefore, pay all such expenses, including fees, taxes, freights, storage, charges, labor, and other necessary expenses, out of the general fund arising therefrom; being careful to avoid all useless or indiscreet expenditures, and to charge each particular lot or parcel, with the amount of expense pertaining to it, and, unless unavoidably prevented, to take vouchers therefor, to be filled with the account of sales in this Department.

Where property is liable to be lost or destroyed, in consequence of its location being unknown to the Special Agent, or from other causes, and parties propose, for compensation, to collect and deliver it into the hands of the Agents of this Department, at points to be designated by them, you may contract for the collection and delivery thereof, on the best possible terms, not exceeding twenty-five per cent. of the proceeds of the property; which percentage must be full compensation for all expenses of whatever character incurred in collecting, preparing, and delivering such property at the points indicated. Prior to any contract being entered into, each party proposing must submit, in writing, a statement, as near as may be, giving the kind and amount of property proposed to be collected; the location whence to be obtained; and all the facts and circumstances connected with it, particularly as to its ownership: and any contract made in pursuance of this authority will be restricted, either to the collection and delivery of particular lots at named localities, which is preferred, or when circumstances clearly justify, to the general collection and delivery of all abandoned property in limited districts, not greater in any case than one parish or county, and not more than one district to be assigned to one contractor.

Before payment to any contractor for services in fulfilment of any contracts made in pursuance of this authority, a bond equal to the amount stipulated to be paid must be given by him, indemnifying the United States against all claims to the property delivered, on account of damages by trespass or otherwise, occasioned by the act of connivance of the contractor, and against all claims that may arise on account of expenses incurred in the collection, preparation, and transportation of said property to the points designated in said contract.

Should cases arise justifying, in your opinion, the allowance of a larger percentage than that herein authorized, you will refer such cases to this Department, accompanied by a statement of the facts and circumstances connected therewith, together with such views and opinions of your own as you may think proper to submit for my consideration.

If property of a perishable nature is found abandoned, and its immediate sale is required by the interest of all concerned, it may be disposed of as provided for by regulations. You will aim to mitigate as far as possible, and will in no case do anything avoidable to augment the calamities of war.

In relation to the captured property, you will observe the same directions, as far as they may be applicable, as to its receipt and subsequent disposition, as are prescribed in relation to abandoned property.

In relation both to captured and abandoned property, you will remember that no release must be granted to persons claiming ownership of property which has come into the possession of the Agents of the Department as abandoned, captured, or forfeited; nor must any permits be granted to individuals to remove such property; nor must personal favors, in any case, be extended to one individual or party rather than to another; nor must any liabilities be assumed or contracts made on the part of the United States not clearly warranted by law and the Departmental Regulations made in pursuance to law.

In case furniture, or other movable property of like character, is abandoned or captured, you will cause it to be retained and left on the premises where found whenever it can be done with safety; otherwise, if practicable, and not attended with too great cost, you will have it safely stored and properly marked and numbered, and will report the facts to this Department and await further directions.

Your principal embarrassment will doubtless arise from questions relating to property of the third class, or commercial property.

The general purposes which, under the acts charging me with the regulation of the restricted commercial intercourse permitted by the President, I have kept steadily in view, have already been sufficiently explained in general regulations and in letters.

They may be briefly stated thus: (1) To allow within districts in insurrectionary States, when the authority of the Government is so completely reëstablished, in your judgment, sanctioned by that of the commanding general, as to warrant it, and between such districts and loyal States the freest commercial intercourse compatible with prevention of supplies to persons within rebel lines. (2) To allow beyond such districts, but within the lines of our military occupation such intercourse sanctioned by the commanding general, as may be required to supply the inhabitants with necessaries, but to allow no other until the complete reestablishment of the national authority shall warrant it; and (3) To allow no intercourse at all beyond the national and within the rebel lines of military occupation; across these lines there can be no intercourse except that of a character exclusively military.

The limits of the districts within which the most general trade may be allowed must necessarily be prescribed by you, after full conference with the commanding Generals of Departments, whenever such conference is practicable, and these should be so clearly and distinctly marked by known geographical boundaries, or by the enumeration of counties, as to leave no uncertainty as to their course or comprehension. The limits of the regions within which necessaries may be supplied cannot be so clearly defined, but must be ascertained as well as possible from the commanding generals, and the power to permit any supplies within them must be exercised with great caution.

There does not seem to me to be so much danger in intercourse which does not involve the furnishing of supplies. If, for example, any person desires to bring cotton, tobacco, sugar, turpentine, or other property, already purchased, or to be purchased for money only, from any place within the lines of our military occupation, I can see no objection to his being permitted to do so, subject to the fees and obligations specified in the General Regulations, on his giving a bond in a sufficient sum, and with sufficient sureties, conditioned that no military, naval, or civil officers or persons, prohibited by law, or by orders of the President, or of the Secretaries of War or Navy, or of military or naval commanders having proper authority, from being interested in such property, whether purchased or to be purchased, shall be so interested therein. Intercourse such as this might, it seems to me, be safely permitted, almost, if not quite, coextensively with our lines of military occupation.

Should this view meet the approval of the generals commanding Departments within your Agency, the question of intercourse within the doubtful region between what may be called the commercial and the military line would be reduced to a question of

the quantity of supplies allowed to be furnished for money.

It is impossible at once to arrive at the best possible ways of accomplishing the great objects which Congress had in view in the several acts relating to commercial intercourse; but if these objects themselves be kept steadily in view, namely, (1st) non-intercourse between loyal States or districts, and States or districts controlled by insurgents; and (2d) modified intercourse between the loyal States or districts, and States or districts partially regained to the Union, the best modes of accomplishing them will gradually disclose themselves. You will diligently observe the course of events, and hear attentively all suggestions made by respectable and loyal citizens, and report to me whatever may seem to you proper for consideration in establishing or modifying the Regulations of the Department.

Nothing occurs to me as needing to be now added, except that hereafter the Supervising Special Agents may establish, in conjunction with, or obedience to, the Generals commanding Departments, lines within which trade, more or less limited, may be carried on without awaiting my sanction, taking care, however, to give as general notice as practicable, through the press and otherwise, of the establishment or modification of such lines. All action under this authority must be immediately and specifically reported to the Department. With great respect,

S. P. CHASE, Secretary of the Treasury.

The following letter from Gen. Grant was written in relation to the above instructions of the Secretary:

HEADQUARTERS DEPARTMENT OF THE TENNESSEE, VICKSBURG, MISS., *July 21st*, 1863.

Hon. S. P. Chase, Secretary of the Treasury:

SIR: Your letter of the 4th instant to me, enclosing copy of a letter of same date to Mr. Mellen, special agent of the Treasury, is just received. My Assistant Adjutant-General, by whom I shall send this letter, is about starting for Washington; hence I shall be very short in my reply.

My experience in West Tennessee has convinced me that any trade whatever with the rebellious States is weakening to us at least thirty-three per cent. of our force. No matter what the restrictions thrown around trade, if any whatever is allowed it will be made the means of supplying to the enemy what they want. Restrictions, if lived up to, make trade unprofitable, and hence none but dishonest men go into it. I will venture to say that no honest man has made money in West Tennessee in the last year, while many fortunes have been made there during the time.

The people in the Mississippi Valley are now nearly subjugated. Keep trade out for a few months, and I doubt not but that the work of subjugation will be so complete, that trade can be opened freely with the States of Arkansas, Louisiana, and Mississippi; that the people of these States will be more anxious for the enforcement and protection of our laws than the people of the loyal States. They have experienced the misfortune of being without them, and are now in a most happy condition to appreciate their blessings.

No theory of my own will ever stand in the way of my executing, in good faith, any order I may receive from those in authority over me; but my position has given me an opportunity of seeing what would not be known by persons away from the scene of war, and I venture, therefore, to suggest great caution in opening trade with rebels.

I am, sir, very respectfully, your obedient servant,

U. S. GRANT, Maj.-Gen.

On the 11th of September, the Secretary of the Treasury issued Revised Regulations for the government of the limited commercial intercourse, licensed by the President, with the inhabitants of States and parts of States declared to be in insurrection. The Revised Regulations were as follows: The same districts and agents were appointed as for collecting abandoned property. Supervising special agents were to make local rules, to be carried out by assistant special agents, local and special agents, and agency aids. Permits, certificates, and clearances were required for the transportation of all goods to or from insurrectionary States; collectors and surveyors could grant permits; all intercourse beyond the line of military occupation was prohibited; no clearance or permit allowed to blockaded ports; supervising special agents were authorized to designate the trade districts, also supply districts, without the limits of trade districts, on the approval of the commanding general, the manner of making applications for the permits prescribed; provisions for the establishment of trade stores in trade districts; authorized traders forbidden to wholesale, except at Memphis and Nashville; supplies for families permitted on evidence of their necessity, not exceeding one month; supplies might be purchased by all loyal persons; every person applying for permits to purchase or sell cotton, tobacco, or other merchandise, was required to make affidavit that he "is in all respects loyal and true to the Government of the United States; that he will faithfully conform to the Proclamations and orders of the President of the United States, and of the military governors and generals exercising authority under him, and to Department Regulations authorized by law; and that he will at all times, by his conduct and conversation, and by every other means he can properly use, aid in suppressing the rebellion, and restoring obedience to the Constitution and laws of the United States."

No payment can be made in gold, bullion, or foreign bills. Permits and certificates were to be renewed every thirty days; every vessel or vehicle must have a permit, and boats on Western waters a manifest and clearance; agency assistants were to be appointed on cars and boats. The following fees were prescribed:

Fees for administering oath and certifying affidavit	10 cents.
Fees for each authority from agent	3 dolls.
Fees for certificate of Local Special Agent	10 cents.
Fees for each permit for purposes of trade	20 cents.
Fees for each permit to purchase cotton in any insurrectionary district, and to transport the same to any loyal State, per pound	4 cents.
Fees for permit so to purchase and transport tobacco, per hhd	2 dolls.
Fees for permit so to purchase or sell and transport to or from such district other products, goods, wares, or merchandise, five per centum on the sworn invoice value thereof at the place of shipment.	
Fees for each permit for individual, family, or plantation supplies, on every purchase over $20 and not over $50	5 cents.
Fees on every purchase over $50, and not over $100,	10 cents.
" " " $100	15 cents.

For permits for individual, family, or plantation supplies, not over twenty dollars in amount, no charge is allowed, except for revenue stamps on affidavits and certificates in districts under restriction; and no charge, except five cents for permit and five cents for each revenue stamp on affidavit and certificate,

is allowed in States declared in insurrection. When purchases are less than five dollars, the permit officer may dispense with affidavits and certificates when no ground to suspect fraud or imposition appears.

The internal revenue stamps required were for affidavits, five cts., certificates, eight cts., bonds, twenty-five cts. Other regulations related to details which are unimportant.

Under these general regulations, there were prescribed special rules for the First, Second, &c., Special Agency districts. The First Special Agency district comprised the valley of the Mississippi. On the 23d of December, the following rules were adopted for this district:

Rule I. The First Agency is divided into Districts designated and described as follows:

The Wheeling District comprises that part of the Agency embraced in the State of West Virginia, excepting the counties upon and south of the Kanawha river.

The Lexington District comprises that part of the State of Kentucky south of the restricted line, as hereinafter indicated in Rule VII., and east of the Louisville and Nashville Railroad, excepting the counties of Pike, Floyd, Johnson, Lawrence, Carter, and Boyd.

The Louisville District comprises that part of the First Agency north of the State of Tennessee, east of the Louisville and Nashville Railroad, which is not embraced in the Wheeling and Lexington Districts, as above described.

The Cairo District comprises that part of the Agency west of the Louisville and Nashville Railroad, north of the State of Tennessee, and east of the Mississippi river.

The St. Louis District comprises that part of the Agency west of the Mississippi river, and north of the south line of the State of Missouri, except the counties embraced in the Springfield District, as hereinafter described.

The Springfield District comprises the counties of Vernon, Cedar, Polk, Dallas, Laclede, Wright, Webster, Green, Dade, Barton, Jasper, Lawrence, Christian, Douglas, Ozark, Maney, Stone, Barry, Newton, McDonald, in the State of Missouri, and that part of the State of Arkansas north of the White river and west of the Big Black river.

The Helena District comprises the counties of Arkansas, Desha, Drew, Chicot, and Ashley, in the State of Arkansas, and also those counties in the said State upon and east of the Big Black river, and upon and east of the White river, from its junction with the Big Black to its mouth, except the counties of Crittenden and Mississippi. Also the counties of Tunica, Bolivar, Washington, and Coahoma, in the State of Mississippi.

The Little Rock District comprises that part of the State of Arkansas not included in the Helena and Springfield Districts, as above described.

The Knoxville District comprises that part of the State of Tennessee known as East Tennessee.

The Nashville District comprises that part of the State of Tennessee west of the Knoxville District, and east of the Tennessee river, and so much of Alabama as lies north of the Tennessee river.

The Memphis District comprises that part of the State of Tennessee west of the Tennessee river, the north tier of counties in the State of Mississippi, and Mississippi and Crittenden counties in the State of Arkansas.

The Vicksburg District comprises so much of the State of Mississippi as lies north of the mouth of the Big Black river, and is not embraced in the Memphis and Helena Districts, as above described; and so much of the State of Louisiana as lies north of the mouth of the Big Black river, and east of the Washita.

The Natchez District comprises the territory within the lines of the army operating from the north, which lies south of the Districts above designated.

II. An Assistant Special Agent for each District above named will be appointed by the Secretary of the Treasury, whose duties, under the Regulations, will be prescribed by the letter of appointment, or as may be therein directed.

III. Local Special Agents and Agency Aids will be appointed by the Assistant Special Agents for their respective Districts, but in all cases these appointments must be forthwith reported to the office of the Supervising Special Agent for approval, stating the date when service commenced, rate of compensation, and location of each. Compensation will in no case be allowed for service performed more than twenty days before notice of the appointment is received at the office of the Supervising Special Agent.

IV. All reports required to be made by Local Special Agents, under the Regulations, must be made as therein required, on or before the third day of every month, and Assistant Special Agents will remove any Local Agent failing in this.

V. Any Surveyor failing to make the reports required by the Regulations at the time specified therein, will be promptly reported to the office of the Supervising Special Agent, by the Assistant Special Agent of the District, that his default may be at once brought to the attention of the Secretary.

VI. All reports required under the Regulations from Assistant and Special Agents must be made and forwarded to the office of the Supervising Special Agent, before the tenth day of each month. Any failure to do this will be reported to the Secretary.

VII. In order to prevent, under pretence of legitimate trade, the conveyance of supplies which are intended for persons in rebellion against the Government, or for places under the control of insurgents, and also to prevent undue accumulation of goods at points in dangerous proximity to districts under the control of insurgents, it is found necessary to restrict, temporarily, the trade with certain parts of States not declared in insurrection, from which the insurgents could be otherwise conveniently supplied; therefore, no merchandise designed for sale will be permitted to go to any place in the State of West Virginia, on or south of the Baltimore and Ohio Railroad, between Oakland and Grafton, nor to either of those places, nor to any place on or south of the Northwestern Virginia Railroad, between Grafton and Parkersburg, nor to either of those places, nor to any place on the south side of the Ohio river, between Parkersburg and the mouth of the Big Sandy; nor to any place in the State of Kentucky, upon or south of a line drawn from the Big Sandy to Bowling Green, thence to the northeast corner of Logan county, thence along the northern boundary of Logan, Todd, Christian, and Trigg counties, to the Cumberland river, thence down that river to its mouth, including all that part of Kentucky west of said river; nor to any place in the State of Missouri, on or south of the Missouri river, except the counties of St. Louis, Jefferson, St. Genevieve, Perry, and Franklin; except upon and in pursuance of the certificate of the proper Local Special Agent, and the letter of appointment and instructions to such Agent will in all cases indicate the amount of merchandise he will be allowed to recommend for his district.

VIII. The only officers authorized to permit the transportation of merchandise into such restricted districts, or to any insurrectionary State within the first Special Agency, are the Surveyors at Pittsburg, Wheeling, Cincinnati, Madison, Louisville, New Albany, Evansville, Paducah, Cairo, Quincy, St. Louis, Nashville, and Memphis.

IX. Family supplies may be permitted to go into restricted districts in loyal States, by either of the above named officers in their discretion, or by the Local State Agent most convenient to the residence of the family requiring them.

X. The transportation of merchandise into such restricted districts for sale, will only be permitted

upon the certificate of the Local Special Agent into whose district it is desired to transport the merchandise.

XI. No trade, either in buying or selling, will be authorized in any State declared in insurrection, except within lines hereinafter designated, under Regulation IX.

XII. No sale of merchandise therein can be made except by traders authorized under the Regulations to establish trade stores.

XIII. Trade stores will not be established at any place within a State declared in insurrection, until it shall be agreed by the military commander of the department, or of the army corps district in which such place is situated, after conference between him and the Supervising Special Agent, or such Assistant Special Agent as shall be designated by him for that purpose, that the same may be done.

XIV. After a place has been so agreed upon, if it is a military post, no supplies shall be allowed to go therefrom except upon the permit of the proper Local Special Agent, countersigned by the commander of the post, or some person authorized by him for that purpose.

XV. The monthly amount of goods that may be permitted to any trading post, shall be agreed upon between the proper Assistant Special Agent and the commanding officer of the army corps district in which such trading post is situated. The maximum amount that may be authorized to any individual or firm shall also be agreed upon, and this shall not exceed $3,000 per month, unless the commanding officer for military reasons desires it to be larger, and if such reasons exist, all persons trading there shall be equally affected thereby. If the monthly amount allowed to any trade store is not all taken up by the trader during the month, he may be allowed all deficiencies upon any future application during the continuance of his authority.

XVI. Persons living within the lines of national military occupation, must obtain permits for the purchase of supplies at such trade stores, on application to the nearest Local Special Agent, with a memorandum in duplicate of the supplies desired, and on making and filing with him the affidavit prescribed in Regulation XVI. The Local Special Agent will, on receiving such application and affidavit, in case no fraud appear, attach one memorandum of the supplies to the application and affidavit, and file the same; and will attach the other memorandum, countersigned by him, to a permit, and deliver it to the applicant, charging and receiving the following fees therefor:

If the sum is under $5, he will dispense with Affidavit and Certificate, and only charge for Permit	5 cents.
If the sum is over $5, and not over $20, he will charge for Permit, 5 cents; Revenue Stamp on affidavit, 5 cents	10 cents.
If the sum is over $20, and not over $50, Permit 5 cents, Affidavit 10 cents, Revenue Stamp on Affidavit 5 cents	20 cents.
If the sum is over $50, and not over $100, Permit 10 cents, Affidavit 10 cents, Revenue Stamp on Affidavit 5 cents	25 cents.
If the sum is over $100, Permit 15 cents, Affidavit 10 cents, Revenue Stamp on Affidavit 5 cents.	30 cents.

XVII. Persons desiring to obtain supplies elsewhere than at the nearest trade store, will make and file the same application and affidavit with the nearest Local Special Agent, and obtain from him a certificate and recommendation directed to the Permit Officer nearest the place of proposed purchase of supplies; and the Local Special Agent will grant such certificate and recommendation, and charge therefor as follows:

If the sum is not over $20, for the Revenue Stamp on Affidavit 5 cents, do. on Certificate 5 cents, and the officer granting Permit will charge 5 cents	15 cents.
If the sum is over $20, and not over $50, for Affidavit 10 cents, Certificate 10 cents, Revenue Stamp on Certificate 15 cents, on Affidavit 5 cents, and the officer granting Permit 5 cents.	45 cents.
If the sum is over $50, and not over $100, for Affidavit 10 cents, Certificate 10 cents, Revenue Stamp on Affidavit 5 cents, on Certificate 5 cents, and the officer granting Permit will charge 10 cents	40 cents.
If the sum is over $100, he will charge for Affidavit 10 cents, Certificate 10 cents, Revenue Stamp on Affidavit 5 cents, Certificate 5 cents, and the officer granting Permit will charge 15 cents	45 cents.

XVIII. In order to equalize assessments on all goods transported to States and parts of States declared in insurrection, persons obtaining permits to purchase family or plantation supplies in States so declared, in addition to the fees prescribed will be required to pay five per cent. on the sworn invoice value of such family and plantation supplies.

XIX. Trade stores will be authorized only by the Assistant Special Agent of the District in which they are to be established, or upon his recommendation by any other Assistant Special Agent in the First Agency, or by the Supervising Special Agent.

XX. No purchase of products of States declared in insurrection within the First Agency can be made therein, except under the authority to the purchaser provided for in the Regulations.

XXI. Every authority for the purchase of products shall distinctly designate the place at which or the limits of the district within which such purchase may be made, and no authority shall be issued to parties beyond the limits and boundaries designated in Rule XXIV.

XXII. Authority to purchase the products of that portion of States declared in insurrection within the First Agency, and within the boundaries named in Rule XXIV., will be given by any Assistant Special Agent therein, or at the office of the Supervising Special Agent.

XXIII. After the designation of boundaries under Regulation IX., boats without supplies on board may be cleared by the Surveyor nearest the destination thereof, to anywhere therein, with persons on board authorized to purchase products within the District to which they are cleared, provided that the clearance of each boat for such purpose shall state definitely where it is permitted to go, and shall be countersigned with the approval of the military officer in command at the place of clearance nearest to its destination. Boats with supplies on board can only be cleared for named places until after the supplies are discharged; after such discharge they may proceed as other boats, under the original clearance, but all such clearances shall also be approved by the commanding officer at the place of clearance. All clearances must state by whom the boat is chartered, if chartered, or for whom it is to transport products to market.

XXIV. The limits and boundaries of the Trade Districts in the First Agency after conference with the Generals commanding the Departments therein, are hereby designated as follows, as provided in Regulation IX.

The plantations on both sides of the Mississippi throughout the Agency; the counties upon and north of the Tennessee river in the State of Alabama; the counties of Warren, Issequena, Yazoo, Washington, Sunflower, Bolivar, Coahoma, Tunica, De Soto, Marshall, Tippah and Tishamingo, in Mississippi; the parishes of Tensas, Madison, and Carroll, in Louisiana; so much of the State of Arkansas as lies upon the north of the Arkansas river; all that part of the State of Tennessee lying west of the Tennessee river; and so much of the counties of Stewart and Montgomery as lies north of the Cumberland river; so much of the county of Cheatham as lies north of the Harpeth river; Robertson, Davidson, and so much of the Williamson and Maury as lies north of the Harpeth river and east of Hillsboro Pike, north of Duck river and east of the Alabama and Tennessee Railroad; Bedford, Rutherford, Sumner, Macon, Warren, Coffee; so much of Franklin as lies east of the Nashville and Chattanooga Railroad; Marion, Grundy; so much of Marshall as lies

north of Duck river; so much of Hamilton as lies north and west of Tennessee river; Sequatchie, Knox, DeKalb, Bay, Meigs, McMinn, Rome, Blunt, Sevier, Jefferson, Cocke, Greer, Washington, Carter, Johnson, Sullivan, Hawkins, Hancock, Claiborne, Union, Campbell, Anderson, Morgan, Fentress, Van Buren, Wynn and Hardin counties.

XXV. After the first fee of fifty cents shall be paid by a boat for a trip clearance, no more than twenty-five cents shall be charged under section XXIX. of the Regulations, for any renewal thereof upon the same trip.

XXVI. Of the two months' supplies to be permitted to sutlers under Regulation XIV., only one month of such supplies shall be on account of arrearages; and no Post, Division, or Battery Sutler shall be recognized by any surveyor of Customs or other officer of the Treasury Department.

XXVII. Officers will in all cases attach to permits issued by them either the original invoices of the merchandise, or certified copies thereof (except the item extension), each one of which shall be officially stamped or countersigned by them.

XXVIII. These rules shall take effect immediately; but every authority to purchase products issued prior to January 5th, 1864, shall be conditioned that no purchase be made under it until after that date, and no boat shall be cleared below Helena under Rule XXIII., before that time.

XXIX. Blank applications, affidavits, and bonds for Trade Stores, and authority to purchase the property of insurrectionary districts, will be furnished to any Surveyor applying for them at the office of the Agency in Cincinnati, which blanks will be prepared by such Surveyor for applicants thereof, and the certificate of the Surveyor as to the sufficiency of the sureties upon the bond shall be satisfactory to any Assistant Special Agent, to whom the same shall be presented for the desired authority.

In May a decision was given by Chief Justice Taney on a case which arose in Baltimore under regulations previously prescribed for trade in Maryland. One Carpenter neglected or refused to obtain the permit required, and his goods were seized. The case was carried to the United States Court, and Chief Justice Taney decided as follows:

But if these regulations had been made directly by Congress they could not be sustained by a court of justice, whose duty it is to administer the law according to the Constitution of the United States. For from the commencement of the Government to this day it has been admitted on all hands, and repeatedly decided by the Supreme Court, that the United States have no right to interfere with the internal and domestic trade of a State. They have no right to compel it to pass through their custom houses, nor to tax it. This is so plainly set forth in the Constitution that it has never been supposed to be open to controversy or question. Undoubtedly the United States authorities may take proper measures to prevent trade or intercourse with the enemy. But it does not by any means follow that they disregard the limits of all their own powers as prescribed by the Constitution, or the rights and powers reserved to the States and the people.

A civil war, or any other, does not enlarge the powers of the Federal Government over the States or the people, beyond what the compact has given to it in time of war. A state of war does not annul the 10th article of the amendment to the Constitution, which declares that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Nor does a civil war, or any other war, absolve the judicial department from the duty of maintaining, with an even and firm hand, the rights and powers of the Federal Government and of the States and of the citizens as they are written in the Constitution, which every judge is sworn to support. Upon the whole, the Court is of opinion that the regulations in question are illegal and void, and that the seizure of the goods of Carpenter, because he refused to comply with them, cannot be sustained. The judgment of the District Court must, therefore, be reversed and the goods delivered to the claimant, his agent or proctor.

COMONFORT, Ygnacio, a Mexican statesman, born in the city of Puebla, March 12th, 1812, was murdered, Nov. 13th, 1863. He entered the Jesuit College in his native city in 1826, became a captain of cavalry in 1832, and soon after began to take an active part in politics, attaching himself to the liberal party, of which, from that time, he continued a leader. In 1834 he was made prefect and military governor of the district of Tlapa, and in 1842 he was elected member of the National Congress, which was soon dissolved by Santa Anna. In 1846 he was reëlected to Congress, but this Congress was again dissolved, and a revolution followed in which Comonfort took a conspicuous part. On the return of Santa Anna to power, in 1853, Comonfort was at once dismissed from office. In conjunction with Alvarez he raised the standard of revolution; proclaimed the peace of Ayutla, on the 11th of March; and compelled Santa Anna to retreat from Ayutla; and, having obtained from his friends in New York, where he made a flying visit, the necessary funds to carry on the war, he returned, and drove the Dictator from Mexico, in 1855. Alvarez assumed the supreme government on Santa Anna's abdication, but soon wearying of political cares, delegated his authority to Comonfort, who became provisional president of Mexico, Dec. 11th, 1855. He soon, however, found himself strongly opposed by the conservative party, which comprised in its ranks the clergy, a part of the army, and the citizens who were under the influence of the clergy. The Junta of Zacapoastla first issued a *pronunciamento*, on the 19th of Dec., and the conservatives soon marched on Puebla, where they assembled a force variously estimated at from 5,000 to 15,000 men, in Feb. 1856. Comonfort promptly marched against them with a force of 12,000, consisting of the National Guard and that portion of the army which had remained faithful to him, and, on the 20th of March, compelled them to surrender. On the 31st of March he issued a decree ordering the confiscation of the church property, and followed it on the 28th of June by another, forbidding the clergy to hold landed estate. The church party were at once arrayed against him, and a conflict of great bitterness ensued. Revolts, inspired by this party, broke out in different portions of the republic, but were soon suppressed by his vigorous movements. In March, 1857, the Congress of the Republic at Mexico promulgated a new constitution, vesting the legislative power and the control over religious and military affairs solely in Congress. The president, finding it impossible to govern the country, agitated as it was by

factions, under such restrictions was eventually constrained, in October, 1857, to apply for extraordinary powers. These were granted, Nov. 4th, 1857, and, on the 1st of December, he was proclaimed constitutional president. Troubles were, however, multiplying around him. The army, with the exception of a single brigade, had been alienated from him; and on the 17th of December this brigade declared against the new constitution, but named him as chief of a new Government. On the 11th of January, 1858, however, they discarded him altogether, and a bloody insurrection broke out that day in the capital, which lasted for ten days. Gen. Comonfort appointed Juarez, then president of the Supreme Court, provisional president, and attempted, by taking the field in person, to retrieve his fortunes, but in vain. On the 21st of January, his capital was in the hands of the insurgents, and he fled with Juarez to Guanajuato, where the latter convened a Congress to take measures to reinstate Comonfort. Meantime, the insurgents and church party had appointed Gen. Zuloaga provisional president, and Comonfort, finding that he could do nothing more for his country, escaped from Mexico, in Feb. 1858, and sailed for the United States, and thence repaired to France. Soon after the success of his friend Juarez, who, in 1859, triumphed over Miramon and the church party, and upon the first movement of the French for the invasion of his country, Comonfort returned thither, and offered his services to Juarez, who at once appointed him chief commander of the troops. In this position, his skill, bravery, and loyalty won him the respect of the French forces, as well as of his own troops. He was murdered by a gang of bandits while on his way to San Luis Potosi.

CONFEDERATE STATES. Most terrible trials befell the Confederacy * in 1863, the like of which have not happened to any such people in modern days. With a currency which had become nearly worthless, a Government that seized upon supplies for the army with a ruthless hand, a railway system so worn as to be incapable of transporting troops and supplies of food for the army and people promptly, its most fertile regions desolated and a scarcity in the entire crops, a blockade so stringent as to cut off the outer world, a conscription that took every man between eighteen and forty-five into the army, a formidable power claiming their allegiance, invading their towns and States, offering liberty to their slaves, enrolling them in its armies, and defying their retaliation; their strongholds captured, their territory divided, their armies defeated in the field with thousands slain, and the prisoners captured—being large in numbers—held without exchange, the territory growing less and less, themselves unrecognized among nations; any other people than those reared under American institutions would have succumbed—would have proposed terms of peace.

The currency of the Confederate States has, during the year, exerted a most unfavorable influence on their internal affairs, and very seriously diminished their hopes of ultimate success in the war.

At the commencement of hostilities, the impression was universal that the war would be short. The most distinguished politicians, the wisest commercial men and capitalists of all classes, indeed every household, acted upon this view. Hence, every one was soon embarrassed for the want of hundreds of small articles, which might have been procured at cheap rates if the parties had been able to look only a few months into the future. This same short-sightedness controlled the financial affairs of the Confederacy. Its loans were to be in bonds, and its currency was to be paper. The capital invested in the bonds was drawn principally from banks, from merchants who had been driven out of business, and from trust estates and charitable institutions. Such sources were soon exhausted, and it became impossible to make further progress in bonding by appeals to the patriotism of the people, in consequence of their peculiar habits. There were no great money capitalists in the community. The capital of the people consisted mainly in lands and negroes, and the habits of the wealthy for generations had kept them in one channel—that of producing cotton, tobacco, and

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* OFFICERS OF THE CONFEDERATE GOVERNMENT.

EXECUTIVE:—Jefferson Davis, of Mississippi, *President;* A. H. Stephens, of Georgia, *Vice-President.*

Aids to President—Col. Wm. M. Browne, of Georgia; Col. James Chestnut, of South Carolina; Col. Wm. P. Johnston, of Kentucky; Col. Joseph C. Ives, of Mississippi; Col. G. W. C. Lee, of Virginia; Col. John T. Wood.

Private Secretary to President—Burton N. Harrison, of Mississippi.

DEPARTMENT OF STATE:—J. P. Benjamin, of Louisiana, *Secretary of State;* L. Q. Washington, *Chief Clerk.*

DEPARTMENT OF JUSTICE:—George Davis, of North Carolina, *Attorney-General;* Wade Keyes, of Alabama, *Assistant Attorney-General;* Rufus R. Rhodes, of Mississippi, *Commissioner of Patents;* G. E. Nelson, of Georgia, *Superintendent of Public Printing;* R. M. Smith, of Virginia, *Public Printer.*

TREASURY DEPARTMENT:—C. G. Memminger, of South Carolina, *Secretary of Treasury;* Robert Tyler, *Register;* E. C. Elmore, *Treasurer;* J. M. Strother, of Virginia, *Chief Clerk;* Lewis Cruger, of South Carolina, *Comptroller;* B. Baker, of Florida, *First Auditor;* W. H. S. Taylor, of Louisiana, *Second Auditor.*

WAR DEPARTMENT:—James A. Seddon, of Virginia. *Secretary of War;* Judge J. A. Campbell, of Alabama, *Assistant Secretary of War;* R. G. H. Kean, *Chief Bureau of War;* Gen. S. Cooper, *Adjutant and Inspector-General;* Lieut.-Col. J. Withers, Lieut-Col. H. L. Clay, Major E. A. Palfrey, Major Charles H. Lee, Major S. W. Melton, Captain Reilly, *Assistant Adjutants and Inspector-Generals;* Brig.-Gen. A. R. Lawton, of Georgia, *Quartermaster-General;* Col. L. B. Northrop, of South Carolina, *Commissary-General;* Col. J. Gorgas, *Chief of Ordnance;* S. P. Moore, M. D., *Surgeon-General;* C. H. Smith, M. D., *Assistant Surgeon-General.*

NAVY DEPARTMENT:—S. B. Mallory, of Florida, *Secretary of the Navy;* E. M. Tidball, *Chief Clerk;* Com. John M. Brooke, *Chief of Ordnance;* Com. A. B. Fairfax, *Inspector of Ordnance;* Com. J. K. Mitchell, *in charge of Orders and Detail;* Surgeon W. A. W. Spotswood, *Chief of Medicine and Surgery;* Paymaster J. DeBree, *Chief of Clothing and Provisions.*

POST OFFICE DEPARTMENT:—J. H. Reagan, of Texas, *Postmaster-General;* H. St. George Offutt, of Virginia, *Chief of Conveyance Bureau;* B. N. Clements, *Chief of Appointment Bureau;* John L. Harrell, of Alabama, *Chief of Finance Bureau;* B. Fuller, of North Carolina, *Chief Clerk.*

rice—the surplus products to be invested in lands and negroes. This thirst for land and negro investments absorbed the millions of income, and kept the people generally in debt as much as a year's income. There existed no millionnaire bankers, merchants, manufacturers, and other moneyed capitalists, that lived in splendor on incomes derived from money at interest. Such people as those in the Confederate States were not in a situation to invest in bonds; nor was it reasonable to expect them to volunteer to invest in bonds at the expense of incurring new debts, or with the necessity of selling property. Many, very many planters who subscribed to the cotton loan sold the bonds immediately, and invested the proceeds in the payment of debts, or in land and negroes, and were unwilling afterward to sell, even to aid the Government, any of their agricultural products for less than the highest market value for currency. Many were not willing to sell for currency at any price. The consequence of this was an act of impressment on the part of the Government, and starvation to towns and villages, and all that class of persons who live on fixed incomes. The financial career of the Government in providing for the expenses of a great war, is shown in the following statements of the Secretary of the Treasury:

OUTSTANDING TREASURY NOTES, AUGUST 8TH, 1863.

Total of all kinds of General Currency Notes..	$523,114,406
Estimated on hand for cancellation	70,134,600
Total	$452,979,806
And probable beyond the Mississippi	150,000,000
Balance	$302,979,806

STATEMENT OF BONDS INTO WHICH CURRENCY HAS BEEN FUNDED, INCLUDING AVAILS OF THE PRODUCE LOAN.

Total of 100 million loan	$100,000,000
Funded since Feb. 20th, 1863	124,318,370
Funded of notes, May 16th, 1861	8,086,300
Total	$232,404,670
On hand, to be funded by estimate	70,000,000
Total funded	$302,404,670
Five per cent. call, partly funded	15,442,000
Total	$317,846,670

The following is a statement of the finances at the close of the third quarter of 1863:

RECEIPTS FROM JANUARY 1ST, TO SEPTEMBER 30TH, 1863.

For eight per cent. stock	$107,292,900
For seven per cent. stock	38,737,650
For six per cent stock	6,810,050
For five per cent. call certificates	22,992,900
For four per cent. call certificates	482,200
Cotton certificates, act April 21st, 1862	2,000,000
Interest on loans	140,210
War tax	4,128,988
Treasury notes	391,623,530
Sequestration	1,862,556
Customs	934,798
Export duty on cotton	8,101
Patent fund	10,794
Miscellaneous, including repayments by disbursing officers	24,498,217
Total	$601,522,893

EXPENDITURES DURING SAME PERIOD.

War Department	$377,988,244
Navy Department	38,437,661
Civil, miscellaneous, etc	11,629,278
Customs	56,636
Public debt	$32,212,290
Notes cancelled and redeemed	59,044,449
Total expenditures	$519,368,559
Total of receipts	601,522,893
Balance in treasury	$82,154,334
From which is to be deducted the amount of Treasury notes which have been funded and brought in for cancellation, but have not yet been regularly audited, estimated	65,000,000
Total	$17,154,334

The public debt (exclusive of the foreign loan) at the same period, was as follows:

FUNDED.

Eight per cents	$207,128,750
Seven per cents	42,745,600
Six per cents	41,006,270
Six per cent. cotton interest bonds	2,035,000
Total	$292,915,620

UNFUNDED.

Treasury notes: general currency	$603,632,798
Two-year notes	8,477,975
Interest notes at 3.65	627,450
Interest notes at 7.30	122,582,200
Under $5	4,887,095
Five per cent. call certificates	26,240,000
Total	$766,447,519
Deduct amount of Treasury notes funded and cancelled	65,000,000
Total	$701,447,519

In order to estimate the amount of Treasury notes in circulation at the date of this report, there must be added the further sum of one hundred millions for the two months which have elapsed since the date of the above schedules. The balance of appropriations made by Congress, and not drawn on September 30th, stood as follows:

War Department	$395,502,698
Navy Department	24,413,645
Civil, miscellaneous, etc	56,240,996
Customs	294,460
Total	$476,451,799

The estimates submitted by the various departments for the support of the Government, were made to 1st July, 1864, the end of the fiscal year, and were as follows:

Legislative Department	$309,005
Executive "	52,350
Treasury "	22,583,359
War "	438,078,870
Navy "	13,624,945
Post Office "	8,908
State "	544,409
Justice "	222,587
Total	$475,498,493

If these estimates be extended to embrace the remaining six months of the same year, they must be doubled, and that sum added to the undrawn appropriations would make an aggregate of $1,427,448,778.

The Confederate currency was sold during the year at six cents, and less, on the dollar. This depreciation was followed by most serious consequences. The staple property of the country became worth two or three, and in some cases four, times its old value. But most of the articles of consumption, such as food and clothing, were from five to one hundred times their former value. This state of affairs

caused much discussion among the public men as to the cause and the remedies. Mr. Toombs, of Georgia, in a published letter, presented the following views:

The first great error was in attempting to carry on a great and expensive war solely on credit—without taxation. This is the first attempt of the kind ever made by a civilized people. The result of the experiment will hardly invite its repetition. During the first year of its existence, the present Congress neither levied nor collected a single cent of taxes, and postponed the collection of those levied for the second year to a period fatally too late to support our currency.

The second error naturally resulted from the first, and consummated the destruction of public credit. This error was the use of the public credit almost exclusively in the form of currency. The natural result of this policy was plain, inevitable, overwhelming. It is a well-settled and sound principle in currency that a nation which has a sufficient quantity of circulating medium properly to answer the wants of its trade and commerce, cannot add to the value of that currency by any further addition to its quantity. In the ordinary state of trade, any excess of the proper quantity exhibits itself in the form of the exportation of bullion—any deficiency, in importation. When, from any cause whatever, the operation of this law is prevented, any redundancy of currency must necessarily depreciate the whole mass, and this depreciation will exhibit itself in the rise in price of all commodities which it circulates. It is also true that if this redundant currency exists in the form of paper money not convertible into coin at the will of the holder, the measure of this depreciation is the difference between the standard or mint price of bullion and the market price when paid in this currency.

Tested by these plain and sound principles, the solution of the causes of our present financial troubles is easy. When this revolution commenced, our currency was in excess of the wants of society. The proof is that nearly all of the banks within the Confederate States had suspended cash payments, and their notes were depreciated; therefore, the first Treasury note which was put into circulation added its nominal value to this excess; each succeeding issue enlarged it, and increased the depreciation of the whole mass. This depreciation soon began to manifest itself in the rise of commodities; yet the Government has unwisely continued daily by a forced circulation to add to this excess, increase the depreciation, and enhance the price of all the commodities which it is compelled to purchase, and is thus exhausting the national resources in the ratio of geometrical progression.

This ruinous policy would have long since run its course but for the fact that law, intimidation, and, above all, the ardent, sincere, honest but mistaken patriotism of the people have been invoked to uphold it. But the principle being radically wrong, no human power could uphold it long, and in spite of all these powerful proofs, our national currency is depreciated more than one thousand per cent. below gold and silver, four hundred per cent. below suspended bank notes, and prices and payments are rapidly adjusting themselves to the inexorable facts.

Others denounced the Government for the existing state of affairs, but all agreed that the evil consisted in the excess of paper money. The problem to be solved was to sustain the operations of the Government, and at the same time reduce the volume of the currency. Mr. Toombs suggested the following measures:

This depreciation of currency having been shown to have resulted chiefly from the excessive issue of Treasury notes, we can only correct this evil by stopping instantly any further issue under any pretence whatever, and by reducing as rapidly as possible our present outstanding issues. It requires large, comprehensive, and efficient measures for their continual deduction, until they shall rise in value, and approximate as nearly as our circumstances will allow to the standard value of gold and silver.

Taxation and loans are the only means of attaining this result—taxation, comprehensive, simple, rigid, and equal. The present tax law does not possess these qualities—it is partial, unequal, and complex; it fosters vulgar prejudices, and will gather an abundant harvest of frauds and perjuries. The tax in kind and principle is subject to many grave objections. This mode of taxation should never be resorted to when the currency is redundant, but with all its faults may be a necessary evil whenever there is a great deficiency in the circulating medium. The execution of such a law is necessarily difficult, irritating, wasteful, and productive of much fraud.

But certainly, in our present condition, the war cannot be carried on and the currency sustained by taxation alone; we must resort to loans. I am not in the least discouraged by the ill success of the Government lately in funding its Treasury notes. Treasury notes are in great excess; the holders are anxiously hunting for a safe and profitable investment for them. The Government is perfectly able to supply that want; heretofore it has not done so. We must issue new bonds with principal and interest payable in gold and silver, or their equivalent, and adopt measures to make such payment certain. This can be done by mortgaging a specific portion of the revenue to the new bondholders, adequate to the payment of both principal and interest as each may respectively fall due, coupled with clear provisions that their taxes shall be irrepealable until the mortgages are paid, and that these taxes shall only be paid in gold or the coupons of the bonds for which they are pledged.

By making the provision for our bonds ample at the beginning, so that no future legislation shall be necessary to preserve the public faith, we give the public creditor the best possible security for his money which we are able to offer. The overthrow of Government will be his only danger; that cannot be provided against.

Mr. Oldham, of Texas, later in the year, proposed a plan in Congress, the main feature of which was the levy of such a tax as would extinguish a large portion of the debt. The feature of it was a tax on all outstanding Treasury notes and other securities of the Government. This is similar to the plan suggested in his message to Congress by Mr. Davis. (*See* PUBLIC DOCUMENTS.)

Another scheme proposed was the following:

First, a continued money tax should be levied to pay the interest of our debt; and second, the levy of a tax or forced loan of twenty-five per cent., or as much more as may be needed, upon the property of the country, the taxpayers to receive either seven or eight per cent. bonds for such forced loan. I would suggest that the bonds bear not a less rate of interest than seven per cent., this being less than the average rate of interest in the different States. This tax should be distributed equally upon the wealth of every individual in the Confederacy, to be collected in sums sufficient first to absorb the present currency, and next to provide for the future wants of Government up to fifteen hundred millions.

I believe there are few men of property who could not raise the money to pay this tax, having bonds to hypothecate. But it would not be necessary to require cash from individuals. A tax note would be taken. This tax note, having a prior lien over all other debts, and in addition having the bonds collaterals attached, would command money anywhere, and be at a premium, until our currency became equal to gold and silver. They would be negotiable here and in every other country. Such an assumption of our national debt by the wealth of our country would silence the

now undercurrent hints at final repudiation, and raise our bonds to the highest standard in all European markets.

If this tax or forced loan be levied equally on all the wealth of our country, its necessity, justice, and propriety will commend it to everybody, for all would see that it is better to give up even half of our estates than to become a conquered people and lose all.

The following is another view that was presented:

When the first excitement of war stirred the patriotism of the people, it was believed that every man able to bear arms would volunteer, and it was equally believed that every dollar of property would be willingly held subject to the call of the Government. But disappointment has attended both expectations; and as the conscription act was necessary for the army, so a property conscription act has become equally necessary for the Treasury. Funding and volunteering both "played out" about the same time, and as the Government found it necessary to abandon volunteering, and to resort to compulsory conscription, to make all men bear their proper part of the burdens of the army, so now it has become necessary for the money arm of the Government to abandon voluntary funding, and to resort to compulsory loans upon the property of the people.

Two expedients only remain to the Government—the forced loan and the public sale of Confederate bonds for what they will bring, both to be accompanied with a cessation of the issue of Confederate Treasury notes.

The most serious consequence which resulted from the depreciation of the currency, was the refusal of the agriculturists to sell their produce for the Government notes, or to sell only at the highest price. This determination, if adhered to, would result in the destruction of the army from a lack of supplies, and the starvation of the people who were engaged in other industrial pursuits in towns and cities. In anticipation of this danger, an act was passed by Congress in the beginning of the year, which authorized the Government to seize or impress all the produce necessary for the army. It provided that a board of commissioners should be appointed in each State, who should determine, every sixty days, the prices which the Government should pay for each article of produce impressed within the State. A central board of commissioners was also appointed for all the States. The act authorized the agents of the Government to seize all the produce of the farmer, except so much as was necessary to maintain himself and family. For this produce the agent paid at the rate fixed by the State commissioners. The operation of the act created an unparalleled excitement among the people. A farmer in Louisa county, Virginia, thus wrote, on October 23d, to the papers at Richmond:

You speak of the tardiness with which the farmers are sending forward their crop of wheat. I do not know how it may be in other counties, but so far as Louisa is concerned, there is none to send, as the Government has taken the entire crop. As far as I have heard from, it has all been sent to Richmond on Government account, at the fixed price of five dollars per bushel, barely leaving sufficient for seed and family use. All the hay and oats have long since been hauled off to our army in Orange and Culpepper.

Another farmer, on James river, at the same time, wrote as follows:

I see that you and other papers state that there is no wheat in the city mills, and none arriving; and you blame the farmers. You write in ignorance of the facts. The farmers are not blamable. The Government agents have impressed all the wheat, and flour and beef in this region, which was destined for Richmond. I suppose the same is the case all over the State. This will explain to you why no wheat arrives—the farmers have none to send—it has been seized by Government agents. Look to them. JAMES RIVER.

Soon after the act authorizing impressment took effect, instructions were issued from the War Department regulating this proceeding. The details upon which difficulty arose became the subject of further instructions. The following explains some of these details, and shows the severity with which the law might be enforced:

General Orders, No. 19.

ADJUTANT AND INSPECTOR-GENERAL'S OFFICE,
RICHMOND, VA., *March* 19*th*, 1863.

In consequence of numerous applications made by various persons to the War Department, it is obvious that some misconception in regard to the instructions of the Secretary of War, in relation to the impressment of supplies, must exist on the part of the people, or that the agents of the Government have violated their instructions. Now, therefore, for the purpose of removing such misconception, and to prevent any violation of these instructions, it is hereby ordered:

I. That no officer of the Government shall, under any circumstances whatever, impress the supplies which a party has for his own consumption, or that of his family, employés, or slaves.

II. That no officer shall at any time, unless specially ordered so to do by a general commanding, in a case of exigency, impress supplies which are on their way to market for sale on arrival.

III. These orders were included in the instructions originally issued in relation to impressment by the Secretary of War; and the officers exercising such authority are again notified that "any one acting without or beyond" the authority given in those instructions, will be held strictly responsible.

In conformity with the foregoing, to prevent any inconsiderate action on the part of officers or agents charged with the duty of impressment, they are enjoined, until further orders (which will not be given unless under imperative exigencies for the supply of the army), not to impress any necessaries of subsistence to man, owned by producers, *in transitu* to market, or after arriving at market, unless retained an unreasonable time from sale to consumers.

By order, S. COOPER,
(Signed) Adj't and Insp.-Gen.

At a meeting of the board of commissioners for impressment in the Confederate States, held at Augusta, Georgia, near the close of the year, the following regulations, among others, were adopted:

That the practice of the Confederate Government's agents in making contracts for the purchase of manufactures and other articles for the army, at higher prices than those adopted by the several boards of commissioners in the different States, is highly reprehensible, injurious to the Government, and should be stopped at once by the Secretary of War.

Resolved, That the habit which prevails in many sections of the Confederacy, with the quartermasters and commissaries and their agents, in impressing articles for private consumption in families, is contrary to the acts of Congress regulating impressments, and should be prohibited by the War Department.

Resolved, That in impressing articles of food and forage for the army, the agents of the Government should exercise a discretion, and impress in those sections of the different States where food and forage are most abundant.

Resolved, That in those parts of the country where the provision crop is short, and will not more than supply the wants of the country, the tithes due the Government should be commuted for in money, and left for the supply of soldiers' families and other destitute persons at Government prices.

Resolved, That upon the true construction of the act of Congress regulating the matter, the price of no article manufactured for the use of the Government under the said act can be more than seventy-five per cent. on the cost of production, excluding the cost of the raw material, which should only be reimbursed without a profit thereon.

The effect of these measures was to create a difficulty in procuring food for both army and people. Both suffered. Innumerable methods were resorted to for the purpose of saving property from impressment. Hundreds of producers were driven to sell clandestinely or openly their stores to non-producers out of the army, who were willing and anxious to pay fifty or a hundred per cent. more than the Government paid. The effect upon the spirit of the people was shown in the declarations of the press, the speeches of public men, and those made in the House of Congress.

"These arbitrary impressments of Government," said the press, "touch the people's pride and sense of justice; and they effect a great and natural change in their sentiments toward the cause. Men who, in a romantic and pious enthusiasm for their country, have cheerfully given up their sons to the battle, and have assisted with a sort of mournful pride in the burial of their offspring slain on the field, have had their feelings and temper toward the Government suddenly changed by the rude and rapacious action of the Government press-gangs. They make this natural reflection, whether a good cause, administered in wrong and rapacity, can succeed; and these impressments have done more to shake the confidence of the country in the capacity of its public men in civil office for administering affairs than any other cause and all causes combined."

While numerous commissioners, post quartermasters, and other Government agents practised gross abuses, oppressed the people, and caused starvation to threaten whole villages and towns, and thus brought odium upon the Government, the Government itself was guilty of many abuses. The impressment law was enforced at the same time that the tithe or produce tax was in process of collection. The tithes were often waiting for the tithe gatherer, and even rotting for lack of his approach. Great delay often occurred in collecting or transporting Government supplies after they had been purchased, and waste and destruction were the consequence.

The following remarks by ex-Senator Toombs, of Georgia, in the Hall of the Assembly of that State, on November 13th, present a very complete view of the operation of the impressment:

"I have heard it frequently stated, and it has been maintained in some of the newspapers in Richmond, that we should not sacrifice liberty to independence; but I tell you, my countrymen, the two are inseparable. If we lose our liberty we shall also lose our independence; and when our Congress determined to support our armies by impressment, gathering supplies wherever they found them most convenient, and forcing them from those from whom their agents might choose to take them, in violation of the fundamental principles of our Constitution, which requires all burdens to be uniform and just, and paying for them such prices as they choose, they made a fatal blunder, which cannot be persisted in without endangering our cause, and probably working ruin to our Government. The moment they departed from the plain rule laid down in the Constitution—that impressment of private property should only be made in cases where absolute necessity required them—they laid the foundation for discontent among the people, they discouraged labor, and incorporated a principle which is not only in violation of the Constitution, but fatal to the rights of property. The Constitution cannot be dispensed with in time of war any more than in time of peace. If it is overthrown we are already conquered. Liberty is lost when a man holds his life, liberty, and property, not under the law, but at the mere pleasure of another. Stand, therefore, by the Constitution of your country, which you have sworn to support, and which all the public officers have sworn to support, from the President down to the lowest officer in the country. There is duty, safety, and honor in that course. I hope to stand by it, in peace or in war, through evil as well as through good report.

"Then when you come to levy burdens, it matters not how heavy they be, if they are necessary, so they be just. If five per cent. of the wealth of the country will answer, take only that; but if ten, or twenty, or fifty per cent. are necessary, if the last dollar of the country, and the last drop of blood are necessary, take that; for I would rather see this whole country the cemetery of freemen than the inhabitation of slaves. Therefore it is not a question how much shall be levied for the support of our Government, but only that your levies be just and uniform. The citizens of this country demand that they shall be permitted to bear their just proportion of the burdens that may be necessary in the achievement of our independence. They demand that if provisions are necessary for the support of our armies in the field; if horses are necessary; if clothing, if property of any kind is needed—they demand that the burden of supplying it shall not fall on a few individuals, but on society at large, and in just and uniform proportion on all. It is the right, the privilege, as well as the duty of all, to bear a just and equal portion of the demands of the Government.

"When, therefore, the Government seeks to levy its supplies through commissaries, or other

agents, by impressment, instead of entering the market as others do, and purchasing them, it deprives the people of the right which they claim of bearing their just proportion of the burdens as well as of the benefits of the Government. The wisdom of twenty centuries is against this policy, and I here affirm that it will not support the army and will ruin the republic. Already it has deprived many of their honest earnings, and left their families in penury, want, and dependence, and I call on you to right them.

"Such a system has never been pursued with profit to the country, from the time of Alexander the Great down to the present time. Gen. Scott did not practise it, even when in the enemy's country. From the whole of his march from Vera Cruz to the city of Mexico, he obtained his supplies by purchases, and obtained them plentifully, while our armies, which depend for their support on impressments, have often been upon half rations all over the country, even where provisions are abundant.

"There are said to be nine millions of people in our Confederacy. There are eleven hundred thousand in population, black and white, in our State, and provisions are ample for the support of all, if they were only distributed; and yet the course which has been pursued in obtaining supplies for the army has reduced it almost to the point of starvation, even in the midst of plenty; and, in the name of the Constitution and of justice, I have come to protest against it. It is your business, as legislators, to provide for the wants of those who may have suffered from this system in your midst, and I hope you will do it. If it requires taxation, impose it; if a loan, make it; whatever is necessary, do it, that the families of those who are in need of provisions and clothing, whether because what they have had has been taken from them by the Government, or whether the absence of their natural protectors in the military service of the country has deprived them of support, do all that is necessary to make them comfortable. You have the power, and you should exercise it.

"Why cannot the Government go into the market as others do, and purchase their supplies? It is said that the people will not sell for the currency at reasonable rates. Well, if they will not sell for one price, pay another. You have the power of raising what is necessary for the country. If one dollar is not sufficient, raise ten—pay just compensation, market price for all commodities, not monopolized, and tax those who are able to pay. Why should all the burdens fall on one class, as it has heretofore fallen almost exclusively on the agriculturists? Why should the capitalist, the merchant, manufacturer, the speculator, the extortioner be passed over? They have remained at home during the war, and made money. Why should not their money be taken to carry on the war as well as the productions of the agriculturists? The latter are not a favored class; there are no exempts among them; they have been the greatest sufferers in this war, both in blood and treasure.

"But shall I proceed? If a man advocates such principles as these, it is to be said he is against the Administration.

"I say to you all in candor, that the course our Government has pursued in obtaining its supplies has sowed the seeds of discontent broadcast over the land, and is generating hostility to the Government itself. Look at the practical workings of it in our own State. In the northern section of it the hand of Providence has been laid heavily upon them for the last two years. Last year the rains were withheld from them. Sterility cursed, and old mother Earth seemed to forget her children. This year the frost has come, and, in addition, the foot of the invader has been set upon the land, and blighted the prospects of the agriculturists. Famine, war, and worse than impressment, has laid its hand upon them, and you are asked to make provision for the support of many who will be unable, from these causes, to support themselves, and I hope you will do it. In addition to this, the impressing agent has gone around, and, in many cases, robbed the families of their meagre support for the year. As a consequence, the soldiers in the field have become discontented, and desertions have taken place.

"It is useless to attempt to conceal these facts. You know them to be true, and our enemy knows them to be true. The part of wisdom is to rectify the evils, not to conceal them. It is your duty, as the guardians of the people of Georgia, to speak out, and see to it that the republic shall suffer no detriment at the hands of those whose duty it is to guard and defend her interests. You are bound to see to it that the rights and liberty of the people are maintained."

The embarrassment which arose from this state of affairs was greatly increased by the decay of the railroads. The means of transportation possessed in the Confederate States have become more and more limited during each year of the war. In Virginia the railroads were on the point of giving out at the beginning of 1863. Their rate of speed was reduced to ten miles an hour as a maximum, and their tonnage diminished from twenty-five to fifty per cent. This change in the rate of speed and quantity of freight was made through necessity. The wood work of the roads had rotted, and the machinery was worn out, and owing to the stringent enforcement of the conscription law among the men employed by the railroad companies, they had not been able, with all their efforts, to renew the one or repair the other. This failure extended to the roads in all the States. The scarcity of iron for rails was another serious injury, which could not be repaired. In this respect, the pressure of the blockade was more severely felt than in any other. So completely were these roads a part of the military system,

that serious apprehensions existed that the armies might be obliged to fall back from some of their positions in consequence of the difficulty of getting to them food for men and horses. The country, in the vicinity of the armies, had been stripped of its provisions and forage, and they depended for their existence and the maintenance of their positions upon the railroads. The better the roads were, the more certain were the supplies of the troops and their ability to resist all the efforts of the Federal army to occupy the country.

In two instances the Government made roads, to complete the internal system, where gaps existed. From Selma, in Alabama, to Meriden, in Mississippi, a link was built which completed this great highway, from west to east, and superseded the necessity of a long detour by Mobile, and rendered useless any attempt by the forces at Pensacola to cut off communication by destroying the railroad which connects Montgomery with Mobile. The other instance was the line, of fifty miles in length, between Danville, in Virginia, and Greensborough, in North Carolina. By this work the Government was relieved from a dependence upon the line of railroad which runs from Richmond through Petersburg and Weldon, and which has for years been the great highway between the North and the South.

But while the armies were exposed to want, from the probable inability of the roads to transport sufficient provisions, the situation of the inhabitants in some parts of the Confederacy was equally critical, from the same cause. The northern part of Virginia, the fruitful valley of the Shenandoah, and the eastern section of North Carolina produced in ordinary times most of the grain which supplied bread to the South, and which was exported to South America. Each of these districts was now in possession of the Federal forces. In Middle Tennessee agriculture was suspended, and the aged men, women, and children who adhered to the Confederacy, were forced to retire still farther south and increase the number of mouths to be fed there. Another source of supply, the North Carolina Fisheries, which annually yielded millions of herring besides shad to be salted, was also cut off. The wheat crop of 1862 was an unusually poor one; and although a sufficiency of grain for the year's supply of food was grown, the limited means of transportation possessed by the Confederacy were taxed to the utmost to bring this grain from the remote corners of States to the spots where it was demanded for consumption—to bring the food and the mouths together. Such was the aspect, relative to provisions, in the beginning of the year. It was evident that a great change must be made in the production to enable the country to surmount these evils. The Government, foreseeing the danger, made vigorous appeals to the people. A series of resolutions were passed by Congress on the subject, one of which requested Mr. Davis to issue an address to the people. In compliance with this request he soon after issued an address, dated Richmond, April 10th. After presenting a most flattering view of the general military result in staying the Federal progress, he turns to the subject of provisions, and thus proceeds:

With such a contest before us there is but one danger which the Government of your choice regards with apprehension; and to avert this danger it appeals to the never-failing patriotism and spirit which you have exhibited since the beginning of the war.

The very unfavorable season, the protracted drouths of last year, reduced the harvests on which we depend far below an average yield, and the deficiency was, unfortunately, still more marked in the northern part of our Confederacy, where supplies were especially needed for the army. If, through a confidence in an early peace, which may prove delusive, our fields should now be devoted to the production of cotton and tobacco, instead of grain and live stock and other articles necessary for the subsistence of the people and army, the consequences may prove serious, if not disastrous, especially should this present season prove as unfavorable as the last. Your country, therefore, appeals to you to lay aside all thought of gain, and to devote yourselves to securing your liberties, without which these gains would be valueless.

It is true that the wheat harvest in the more southern States which will be gathered next month promises an abundant yield; but even if this promise be fulfilled, the difficulties of transportation, enhanced as it has been by an unusually rainy winter, will cause embarrassments in military operations and sufferings among the people, should the crops in the middle and northern portions of the Confederacy prove deficient. But no uneasiness may be felt in regard to a mere supply of bread for men. It is for the large amount of corn and forage required in the raising of live stock, and the supplies of the animals used for military operations, too bulky for distant transportation; and in them the deficiency of the last harvest was mostly felt. Let your fields be devoted exclusively to the production of corn, oats, beans, peas, potatoes, and other food for man and beast; let corn be sowed broadcast for fodder in immediate proximity to railroads, rivers, and canals, and let all your efforts be directed to the prompt supply of these articles in the districts where our armies are operating. You will thus add greatly to their efficiency, and furnish the means without which it is impracticable to make those prompt and active movements which have hitherto stricken terror into our enemies and secured our most brilliant triumphs.

Having thus placed before you, my countrymen, the reasons for the call made on you for aid in supplying the wants of the coming year, I add a few words of appeal in behalf of the brave soldiers now confronting your enemies, and to whom your Government is unable to furnish all the comforts they so richly merit. The supply of meal for the army is deficient. This deficiency is only temporary, for measures have been adopted which will, it is believed, soon enable us to restore the full rations; but the ration is now reduced at times to one half the usual quantity in some of our armies. It is known that the supply of meat throughout the country is sufficient for the support of all; but the distances are so great, the condition of the roads has been so bad during the five months of winter weather through which we have just passed, and the attempt of grovelling speculators to forestall the market and make money out of the life blood of our defenders, have so much influenced the withdrawal from sale of the surplus in the hands of the producers, that the Government has been unable to gather full supplies.

The Secretary of War has prepared a plan, which is appended to this address, by the aid of which, or some similar means to be adopted by yourselves, you can assist the officers of the Government in the purchase of

the corn, the bacon, the pork, and the beef known to exist in large quantities in different parts of the country. Even if the surplus be less than believed, is it not a bitter and humiliating reflection that those who remain at home, secure from hardship and protected from danger, should be in the enjoyment of abundance, and that their slaves also should have a full supply of food, while their sons, brothers, husbands, and fathers are stinted in the rations on which their health and efficiency depend?

Entertaining no fear that you will either misconstrue the motives of this address, or fail to respond to the call of patriotism, I have placed the facts fully and frankly before you. Let us all unite in the performance of our duty, each in his sphere; and with concerted, persistent, and well-directed effort, there seems little reason to doubt that, under the blessings of Him to whom we look for guidance and who has been to us our shield and strength, we shall maintain the sovereignty and independence of the Confederate States, and transmit to our posterity the heritage bequeathed to us by our fathers. JEFFERSON DAVIS.

This was followed by appeals from the governors of several States to their citizens, and by resolutions of legislative bodies. A very extensive effort was also made to secure the planting of more wheat and corn.

An extra session of the Legislature of Georgia was called by Governor Brown, to meet on March 25th, "to secure the use of all productive labor in the cultivation of grain and articles necessary to sustain life." Governor Vance, of North Carolina, in March issued an address to the people, urging them to plant corn and raise articles of prime necessity, saying: "By universal consent there is allowed to be but one danger to our speedy and triumphant success, and that is the failure of provisions. Everything depends now upon the industry and patriotism of the farmer." Governor Shorter, of Alabama, issued an appeal to the people, saying: "The failure to raise the largest possible quantity of supplies in the present year may bring disaster to our cause." (*See* ALABAMA.)

On the 3d of April, the Legislature of South Carolina assembled. The Governor in his message stated that they were called together for the express purpose of considering the proper measures to be taken to provide food for the sustenance of the army and the people.

The prospective result of these efforts was thus described in a letter from the Commissary-General to the Secretary of War, as follows:

ATHENS, *April 25th*, 1863.

Hon. James A. Seddon, Secretary of War:

SIR: As the excessive want of supplies in this department will require me to proceed back to Atlanta, Georgia, before returning to the capital, I deem it expedient, in view of the present importance of time, to acquaint you by letter of the impressions I received from my conference with the Governors, etc. Governors Brown, Shorter, and Vance only were present; but Governor Pettus, I have learned, arrived at Milledgeville after my departure.

All agree that the planters of their States evince no disposition to seed for more than the usual quantity of grain and other articles necessary for the subsistence of the people and the army. Neither the resolutions of Congress, requesting the President to appeal to the people, nor the appeal itself, have produced any visible effect. Such of the planters as doubt the expediency of raising more cotton and tobacco seem bent upon clearing up new lands instead of tilling those now fit for cultivation. In riding by mail from Milledgeville to this point, I passed, as you are aware, through one of the best corn districts in Georgia, and not one acre in fifty, as I am assured by my own observations and the reports of travellers on the roads, is being prepared for raising that indispensable article, or other products requisite for the subsistence of man and beast.

It is lamentable that the people are so deaf to the many appeals of their representatives and so blind to their own interests. It is obvious that something must be done immediately, or both the people and the army must starve next winter. This is an alarming reflection, but it is fully warranted by the situation. Now is the time to avert the impending danger. A few days more and it will be too late.

Several plans were suggested by the Governors for promoting our object—among them that of convoking the farmers, at numerous points throughout the States, and addressing them through prominent speakers on the absolute importance of meeting the wants of the nation. Although this plan was favorably regarded, it was deemed too late in the season to attain the desired results by its execution; and the Governors finally decided to send an address—not to be published by the press, exposing our wants to the enemy—to all leading planters in their respective States, urging upon them the imperative necessity of producing all the grain, live stock, etc., possible. But since the appeal of the President is disregarded by this class of citizens, what response can we expect them to make to similar appeals of the Governors? In my judgment, none.

It is only by more rigorous, and indeed arbitrary, measures that we can prevent distress in our towns, and subsist the armies in the field through next winter and spring. The appeal put forth by the President, and the one proposed by the Governors, will be entirely useless. This is the opinion also of General Bragg, with whom I yesterday conferred for two hours at Dalton.

The general suggests three plans for preventing the threatened famine. The first is, that the President, by proclamation, prohibit the raising of any more cotton and tobacco, or clearing of new lands, until further notice. The second is, that by proclamation he order all planters to seed a certain number of acres of grain or other articles of necessary consumption in proportion to the quantity of cleared land and negroes belonging to them. The third is, for the Government to take possession of the plantations, or such portion of them as the owners do not intend to seed with grain, etc., and to employ the negroes belonging thereto in raising such agricultural products as may be deemed necessary. Officers and soldiers who have been rendered by wounds and disease unfit for further service in the field could be employed as superintendants and overseers.

The last mentioned plan appears to me to be feasible and entirely the best that can now be adopted. As reasonable compensation would, of course, be allowed for the use of the land and negroes, etc., I think the plan would in general meet with favor. At all events, the measure would not be more arbitrary than others the Government has been forced to resort to, and in view of the emergency, and as a military necessity, it would be perfectly justifiable.

The wheat harvest, it is easy to see and learn from a trip through the country, will not be half as bountiful as we have anticipated; and the belief into which the Government has been led, that there are large quantities of bacon in many parts of the country, is erroneous. The inventory ordered by Governor Brown of the bacon and live stock in Georgia (of which you have by this time probably received a copy) shows the well-nigh exhausted condition of that State, and yet, beyond peradventure, it is less nearly exhausted than any other State in the Confederacy.

It will, therefore, be no easy matter to keep our ar-

mies in the field without causing suffering among the people till the harvests are gathered next autumn. From that time we shall be entirely dependent on those harvests, and that they may be rendered adequate to our wants I unhesitatingly recommend the adoption of the third plan suggested by Gen. Bragg.

Let the emergency be urged upon the President, while there is yet time to save ourselves.

Your obedient servant, L. B. NORTHROP,
Commissary-General, C. S. E.

Three causes operated during the year to distress the people for provisions: the desolation by war of some of the most productive portions of the country, and the reduction of the number of farmers by conscription; the difficulty of transportation thereby equalizing the production; and the absence of any proper medium of exchange to induce the farmers and planters to exchange their produce. The first and severest sufferers under these circumstances were those inhabitants of cities and towns who were dependent on wages, and those who composed the families of soldiers in the army. Early in the spring, the dissatisfaction which existed broke out in open tumults. At Salisbury, North Carolina, a body of soldiers' wives, on March 19th, assembled to make an attack upon a storehouse where flour was deposited. On the 25th, a similar occurrence took place at Raleigh, in the same State. On the 2d of April, a riot broke out in Richmond, the object of which was to obtain food. Another occurred in Mobile, Alabama, about the 15th of April. (*See* ALABAMA.) In other places similar disturbances took place. In all the cases women were the actors. (*See* RIOTS.)

These public disturbances soon ceased with the advance of the season. By the military operations which followed, the supply of cattle from Texas was cut off, and also the produce from Middle and Eastern Tennessee. The crops during the summer were represented to be good, but as the latter part of the year approached, the apprehensions of a scarcity were manifest. It was said, "the coming winter will be one of unusual trials." In October the following facts occurred at Richmond. One firm sent one hundred barrels of flour to be sold at $27, while the price in the stores was from $65 to $75, and promised to the city all the flour on hand and all the tolls they might receive at Government prices. Another firm offered to sell all the flour sent for consumers without any charge for commissions. Another offered to grind all the wheat purchased by the city, at the cost of labor. The city of Richmond established a Board of Supply to purchase articles of necessity to be sold to the poor at cost. Petersburg did the same, and the Secretary of War instructed the officers of the Government to facilitate the labors of these committees. All the churches and civic societies undertook to support their own poor. One firm, after strenuous efforts for several days, were unable to purchase a lot of flour for the accommodation of their customers, and concluded that the farmers were prevented from sending in their wheat because they were required to sell it at five dollars per bushel. That there was an abundance in the country, and to spare, no one doubted. On the 29th of October, beef was quoted in Richmond at a dollar to a dollar and a half per pound. The butchers said they were unable to get cattle, and might be compelled to close their stalls. By an arrangement between the butchers and the Government, it ought to have sold at sixty-five to seventy cents per pound. The newspaper press of Richmond said: "By a very decided vote the consumers of Richmond have agreed to pay the market price for everything. But if nothing is brought to market, and the people are made to suffer for food and fuel, when both are abundant, then it is very certain that force will secure what funds cannot. Consumers have done their duty; producers must do theirs." The agents of the city of Richmond sent to Louisa and the adjoining counties reported that "the farmers had nothing to sell." It was said that graziers would not bring their cattle to the city to be seized, if they did not sell to the butchers at Government prices. As an illustration of the operation of the "maximum" (price fixed), considerable slaughtered beef was received by some of the butchers. Slaughtered beef was exempt from impressment. It was said, on November 2d:

The speculators are now masters of the situation in regard to the prices of flour—a barrel of which, of any kind, at any price, is next to impossible to obtain. The hoarders should be made to come to terms—that is, to put their stores in the market.

Beef is in great abundance in the Piedmont country, we learn, and also in the upper valley, and sells at from thirty-five to fifty-six cents on the hoof. If the impressing officers will hold off their hands, we need have no fears for the coming winter.

At an early hour on Saturday morning the meat supplied at the city market gave out, and numerous families in consequence had to dine off Grahamite dinners. So long as beef is impressed for the benefit of twelve thousand Yankee prisoners, this condition of the city markets may be expected to continue.

The condition of the supplies in Charleston is thus described:

Since the necessaries of life have reached the very exorbitant rates which they now command, our city fathers have been most zealously laboring for the benefit of the citizens at large, and with what success the thousands who are now daily supplied with flour, rice, &c., at less than half the current market prices, can gratefully testify. The action of the council in this matter, as well as for the supply of fuel, has tended very materially to check the inflation of prices, which, but for this course, would be much higher. Yesterday afternoon one hundred and fifty cords of wood were distributed in quarter cord lots to six hundred families, at the rate of twelve dollars per cord.

It was reported that in Southeastern Alabama, and Southwestern Georgia, fifty per cent. more of hogs had been raised than at any previous season of the year. The crops of wheat gathered in those sections were unusually large. In North Carolina the agents of the city of Petersburg were quite successful in procuring supplies. It was asserted that either North or South Carolina, Georgia, or Alabama, could

furnish a sufficient supply for the population of Richmond.

The report of the Richmond market on the 6th of November, was as follows:

There is no wheat in market, but we have been informed that sales of small quantities have been made during the week at $10. With an open market, a higher figure would no doubt be reached until a fair supply could be thrown in. The injudicious and indiscriminate system of impressment by the Government, through impressing agents who have no practical knowledge of the wants of the army or the necessities of the people, has made the supply of bread for those outside the army a question for serious consideration, and if not speedily remedied will make starvation a more than probable event.

Within two weeks flour has jumped from $40 to $75 per barrel, and we have even heard of sales at $100. Some are ready to attribute this unprecedented advance solely to speculation, but this is a mistake. The flour is not in the market, and people are beginning to learn that an actual scarcity of the staff of life stares them in the face. We do not mean an actual scarcity in the country, but a scarcity in the market, caused by the starvation plan of impressment by the Government.

Beardless and senseless boys, who do not know how many bushels of wheat it requires to make a barrel of flour, are sent through the country with authority to impress supplies for the army, and, without knowing what is needed, they serve written notices upon the farmers that their whole crops are impressed, and that they must not send one bushel of grain to the market. The farmer believes that the necessities of the Government require all that he has, feels that he is deprived of his interest in his grain, and it is left to sprout and spoil in stacks, or mould and mildew in granaries. This is one reason, and the chief one, too, why we have not flour in the Richmond market. The same system is pursued, and the same starvation plan adhered to. Corn was yesterday selling at $14 50 per bushel, and scarce at that.

Country Produce and Vegetables.—Bacon, hog-round, $2 50 to $3; lard, $2 10; butter, $3 75 to $4; eggs, $2; Irish potatoes, $10 to $12 per bushel; sweet do., $12 to $15; tallow candles, $3 50 to $3 75; salt, 45c. per lb.

Groceries.—Coffee, $9 50 to $10; sugar: common brown, $2 75 to $3; crushed do., $5; sorghum molasses, from $12 to $15 per gallon; rice, 33c. per lb. by the tierce.

Liquors.—Whiskey, $40 to $50 per gallon, according to quality; apple brandy, $34 to $36.

In the city markets there has been a slight advance in nearly all the articles offered for sale. Fresh meats are worth from $1 25 to $1 50 for beef and mutton, and $2 for pork; chickens, $6 to $8 per pair; turkeys, $12 to $15 apiece; ducks, $7 to $8 per pair; raccoon, $10 apiece; opossum, from $2 50 to $5, according to size; rabbits, $1 50 to $2; squirrels, $1; fish: small alewives, $2 per bunch of four; catfish, $1 50 to $2 per bunch of four; butter, $5 per pound; sweet potatoes, $2 50 per half peck; Irish potatoes, $2 per half peck; turnips, $2 per peck; cabbage, 75c. to $1 25 per head.

Leather.—Sole leather, $5 50 to $6; harness do., $5 50 to $6; upper do., $6 50 to $7. Hides are quoted at $1 for dry; $1 for salted green, and 60c. for green.

The cotton accumulated by the Government amounted in August to five hundred thousand bales. This cotton was principally in the States of Georgia and Alabama, and some also in the eastern part of Mississippi, Northwestern Louisiana, and Texas, and was stored on the plantations of the planters from whom it was purchased, in sheds or warehouses three hundred feet from any other buildings, and in all cases the planters agreed with the Government to take the same care of the cotton as if it still belonged to them, and to deliver it to the order of the Government when wanted. The capture of all the seaports would not endanger the loss of a pound, as there were no stocks of cotton at any of them, nor were there any considerable stocks of cotton at any one place in the interior, care having been taken by the Confederate as well as State Governments, that no cotton should be stored at any point within five miles of a railroad station or navigable stream. That portion of the crop of 1861 which had been brought to the various interior depots, had been taken back to the plantations by special order of the State Governments. This cotton would be delivered to any holder of the bonds on demand, as provided for in the fourth article of the contract. In the States of Alabama and Mississippi, the cotton had been sampled, weighed, marked, and invoiced, and the agents of the bondholders could examine the samples at the offices of the chief agents of the loan in the different States, and take their orders on the planters for the delivery of the cotton without trouble or expense. The cotton obtained under this loan was not subject to any tax or duty, except the export duty of one eighth of a cent per pound, existing at the date of the contract.

The purchasing agent of the Government issued a circular on the 25th of July, announcing the policy of the Government as follows:

The policy of the Government is, that the same course be pursued with regard to public or private cotton, viz.: apply to it the torch whenever in imminent and manifest danger of falling into the hands of the enemy, but only in such cases. In presence of a mere raid, cotton should not be burnt. On the other hand, where military and permanent occupancy is likely to be had, it is of the last importance that cotton should not be the trophy of the enemy.

Notwithstanding the general stringency of the blockade, many trips were made by vessels to Charleston and Wilmington during the early part of the year, with great profit to the owners. The officers of the Government owned many of these vessels. A large number, however, were captured.

The relations of the Confederate States with foreign nations underwent no favorable change during the year. England and France steadily declined to treat with them as independent States. Their views were approved by all the other States of Europe. It finally became evident that the simple recognition, not accompanied or followed by anything in the shape of intervention, would be fruitless. The successes of the North also were such as to create the conviction in Europe that the time for declaring the seceded States to have established their independence had not yet arrived. Yet, in England, the Confederate States have enjoyed the sympathy of an active portion of the people, who were led to believe that the struggle was really a war of independence. Nor was this all; for they notoriously received assistance from individuals in that country, which could

not have been tolerated by the law without giving to the United States a ground for complaint, and which, though not so tolerated and furnished with the utmost secrecy, brought the United States and England to the verge of war. It appeared by despatches of the Confederate Government, which were intercepted near the beginning of the year, that it had contracted for six ironclad steamers, combining the capacities of freighting and fighting ships, to be constructed in England, and to be paid for with cotton.

On the 5th of June, President Davis addressed a letter to the British consul, Moore, at Richmond, revoking his exequatur. The reason given for this was, that Moore "assumed to act as consul for a place other than the city of Richmond, and a State other than the State of Virginia, and was thereupon, on the 20th day of February, 1863, requested by the Secretary of State to submit to the Department of State his consular commission, as well as any other authority he may have received to act in behalf of the Government of her Britannic Majesty before further correspondence could be held with him as her Majesty's consul at the port of Richmond; and whereas the said George Moore has lately, without acceding to said request, entered into correspondence, as her Majesty's consul, with the Secretary of War of these Confederate States, thereby disregarding the legitimate authority of this Government."

Subsequently, Mr. Fullerton, the British consul at Savannah, was dismissed, and all the other British consuls. In a letter to Mr. Fullerton, Mr. Benjamin, Secretary of State, thus explains the ground for the action of the Government:

It thus appears that the Consular Agents of the British Government have been instructed not to confine themselves to an appeal for redress, either to courts of justice or to this Government, whenever they may conceive that grounds exist for complaint against the Confederate authorities in their treatment of British subjects (an appeal which has in no case been made without receiving just consideration), but that they assume the power of determining for themselves whether enlisted soldiers of the Confederacy are properly bound to its service; that they even arrogate the right to interfere directly with the execution of the Confederate laws, and to advise soldiers of the Confederate armies to throw down their arms in the face of the enemy.

This assumption of jurisdiction by foreign officials within the territory of the Confederacy, and this encroachment on its sovereignty, cannot be tolerated for a moment; and the President has no hesitation in directing that all Consuls and Consular Agents of the British Government be notified that they can no longer be permitted to exercise their functions, or even to reside with the limits of the Confederacy.

It was deemed proper to explain this proceeding to the Emperor of France, and in a letter to Mr. Slidell, October 8th, Mr. Benjamin says:

The exercise of the *droit de renvoi* is too harsh, however, to be resorted to without justifiable cause, and it is proper that you should have it in your power to explain the grounds on which the President has been compelled to enforce it. Lest also the Government of his Imperial Majesty should be misled into the error of supposing that the rights of French citizens are in any manner involved in the action of the President, which has been rendered necessary by the reprehensible conduct of the British Consular Agents, you are requested to take an early occasion for giving such explanation to M. Drouyn de l'Huys as will obviate all risk of misapprehension.

In August, Mr. Mason received instructions to withdraw from England. He had been sent to that country to endeavor to obtain the recognition of the Confederacy by Great Britain, and to act as minister upon such recognition. In the order of recall to him, Mr. Benjamin said:

The President believes that the Government of her Majesty has determined to decline the overtures made through you for establishing, by treaty, friendly relations between the two Governments, and entertains no intention of receiving you as the accredited minister of this Government near the British court. Under these circumstances, your continued residence in London is neither conducive to the interest, nor consistent with the dignity, of this Government.

He retired to France, but subsequently returned to England as a private citizen. In a letter to Mr. Lamar, commissioner to St. Petersburg, June 15th, Mr. Benjamin says:

It has been suggested to this Government, from a source of unquestionable authenticity, that, after the recognition of our independence by the European Powers, an expectation is generally entertained by them that in our treaties of amity and commerce a clause will be introduced making stipulations against the African slave trade. It is even thought that neutral Powers may be inclined to insist upon the insertion of such a clause as a *sine qua non.*

He then proceeds to state the principles upon which the Confederacy is organized, and says:

Moreover, any attempt on the part of the treaty-making power of this Government to prohibit the African slave trade, in addition to insuperable objections above suggested, would leave open the implication that the same power has the authority to permit such introduction. No such implication can be sanctioned by us. This Government unequivocally and absolutely denies its possession of any power whatever over the subject, and cannot entertain any proposition in relation to it.

(*See* PUBLIC DOCUMENTS, MESSAGES TO CONFEDERATE CONGRESS.)

The Proclamation of Emancipation to all persons held as slaves in certain States and Districts, issued by President Lincoln, on January 1st, 1863, caused great excitement in the Southern States. It stated that "the Executive Government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of such persons;" also, "such persons will be received into the armed service of the United States," &c. Its immediate effect was expected to arise under these clauses. The Confederate Congress took action at once on the subject. It was at first contemplated to make slaves of all free negroes found with arms in their hands; to kill all slaves found armed, and to hand over to the State authorities all their officers, to be dealt with according to the laws of the States relative to persons exciting insurrection. Severe measures were proposed in the Confederate

Congress. These, however, were not adopted, and the subject was referred to the discretion of the President. Whether any extreme measures were inflicted upon these soldiers or their officers during the year, is not officially known. It was finally considered that, under the law of nations, a belligerent could employ against his antagonist any persons whom he could obtain, and, therefore, free negroes captured as Federal soldiers were entitled to be treated as prisoners of war. On the 23d of April an "Address to Christians throughout the World" was issued at Richmond, signed by ninety-six clergymen of all denominations. After asserting that "the Union cannot be restored," and that "the Confederate Government is a fixed fact, the address proceeds to say:

The recent Proclamation of the President of the United States, seeking the emancipation of the slaves of the South, is, in our judgment, a suitable occasion for solemn protest on the part of the people of God throughout the world.

The address charges President Lincoln with intending to produce a general insurrection of the slaves, and such an insurrection "would make it absolutely necessary for the public safety that the slaves be slaughtered, and he who would write the history of that event —would record the darkest chapter of human woe yet written." The Proclamation, however, liberated no slaves except such as could come within the lines of the Federal armies. The political aspect of the Proclamation was discussed at some length in the Message to the Confederate Congress in January. (*See* PUBLIC DOCUMENTS.)

The difficulties which had arisen relative to the exchange of prisoners (*see* PRISONERS), and the threats of retaliation for some occurrences on each side, which were regarded by the other as unjustifiable acts of cruelty, was made the ostensible occasion for a mission by Vice-President Stephens to Washington. The following correspondence embraces all the details on the subject:

RICHMOND, *July* 2*d*, 1863.

Hon. A. H. Stephens, Richmond, Va.:

SIR: Having accepted your patriotic offer to proceed as a military commissioner, under flag of truce, to Washington, you will receive herewith your letter of authority to the commander-in-chief of the army and navy of the United States.

This letter is signed by me, as commander-in-chief of the Confederate land and navy forces.

You will perceive from the terms of the letter that it is so worded as to avoid any political difficulties in its reception. Intended exclusively as one of those communications between belligerents which public law recognizes as necessary and proper between hostile forces, care has been taken to give no pretext for refusing to receive it on the ground that it would involve a tacit recognition of the independence of the Confederacy.

Your mission is simply one of humanity, and has no political aspect.

If objection is made to receiving your letter, on the ground that it is not addressed to Abraham Lincoln, as President, instead of Commander-in-Chief, &c., then you will present the duplicate letter, which is addressed to him, as President, and signed by me, as President. This latter objection may be made on the ground that I am not recognized to be President of the Confederacy. In this event, you will decline any further attempt to confer on the subject of your mission, as such conference is admissible only on the footing of perfect equality.

My recent interviews with you have put you so fully in possession of my views that it is scarcely necessary to give you any detailed instructions, even were I, at this moment, well enough to attempt it.

My whole purpose is, in one word, to place this war on the footing of such as are waged by civilized people in modern times; and to divest it of the savage character which has been impressed on it by our enemies, in spite of all our efforts and protests. War is full enough of unavoidable horrors, under all its aspects, to justify, and even to demand of, any Christian rulers who may be unhappily engaged in carrying it on, to seek to restrict its calamities, and to divest it of all unnecessary severities. You will endeavor to establish the cartel for the exchange of prisoners on such a basis as to avoid the constant difficulties and complaints which arise, and to prevent, for the future, what we deem the unfair conduct of our enemies in evading the delivery of the prisoners who fall into their hands; in retarding it by sending them on circuitous routes, and by detaining them, sometimes for months, in camps and in prisons, and in persisting in taking captives noncombatants.

Your attention is also called to the unheard-of conduct of Federal officers in driving from their homes entire communities of women and children, as well as of men, whom they find in districts occupied by their troops, for no other reason than because these unfortunates are faithful to the allegiance due to their States and refuse to take an oath of fidelity to their enemies.

The putting to death of unarmed prisoners has been a ground of just complaint in more than one instance, and the recent executions of officers of our army in Kentucky, for the sole cause that they were engaged in recruiting service in a State which is claimed as still one of the United States, but is also claimed by us one of the Confederate States, must be repressed by retaliation if not unconditionally abandoned, because it would justify the like execution in every other State of the Confederacy, and the practice is barbarous, uselessly cruel, and can only lead to the slaughter of prisoners on both sides—a result too horrible to contemplate without making every effort to avoid it.

On these and all kindred subjects you will consider your authority full and ample to make such arrangements as will temper the present cruel character of the contest, and full confidence is placed in your judgment, patriotism, and discretion, that while carrying out the objects of your mission, you will take care that the equal rights of the Confederacy be always preserved.

Very respectfully,

(Signed) JEFFERSON DAVIS.

RICHMOND, 8*th July*, 1863.

His Excellency, Jefferson Davis:

SIR: Under the authority and instructions of your letter to me of the 2d instant, I proceeded on the mission therein assigned, without delay. The steamer Torpedo, commanded by Lieut. Hunter Davidson, of the navy, was put in readiness as soon as possible, by order of the Secretary of the Navy, and tendered for the service. At noon, on the 3d, she started down James river, hoisting and bearing a flag of truce after passing City Point. The next day (the 4th) at about one o'clock P.M., when within a few miles of Newport News, we were met by a small boat of the enemy, carrying two guns, which also raised a white flag before approaching us. The officer in command informed Lieut. Davidson that he had orders from Admiral Lee, on board the United States flagship Minnesota, lying below, and then in view, not to allow any boat or vessel to pass the point near which he was stationed without his permission. By this officer I sent to Admiral Lee a note stating my objects and wishes, a copy of which is hereto annexed, marked A.

I also sent to the admiral, to be forwarded, another

in the same language addressed to the officer in command of the United States forces at Fort Monroe. The gunboat proceeded immediately to the Minnesota, with these despatches, while the Torpedo remained at anchor. Between 3 and 4 o'clock P.M., another boat came up to us, bearing the admiral's answer, which is hereunto annexed, marked B.

We remained at or about this point in the river until the 6th inst., when, having heard nothing further from the admiral, at 12 o'clock M., on that day, I directed Lieut. Davidson again to speak the gunboat on guard, and to hand to the officer on board another note to his admiral. This was done. A copy of the note is appended, marked C. At half past two o'clock P.M., two boats approached us from below, one bearing an answer from the admiral to my note to him of the 4th. This answer is annexed, marked D. The other boat bore the answer of Lieut. Col. W. H. Ludlow to my note of the 4th, addressed to the officer in command at Fort Monroe. A copy of this is annexed, marked E. Lieut. Col. Ludlow also came up in person in the boat that brought his answer to me, and conferred with Col. Ould, on board the Torpedo, upon some matters he desired to see him about in connection with the exchange of prisoners. From the papers appended, embracing the correspondence referred to, it will be seen that the mission failed from the refusal of the enemy to receive or entertain it, holding the proposition for such a conference "inadmissible."

The influences and views that led to this determination after so long a consideration of the subject, must be left to conjecture. The reason assigned for the refusal of the United States Secretary of War, to wit: that "the customary agents and channels" are considered adequate for all needful military "communications and conferences," to one acquainted with the facts, seems not only unsatisfactory but very singular and unaccountable; for it is certainly known to him that these very agents, to whom he evidently alludes, heretofore agreed upon in a former conference in reference to the exchange of prisoners (one of the subjects embraced in your letter to me), are now, and have been for some time, distinctly at issue on several important points. The existing cartel, owing to these disagreements, is virtually suspended, so far as the exchange of officers on either side is concerned. Notices of retaliation have been given on both sides.

The effort, therefore, for the very many and cogent reasons set forth in your letter of instructions to me, to see if these differences could not be removed, and if a clear understanding between the parties as to the general conduct of the war could not be arrived at before this extreme measure should be resorted to by either party, was no less in accordance with the dictates of humanity than in strict conformity with the usages of belligerents in modern times. Deeply impressed as I was with these views and feelings, in undertaking the mission, and asking the conference, I can but express my profound regret at the result of the effort made to obtain it; and I can but entertain the belief that, if the conference sought had been granted, mutual good could have been effected by it; and if this war, so unnatural, so unjust, so unchristian, and so inconsistent with every fundamental principle of American constitutional liberty, "must needs" continue to be waged against us, that at least some of its severer horrors, which now so eminently threaten, might have been avoided.

Very respectfully,
ALEXANDER H. STEPHENS.

[A]

C. S. STEAMER TORPEDO, ON JAMES RIVER, *July 4th*, 1863.

SIR: As Military Commissioner, I am the bearer of a communication in writing from Jefferson Davis, Commander-in-Chief of the land and naval forces of the Confederate States, to Abraham Lincoln, Commander-in-Chief of the land and naval forces of the United States. Hon. Robert Ould, Confederate States Agent of Exchange, accompanies me as secretary.

For the purpose of delivering the communication in person, and conferring upon the subject to which it relates, I desire to proceed directly to Washington city, in the steamer Torpedo commanded by Lieut. Hunter Davidson, of the Confederate States navy, no person being on board but the Hon. Mr. Ould, myself, and the boat's officers and crew.

Yours, most respectfully,
ALEXANDER H. STEPHENS.

To Rear Admiral S. P. LEE, U. S. Flagship Minnesota.

[B]

U. S. FLAGSHIP MINNESOTA, OFF NEWPORT NEWS, Va., *July 4th*, 1863, 2.30 P.M.

SIR: Your communication of this date is received. I will report by telegraph your arrival and object, and inform you of the result without delay.

Very respectfully yours,
S. P. LEE, A. R. Admiral,
Commanding North Atlantic Blockading Squadron.

Hon. ALEX. H. STEPHENS, Military Commissioner.

[C]

C. S. STEAMER TORPEDO, OFF NEWPORT NEWS, Va., 12 o'clock M., *July 6th*, 1863.

Acting R. Admiral S. P. Lee, U. S. Flagship Minnesota:

SIR: Will Admiral Lee inform me, if he can, how long it will probably be before an answer will be made to my note of the 4th instant?

Will he please, also, forward the accompanying letter from Hon. Mr. Ould, Confederate Agent of Exchange, to Lieutenant-Colonel Wm. H. Ludlow, United States Agent of Exchange?

Most respectfully,
ALEXANDER H. STEPHENS.

[D]

U. S. FLAGSHIP MINNESOTA, OFF NEWPORT NEWS, Va., *July 6th*, 1863.

SIR: The request contained in your communication of the 4th instant is considered inadmissible.

The customary agents and channels are adequate for all needful military communications and conferences between the United States forces and the insurgents.

Very respectfully yours,
S. P. LEE, A. R. Admiral,
Commanding N. A. Blockading Squadron.

Hon. ALEX. H. STEPHENS.

[F]

HEADQUARTERS DEPARTMENT OF VA., SEVENTH ARMY CORPS, FORT MONROE, *July 6th*, 1863.

Hon. Alex. H. Stephens:

SIR: In the temporary absence of Major-General John A. Dix, commanding this department, I have the honor to acknowledge the receipt of your communication of the 4th instant, addressed to the officer commanding United States forces, Fort Monroe, and in the execution of instructions from the Secretary of War, to inform you that the request therein contained is deemed inadmissible.

The customary agents and channels are considered adequate for all needful military communications and conferences.

I am, very respectfully, your obedient servant,
WM. H. LUDLOW,
Lieut.-Col. and Assistant Inspector-General,
Seventh Army Corps,
Agent for Exchange of Prisoners.

At the beginning of the year the military power of the Confederacy was regarded by its citizens as able to cope very strongly with its adversary. It had been pressed back at some points, and received some severe blows, but it was very far from being either shattered or broken. The Mississippi river was firmly closed. The advance in Tennessee was firmly checked, and no progress was made by Gen. Hooker in Virginia. On all sides a hopeful

aspect was presented until the crisis came at once and paralyzed the military strength in the field. The disaster at Gettysburg, the loss of Vicksburg and Port Hudson, the falling back of Gen. Bragg, and the success of Gen. Gillmore at Charleston, demonstrated that the military power in the field was broken. Unless new armies could be created or the reduced ranks refilled, an ultimate failure was certain. The views relative to the capture of Vicksburg were thus expressed:

If it be fated that, in spite of all human valor and devotion can do, Vicksburg and its defenders should become the prey of the enemy, then, indeed, will come the tug of war. Then also will come the political crisis. Whatever of imbecility and faint-heartedness and downright latent toryism and treason exists in the Confederacy will at once receive a new accession of weakness; many will again begin to cry out for an "honorable peace," as they call it, by means of submission.

Thus, Vicksburg is at this moment a point not only of strategic but also of political importance. While our flag flies defiant over the great river, no party of compromise can venture to raise its head; no man will dare to breathe one word of "reconstruction," in whole or in part. All will be good Confederates. The cause which is supposed to be failing and sinking is the one which is likely to be abandoned by the cowards and betrayed by the traitors. To the cause that prospers we are always as true as steel.

In a speech before the Mississippi Legislature President Davis said: "Vicksburg and Port Hudson are the real points of attack. Every effort will be made to capture these places, with the object of forcing the navigation of the Mississippi, of cutting off our communications with the trans-Mississippi Department, and of severing the western from the eastern portion of the Confederacy. Let, then, all who have at heart the safety of the country go without delay to Vicksburg and Port Hudson,"

The division of the Confederacy produced by the loss of the Mississippi river, is shown by the following figures of the area on the west and east sides:

	Square miles.
Area of Arkansas	52,198
Area of Louisiana	41,255
Area of Texas	237,504
	330,957

That is territory cut off. The following is what remains.

Alabama	50,722
Georgia	58,000
Mississippi	47,156
South Carolina	29,385
North Carolina (four fifths)	40,600
Virginia (two thirds)	41,000
Tennessee (one half)	22,800
Florida (two thirds)	40,000
	329,663

In this extremity of the Government, a levy *en masse* of the fighting population was ordered. It was plain that, unless this order was complied with, the Confederacy would not be able to contend much longer in the field, except in Virginia and Charleston, with the forces and material of the North. In this crisis President Davis ordered a day of fasting, humiliation, and prayer to Almighty God to be observed At the same time the North failed to push these advantages vigorously, and the campaigns closed for a time both east and west. The response of the Confederacy to the levy of all between eighteen and forty-five years of age was now watched with great interest. Meanwhile troops were sent from Virginia to Gen. Bragg, in Tennessee, and also from Gen. Meade, on the Federal side, and the result of the operations was another severe blow to the Confederacy in the loss of East Tennessee. Its effect was thus described:

By the falling back of Gen. Bragg to the Georgia line, we lost the use of all the extensive mines and iron works of Tennessee and Northern Georgia, which left us but the almost untried ore fields of Alabama and North Carolina; the Western Virginia works being lost to us early in the war. Alabama, though rich in minerals of all kinds, had lacked the necessary energy and enterprise to develop its vast wealth. In the selection of W. R. Hunt to take control of those important interests, the Department at Richmond was fortunate in securing the services of one of the most intelligent and energetic officers in our service. By his energy and perseverance, Alabama and Georgia mines had been made to meet all the demands of our armies and fortifications, including Charleston. In fact, it is said and believed by many that the city of Charleston would have been in the hands of the Yankees long since, but for the untiring labors of Major Hunt in furnishing the founderies and arsenals with ample material.

The lack of military supplies created great embarrassment to the operation of the armies. This was increased whenever the blockade was most stringent. Immense numbers of Southern soldiers were clothed in the Federal uniforms which had been captured. At the close of the year there were three thousand barefooted men in Gen. Longstreet's corps. Blankets and clothing were asked for with piteous appeals from Gen. Johnston's army, which had been commanded by Gen. Bragg until December. The army of Gen. Lee was likewise destitute of blankets. It was said: "Day by day the clothes made for the soldiers exhibit less wool and more cotton." Supplies could no longer be counted upon from abroad. The prospect for obtaining the raw materials was thus estimated:

Any one who buys beef has discovered that the quarters and sides are rapidly diminishing in size. Younger cattle are being slaughtered every year. It is now thought that we will have to fall back upon milch cows. As cattle diminish, mutton must be substituted, and hence the sources both of leather and wool may be expected to decrease every month. Thus the prospect at home does not encourage the belief that we will be able to clothe armies larger than those which are now shivering in nakedness.

The prospect for the subsistence of the army was thus represented:

Very little bacon is left, beef is going, and mutton will hardly feed great armies, even if the supply were double what it is. It is said that Gen. Lee, during his late visit to this city, exclaimed that the citizens had no right to indulge themselves while the soldiers were living on a quarter of a pound of meat per day. The hue and cry against the starvation of Yankee prison-

ers had scarcely subsided, and the excuse that three of our largest hospitals were forced to do without meat for a day or two at a time had not been forgotten.

East Tennessee, on which we relied mainly for supplies, has fallen into the hands of the enemy. The clamor about impressments and the stoppage of supplies on their way to market, still rings in the ears of the Government. The standing crops in entire counties have been impressed at one fell swoop, under the plea that in no other manner could a sufficient supply for the army be certainly secured. Under this system, and because of a real scarcity as well, flour of a low grade is selling this day in the Confederate capital at $120 a barrel. It appears, therefore, that the prospect of feeding the army already in the field, much less one twice or thrice its size, is not encouraging.

The deficiency of labor was such as to endanger the supply of provisions. The slave required the supervision of the white man at all times, and especially when an unusual amount of work was demanded of him. Women, lads, and old men cannot make him work effectually. Whereas the fears of an insurrection, arising from the absence of the greater portion of the white able-bodied men, produced a leniency and indulgence among the farmers, which encouraged the idleness of the slave, and resulted in a yearly decrease of the crops. The scarcity of horses and forage was such that the Government seized both.

Enormous losses of muskets and cannon took place at Vicksburg, at Chattanooga, and Gettysburg, so that there was left a bare sufficiency to supply the wants, and to make good the annual wear and destruction, without furnishing any to new troops. The supply of ammunition often fell short during the year, and when Gen. Lee was in Pennsylvania, Richmond was so bare that cartridges had to be taken from a portion of the city troops and sent to him.

During the year no signs of yielding up were exhibited by the Confederate Government, or by the Governments of any of the seceded States. On the question of submission to the Federal Government, no organized body manifested any assent, but on the contrary the most determined opposition. Here and there some views were uttered in favor of peace. The following letter from Mr. T. Butler King, formerly in the Federal Congress from Georgia, dated June 26th, appeared; but its authenticity is disputed.

But war must end in peace; and sooner or later both parties must agree to terms upon which they will lay aside their arms. The events of the past two years should be sufficient to convince every reasonable man, both North and South, that it is impossible for the Federal Government to subjugate our people; and statesmen of the South cannot fail to perceive that the Federal Government cannot abandon the war, except on a restoration of the Union, without danger of the further dismemberment of the nation.

Then, unless both parties can be influenced by the spirit of compromise and concession, "when," in the language of one of our distinguished senators, "is this struggle to end?" No man can answer as to the years; but he may safely answer, "Not until both parties are exhausted and ruined—not until the North is reduced to a condition worse than it would have been if she had quietly acquiesced in our separation, and not until the South is worse off than she would have been by remaining in the Union under an abolition administration of the Government."

These considerations would lead me to favor any terms of peace that the South could, with a proper regard for her interests and honor, accept.

The energy, skill, and blood of our fathers helped to achieve and establish the independence of the United States, and our own enterprise, treasure, and statesmen have helped to make the nation one of the greatest and most powerful on the globe. We have the same right to enjoy the power and grandeur of that nation as the people of the North. Our States cut the Gordian knot, retired from the Union, and formed a new Government, because, and only because, our rights in the Union, and under the Constitution we have helped to establish, were denied us. If the people of the North would now concede our rights, and the Federal Government secure them to us, the danger with which we were threatened by remaining in the Union, and the objection we had to it, would be removed, and we might with honor and advantage return to it.

The Federal Government has proceeded so far with the war that these are the only terms of peace to which we could reasonably expect it to agree; and I regret to say that I have no expectation that such terms will be proposed, or would be accepted by that Government while the Presidential chair is occupied by the present abolition incumbent. But if, fortunately, during his administration, or within a reasonable time afterward, such terms should be offered, I am free to say that I should prefer their acceptance by our people to the continuance of the war, which must result in the desolation of our country, and the ruin of both North and South. A peace on such terms would be eminently honorable to both parties—neither could claim the victory—while the strength and valor each has exhibited would command the respect and admiration of the other.

To this extent I am a "reconstructionist." But it must not be understood that I would prefer reconstruction and peace on the terms indicated to a speedy peace recognizing our independence—if that were possible; nor must it be understood that I doubt our ability to achieve our independence if the conflict is continued. But I believe it would be better for ourselves, for our posterity, and for mankind, that we should accept peace with our rights secured within the Union, than to continue the war many years, giving oceans of blood, millions of treasure, and ruining our country, for independence.

On the 31st of July, a writer of distinction in North Carolina, reviewing in the public press the whole subject of the war, closed as follows:

The one great demand of the people of this part of the State is peace—peace upon any terms that will not enslave and degrade us. They may perhaps prefer that the independence of the South should be acknowledged, but this they believe cannot now be obtained; nor, in viewing the situation of affairs, do they see much hope of it in the future. They naturally ask, "If, with no means of recruiting to any extent, we cannot hold our own against the armies which the Yankees now have in the field, how can we meet them with their three hundred thousand new levies which will soon be in readiness, while they can keep their army recruited to a great extent, if not up to its maximum number, from adventurers who are constantly arriving in their ports from every country in Europe?" But, if independence cannot be obtained, then they are for any terms that are honorable—any terms that do not degrade us. They would be willing to compromise upon the amendment to the Constitution proposed by Mr. Corwin, from the Committee of Twenty-six, perpetuating slavery in the States to which I have before alluded. But in what precise way overtures shall be made, or the movement inaugurated, I leave to wiser men and abler statesmen than myself to propose.

I would, however, suggest to the people to elect members to the next Congress who are in favor of an armistice of six months, and in the mean time of submitting all matters in dispute to a convention of delegates from all the States, North and South, the delegates to be elected by the people themselves, in such manner as may be agreed upon by the two parties. Others there are who desire that the people of North Carolina should be consulted in their sovereign capacity through a convention; that the Legislature should submit the question of "convention or no convention" to the people, as was done in February, 1861. Such a convention would undoubtedly speak the sentiments of the people of the State, citizens as well as soldiers, as all would be consulted. But I propose nothing definite, and only make these suggestions to bring the matter before the public. I would, however, most earnestly appeal to the friends of humanity throughout the State to use their utmost efforts to procure as speedily as possible an honorable peace. In the name of reason, of suffering humanity, and of the religion which we profess, would I appeal to the public men and statesmen of North Carolina, and especially to that eminent statesman who possesses in a greater degree than all others the confidence of the people of the State, and who has recently been elevated to a high place in the Confederate Government, to lend a helping hand and use their influence to bring about an honorable peace. And, lastly, I would appeal to the ministers and professors of our holy religion to pray constantly, without dictation of terms, to Almighty God for an honorable peace.

The military disasters which occurred about this time, and the apparent impotency of the Confederate military power, led to the conviction in many minds that independence was unattainable. The terms of peace upon a basis of reconstruction began to be discussed, and proceeded to much length in North Carolina. But as the friends of reconstruction could promise nothing from the Federal Government except submission and emancipation, and as they possessed the control of no political organization which could sustain their views, they seem to have become finally silent. Such persons as desired a return of the Federal Government were speechless, and kept their views unknown. Numbers took an oath of allegiance, and joined the Federal army in States from which the Confederate forces had been driven.

Vice-President Stephens, in a speech at Charlotte, North Carolina, on July 17th, thus opposed all views except those in favor of separation.

The enemy have already appropriated twenty-seven hundred millions of dollars and one million of men for our subjugation, and after two years' war had utterly failed, and if the war continued for two years longer, they would fail to accomplish our subjugation. So far they had not broken the shell of the Confederacy. In the Revolutionary war the British at one time had possession of North Carolina, South Carolina, and other States; they took Philadelphia, and dispersed Congress, and for a long time held almost complete sway in the Colonies—yet they did not conquer our forefathers. In the war of 1812, the British captured the capital of the nation, Washington City, and burnt it, yet they did not conquer us; and if we are true to ourselves now, true to our birthrights, the Yankee nation will utterly fail to subjugate us. Subjugation would be utter ruin and eternal death to Southern people, and all that they hold most dear. He exhorted the people to give the Government a cordial support, to frown down all croakers and grumblers, and to remain united and fight to the bitter end for liberty and independence.

As for reconstruction, said Mr. Stephens, such a thing was impossible—such an idea must not be tolerated for an instant. Reconstruction would not end the war, but would produce a more horrible war than that in which we are now engaged. The only terms on which we can obtain permanent peace are final and complete separation from the North. Rather than submit to anything short of that, let us all resolve to die like men worthy of freedom.

In regard to foreign intervention, Mr. Stephens advised his hearers to build no hopes on that yet awhile. He did not believe that the leading foreign Powers ever intended that the North and South should be again united—they intended that the separation should be permanent, but they considered both sides too strong now, and did not deem it good policy on their part to interfere and put a stop to the war. Foreign nations see that the result of the war will be to establish a despotism at the North, and are therefore willing to allow it to continue a while longer.

Mr. Herschel V. Johnson, a candidate for the vice-presidency in 1860, on the same ticket with Senator Douglas, at the time he was elected senator to the Congress at Richmond by the Legislature of Georgia, said:

There is no step backward. All is now involved in the struggle that is dear to man—home, society, liberty, honor, everything—with the certainty of the most degraded fate that ever oppressed a people if we fail. It is not recorded in history that eight millions of united people resolved to be free and failed. We cannot yield if we would. Yield to the Federal authorities, never—to vassalage and subjugation! The bleaching bones of one hundred thousand gallant soldiers slain in battle would be clothed in tongues of fire to curse to everlasting infamy the man who whispers yield.

Many other examples might be presented to show that the views of those who held political power in the Confederate States now appeared as decided in favor of absolute independence as at any previous period. What other views existed in the minds of the people then were not expressed in language, nor by public meetings; hence the indications of them could only be found in the manner in which the measures of the Government were sustained. Dissatisfaction with many of its actions existed, such as the impressment of provisions, and the levy *en masse*, but its ability to enforce these measures showed its power still to control all the resources of the country for the object of independence. The feelings, however, with which the approach of the year 1864 was received by the authorities, are expressed in the following language:

The year 1864, the filling of whose circle will form another stage in the march of time, will also mark a most interesting and critical period in the fortunes of our Confederacy. To the timid the newborn year lowers gloomily. To the prudent there appears cause for anxious solicitude; while even heroism itself sees that the tug of war, the crisis of the struggle, is upon us, and that we must prepare ourselves for the tremendous shock. As when the skirmishers are driven in, and the distant cannonade is ended, two great armies rush to the death grapple, and wrestle for the victory, so now the progress of the war has brought us to that final stage in which decisive blows are to be given and received.

We cannot contemplate the coming of the next and fourth campaign of the pending war without solicitude. We shall be strongly pressed by the enemy. They are

making busy preparations. They are buying mercenaries for the fight as men buy sheep for the shambles. They are paying bounties, the half of which the world never heard of before. They are spending money with a reckless profusion that contrasts strangely with their native parsimony.

Our enemies, too, will commence the next campaign with some advantages of position which they did not have in the beginning of 1863. They will begin at Chattanooga instead of Nashville; at Vicksburg instead of Memphis. They come flushed also with wild hopes, and they are animated with increased arrogance.

It will be incumbent upon us during the current year to call out all our resources and put forth all our strength. We must make the most vigorous battle of which we are capable. Everything is at stake—property, honor, liberty, life itself; and a giant danger presses. "The Philistines be upon thee, Samson!"

If we thus act our part, the dangers which menace us will all be averted. The ship may be among the rocks, and the sound of the breakers may be heard, but a steady captain and brave and united crew shall bring her safely out of her peril. Our real danger lies not in the martial array the enemy may send against us, for, under the blessing of God, we have already shown ourselves able to withstand them; but the point of anxious solicitude is, are we all prepared and resolved to do our whole duty?

Do we appreciate the magnitude and the vital character of the crisis that is upon us? Are we all ready to make every sacrifice which the cause may require; to go into the ranks, if called for; to contribute our property; to be ready with our personal service, wherever wanted, and to count not our lives dear unto us if our country is to be served? Are we ready to respond, without murmuring, to the military laws which Congress shall judge the exigency to require? Are we prepared to hail the law which shall impose heavy taxes upon us to retrieve our currency and establish our finances?

Fellow citizens, if we are not ready for all this, we must become so. Such a spirit and resolve among us are the condition, as they will prove the guarantee, of our success. But we must win this victory among and over ourselves before we shall be ready to meet the enemy. We must be ready to risk all, and offer all, if we do not wish to lose all. Every man who is able to level a musket must be ready to shine in arms; if too old or infirm for the army, then as State guards, or home defenders, or reserves. Every producer must arouse his utmost energies to provide food and clothing for the soldiers and the people. All must be ready to renounce comforts or endure hardships without murmuring or complaint.

One gleam of peaceful light for a moment illuminated the dark scenes of 1863, which is thus described by the "New York Church Journal," in July:

About ten days ago we received, through some Church ladies, just arrived from the South through our lines, an earnest appeal from bishops and clergy there that we would, if possible, send down some two or three thousand prayer books, and a quantity of Church tracts, for use especially in the Southern army. Application was at once made, by the Rev. Dr. Dix, rector of Trinity church, to our Government, to know whether the books and tracts thus asked for would be passed through our lines; and the Government has promptly and kindly replied in the affirmative.

We cannot refrain from adding, that the bishops and clergy there, Bishop (Maj.-Gen.) Polk included, sent the kindest messages of undiminished love, as of old, to their brother churchmen at the North. Moreover, we are well assured that, even in the midst of the fearful struggles of war, the Church is steadily gaining ground all through the South. From every part of the Southerm armies, as well as from every part of the Southern country, the demand for the services of Church clergymen is greater than can by any possibility be supplied.

At the same time there is an evident change going on in regard to the feeling with which the North is regarded. The fierce and fanatical hatred with which the war broke out, is steadily giving way to a nobler and better feeling; so that many of those who, two years ago, were ready to swear that they would never eat, or wear, or purchase anything that came from here, are now looking forward, with expectant interest, to the time when they may be able to resume their annual summer visits to the North, as in the days before the war began. No political message was brought us, of any sort or kind; it would not have been proper that any such should either have been sent or received. But it was said, that there is a growing conviction at the South that if ever the country does come together again in one, the Church and the churchmen will be at the very heart of the reunion.

CONFISCATION. The power of the Government to confiscate the property of the inhabitants of the insurgent States, early commanded the earnest attention of Congress and led to a full discussion of the extent of this power, the manner of its exercise, and the restrictions imposed by the Constitution. The results of the examination were the enactment by Congress of the act of August 6th, 1861, and of the act of July 17th, 1862. The distinctive features of these laws are, that the first provides for the confiscation of property actually used in aiding, abetting or promoting the measures of the Rebels, while the second frees the slaves and confiscates all other property of persons assisting, engaged with or giving aid or comfort to the Rebellion. By an order of the President under date of November 13th, 1862, and a subsequent one extending the directions of the first, the Attorney General was charged with the superintendence and direction of all proceedings under the two acts of Congress above referred to, in so far as concerned the seizure, prosecution, and condemnation of the estate, property, and effects coming under the operation of the same. Attorney General Bates on the 8th of January, 1863, issued "General instructions to District Attorneys and Marshals relative to proceedings under the acts of Congress for confiscation." These instructions provide generally that—

1st. All seizures are to be made by the Marshal under the written authority of the District Attorney.

2d. A true return thereof by the Marshal to the District Attorney.

3d. A record by the District Attorney of every order of seizure, and one by the Marshal of every return.

4th. That the District Attorney should exercise vigilance in executing the law and care to avoid hasty and improvident seizures.

5th. State laws directing seizures should be conformed to as nearly as may be, consistently with the objects of the acts of Congress.

6th. That property seized by the military officers may be received by the Marshal who shall make return thereof to the District Attorney.

7th. After seizure the District Attorney to

proceed in the proper court for the condemnation of the property seized.

In pursuance of these instructions, proceedings were commenced in several districts to enforce the provisions of both laws. In these proceedings the following questions arose:

(1st.) What is the legal status of the inhabitants of the Confederate States? (2d.) What is the duration of the forfeiture? (3d.) Is real estate included in the act of 1861? (4th.) Are the acts of 1861 and 1862 constitutional?

The relation of residents of seceding States to the Government.—In July, Judge Wylie of the Supreme Court of the District of Columbia, in rendering his decision in the matter of the property of Dr. A. S. P. Garnett, said:

The act of Congress did not, as was generally supposed, treat the inhabitants of the so-called Confederate States as traitors, but as alien enemies, and in that point of view, by the law of nations, their property of every description is liable to absolute forfeiture and alienation to the use of the Government. There is no distinction between personal property and real estate, nor did the Constitution, as was supposed, forbid the absolute forfeiture of real estate. But the joint resolution passed by Congress on the same day as the confiscation act, under the provision of which this property is sought to be confiscated, was a declaration by them that, in a spirit of kindness, they would confiscate the real estate of the rebel only during his lifetime. He was bound by that resolution, and would therefore condemn the real estate during the lifetime of the owner, and the personal property absolutely.

Judge Wylie referred to a large number of authorities, among them acts of the Legislatures of Maryland and Pennsylvania, confiscating absolutely the property of Americans who remained loyal to the British crown during the Revolution.

July 25th, 1863, an information was filed in the U. S. District Court for the Southern District of New York, praying the seizure and confiscation of a number of railroad shares, money, &c., as being owned by Leroy M. Wiley, "being an alien enemy of the United States." A paper subscribed by Bowdoin Larocque and Barlow, proctors, and Jeremiah Larocque, advocate, verified by the oath of Barlow, and purporting to be "the answer and claim of Leroy M. Wiley, of Eufala in the State of Alabama, to the above libel of information" was put on file in the case, proffering the averment of matters in bar and avoidance of the allegations contained in the information. A motion was made to strike out this claim, founded on an affidavit that Wiley had been since the breaking out of the existing rebellion absent from the Southern District of New York, residing in the State of Alabama. Judge Betts in the course of his decision of the motion says:

It cannot be permitted that any party, without having a lawful standing in court, shall intercept or meddle with the orderly action of the law in its due process if he be destitute of a capacity to act as a suitor before the court. The present motion proceeds upon that doctrine. The gist of the application by the libellants is that Leroy Wiley has no *persona standi* in a court of the United States in respect to claims, property, interests, or trusts of any description in suit or prosecution before that court, he being an alien enemy of the United States, and thus disqualified from being a volunteer party in respect to civil suits before those tribunals resting upon contracts or legal liabilities, unless, perhaps, ransom bills of exchange for personal substance drawn by prisoners of war and held by alien enemies (1 Kent, 68.—2 Wildman, International Law, 274, 275) may be exceptions. No such privilege attends the demand of the claimant in this instance.

Wiley, by intervening and attempting to enforce a supposed title or lien in respect to the railroad shares or dividends, would become a party actor in the suit equally as if prominent in its inception. This, in a judicial sense, is the legal relation of both parties to the suit in actions *in rem*, as each side acts affirmatively in carrying on the processes and remedies imparted to them respectively by the action, and seeks positive adjudications in his favor in the disposal of effects and interests within the jurisdiction of the court.

The answer and claim interposed and placed on file in this suit, declares upon its face that the claimant "Leroy M. Wiley is of Eufala, in the State of Alabama," and that fact is also asserted and attested to in the test oath accompanying the claim when filed.

The court must take judicial notice that Alabama is an insurrectionary State, having been at the commencement of this suit and yet continuing in a condition of rebellion and actual hostility to the United States.

That condition constitutes all the inhabitants of that State alien enemies of this country.

This is indisputably so on clear principles of international law in regard to residents in countries foreign to each other (3 Phillimore, International Law, ch. 6, § 82. Halleck, Nat. Law, ch. 29, § 6. 1 Kent, 76).

In Jecker *vs.* Montgomery (18 How. 112), the Supreme Court says: "In a state of war between two nations, declared by the authority in whom the municipal institution vests the power of making war, the two nations and all their citizens or subjects are enemies to each other." Still more emphatically and pertinently in respect to the existing rebellion in this country, the same court declares that the residents of the several States in war with the United States are enemies to this country, to the same effect as if citizens or subjects of a foreign nation. (Crenshaw and others, administrators. The United States Laws, March, 1863.)

It is unimportant to determine in this matter whether the right of Wiley, in the subject matter of the suit before the court, is determined definitely by the subsisting state of hostilities between the place of his residence and the United States, or only suspended during such war; this decision goes no further than to rule that he is disqualified and inhibited becoming a party to the pending action. I do not in this decision discuss the regularity of practice pursued in making appearance and answer for Wiley. I consider him effectively barred by law of all power to intervene in court.

The application of the libelants is therefore granted, and it is ordered that the answer and claim interposed in the suit on behalf of Leroy M. Wiley has been irregularly and improperly admitted on file in this cause, and that the same be stricken therefrom.

In both these cases, residence in an insurrectionary State, is held as conclusive proof that the party is an alien enemy. The decision of Judge Betts occasioned comment, it being urged that if the doctrine in the opinion was correct, "the mere fact of the residence of Mr. Wiley in a southern insurrectionary State precludes him from appearing and contesting the allegations of the information, that he has rendered active aid to the rebellion. Congress might as well have spared itself the trouble of confining by such strict and guarded language the liability to confiscation, to cases where such aid has been rendered. Under such a practice, every dollar of property owned by Southern citizens in the North, no matter how loyal,

need only be seized under an allegation of disloyal practices, and as the accused cannot be heard to deny that allegation (and if he remains silent no proof of it is required), the whole matter is very summarily disposed of to the great comfort and advantage of the informer, and to the increment of his personal possessions.

"It was adjudged by the Supreme Court of the United States, in the case of Brown vs. the United States (Cranch 8th), that enemy's property found on land was not liable to confiscation by the mere fact of the hostile character of the owner, and without an act of Congress expressly subjecting it to confiscation. In that case the court was unanimous, with the exception of Judge Story, who, sitting in the Circuit Court in Massachusetts, had reversed the decree of the District Court acquitting the property, and whose decree was in return reversed by the Supreme Court. That decision remains unshaken to the present day. Only day before yesterday it was followed by Judge Nelson in the Circuit Court in this very district, who refused to condemn a quantity of rosin seized in a distillery in Newbern, North Carolina, on the taking possession of that place by the Federal forces.

"Judge Betts most strangely in the opinion speaks of this proceeding under the confiscation act as a civil suit. It would clearly have been more pertinent, however, to have shown that an alien enemy, under an indictment for treason, is precluded from being heard in his defence and must be hanged, not because he is guilty, but because, being an enemy, he has no "persona standi" in the court of the country where he is tried. Indeed, it would have been even more to the purpose to produce some authority for the proposition that an alien enemy, sued for a debt or for damages for an assault and battery, or other tort, in a court of the hostile Government, must be mulcted in the alleged debt, or damages and costs, on account of his belligerent status, without being heard in his defence; and finally, the provision of the fifth article of the Constitution of the United States, that 'no person shall be deprived of life, liberty, or property without due process of law,' would appear to an unprofessional mind to be a much more apt and proper citation.

"Even in prize causes, where the libel need contain no allegation of ownership, and does not assume to know or to prove who the owner is, the books are full of cases where the property has been condemned, on the final hearing, it is true, on the ground of enemy ownership; but it would be difficult to find one where the whole case had been prejudged on a motion to strike the claim from the files, thus depriving the party of the opportunity of a hearing on the merits and precluding him from an appeal."

Duration of the forfeiture.—It will be remembered that, after the passage of the act of 1862, a joint resolution explanatory of the act was passed, to obviate an objection raised by the President as was suggested, and which appears in his message of July 12th, 1862 (*see* ANNUAL CYCLOPÆDIA, 1862, page 374), being that the provisions of the act divesting title forever were unconstitutional. The constitutional restriction that "no attainder of treason shall work corruption of blood or forfeiture, *except during the life of the person attainted*," and to enforce which the resolution was passed, received judicial construction in proceedings instituted under the act. Judge Wylie, in his decision before quoted, held that this provision did not forbid the absolute forfeiture of real estate.

The question was elaborately argued by Judge John C. Underwood, of the United States District Court for the eastern district of Virginia, in his opinion upon proceedings for the confiscation and sale of the real estate of one Hugh Latham, and in which he decreed a sale of the estate, and a conveyance of the same in fee to the purchaser. He arrives at this construction as follows:

> The decree in this and similar cases must depend upon the construction given to article third, section third of the Constitution of the United States, and the legislation of the last Congress for the confiscation of rebel property.
>
> This court cannot limit the decree to a condemnation of a traitor's right, title, and interest in the property forfeited for the term of his own life, with a reversion to his heirs, for the reason that it does not consider such limitation warranted by the section and acts of Congress above referred to. The language of the Constitution is as follows:
>
> The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of the blood or forfeiture, except during the life of the person attainted.
>
> The authors of the constitutional provision were doubtless profound lawyers, and used the term "forfeiture" in the strict technical and well-settled legal meaning. Blackstone gives us a whole chapter on this important word, which he begins thus:
>
> Forfeiture is a punishment annexed by law to some illegal act or negligence in the owner of lands, tenements, hereditaments, whereby he loses all his interest therein, and they go to the party injured as a recompense for the wrong sustained.
>
> Again he enumerates "forfeiture," deed, device, etc., as the modes of absolute conveyance of real estate, and it seems clearly that this was the sense in which it was used in the constitutional provision.

The court holds that the authors of the clause meant not that only the life-tenure of real estate should be forfeited, but that the act of forfeiture must be legally completed during the lifetime of the party attainted. The word except should be used in the sense of unless, the sense in which it was used commonly at the time the clause was drawn, and which is given by Webster:

> If we use the word "except" in the above sense in the constitutional provision, or make it read "unless during the life of the person attainted," we shall at once come to the true intent and meaning of the provision, to wit: That the forfeiture was to be perfected during, and not after, the lifetime of the party attainted.

The conclusion reached by Judges Wylie and

Underwood, it will be seen, is in direct conflict with the opinion of the President at the time of the passage of the act of 1862. The construction of Judge Underwood, which overruled this opinion of the President and his decree, which seems to disregard the explanatory resolution of Congress, viz.: that "no punishment or proceedings under said act shall be so construed as to work a forfeiture of the real estate of the offender beyond his natural life," would appear to have received the sanction of the Administration, and a great number of cases were decided in conformity with the principles laid down in the Latham case as it was stated about the first of December, as follows:

The Hon. John C. Underwood, Judge of the United States District Court of Virginia, has just returned from Norfolk, where he has cleared the docket in three days, five out of the twenty cases upon it being postponed in consequence of the absence of witnesses. Decrees were entered confiscating the personal and real estate of fifteen rebels, of whom three were formerly in the Union navy, and are now in the rebel navy, viz.: Commodore Barron and Capts. Page and Sinclair. Some of the estates confiscated are among the finest in the aristocratic quarter of the town. The fee simple, according to principles laid down in Judge Underwood's decrees at Alexandria, goes to the purchaser from the United States. The court was adjourned till the third Monday in January, when it is anticipated that about one hundred cases will be disposed of under the confiscation law. Yesterday Judge Underwood opened court again in Alexandria. Of the seventy cases which were on the docket there, about half are yet to be disposed of.

Is real estate covered by the act of 1861?—In November an information was filed in the United States Court, held at Nashville, Tennessee, against the "Republican Banner" printing office and real estate, under the act of August 6th, 1861. A motion was made to quash the information, on the ground that real estate did not come within the provisions of the act, not being property subject to prize and capture. This motion was denied on the 6th of November, by Judge Trigg, with the concurrence of Justice Catron, of the Supreme Court of the United States. The following are extracts from Judge Trigg's opinion:

It is not denied that the words of the act, "and property of whatever kind or description," are very comprehensive, and in their terms embrace real as well as personal property. But it is insisted that Congress did not intend to include all kinds of property by the broad and comprehensive language employed, and that this is manifest from the words used in the act denouncing the penalty against the property used or employed, or intended to be used or employed, as therein stated.

The act declares that "all such property is hereby declared to be lawful subject of prize and capture wherever found;" and it is argued that the words "prize and capture" are purely technical in their meaning, and apply only to personal property, real estate not being a subject of prize and capture, and that these words, therefore, must be understood to have been used in their technical sense. And the words "prize and capture" being thus technical in their meaning, must control the previous words, and limit and confine their operation to that description of property to which "prize and capture alone are applicable."

* * * * * *

The term prize then would seem to have an exact legal and technical signification, and is appropriate only to captures made from an enemy on the high seas in time of war. And if our construction of the statute of August 6th, 1861, is to be limited by the strictly technical sense of the words "prize and capture," it would follow that such property only as might be captured upon the high seas, and which was intended to be used or employed in aiding or promoting the insurrection, could be the lawful subject of condemnation under said statute. Thus it will be seen that, in the construction of the act under consideration, if we are to be controlled by the purely technical meaning of the words "prize and capture," the operation of the law will be confined to such captures only as may be made upon the high seas, and all property on land would be exempt therefrom, and be not lawful subject of prize.

I do not mean to assert that Congress has not the power to declare any other property, than that which shall be captured from an enemy in time of war, upon the high seas, a lawful subject of prize; but simply to maintain that no capture of property as prize can be so considered technically, unless there be an act of capture on the high seas. In other words, that property captured or taken on land as prize could not be considered as prize in the technical meaning of the phrase, and that the prize court would have no jurisdiction over it.

The question presented to the court is not without difficulty, but it is clear, from what has been stated, that in giving a construction to this statute, it will not do to be limited by the mere technical sense of the words "prize and capture," for in that case it is apparent that a large and distinct class of property would be excluded from its operation. And it is manifest from the reading of the act that property other than such as might be captured upon the sea was intended to fall within its provisions. For the act, independent of the sweeping provision "any property of whatsoever kind or description," expressly declares that "all such property is hereby declared to be lawful subject of prize and capture wherever found." To give a just construction, therefore, to the statute we must ascertain what the Congress intended, and to do this, after looking at the words of the act itself, we may look to the surrounding facts and circumstances which would properly have influenced Congress in its passage.

* * * * * *

These technical words, then, cannot control us in our construction, and we must look to the whole body of the act, ascertain the intention of Congress in passing it, and construe the technical words "prize and capture," in the sense intended by them, and not in the strict legal sense in which they are usually understood.

* * * * * *

The act declares that if "any person or persons, his, her, or their agent, attorney, or employé, shall purchase or acquire, sell, or give any property of whatsoever kind or description, with intent to use or employ the same, or suffer the same to be used or employed, in aiding or abetting or promoting such insurrection or resistance to the laws, or any person or persons engaged therein; or if any person or persons, being the owner or owners of any such property, shall knowingly use or employ the same as aforesaid, all such property is hereby declared to be lawful subject of prize and capture wherever found; and it shall be the duty of the President of the United States to cause the same to be seized, confiscated, and condemned." The language of this act is broad and comprehensive, and, looking at the surrounding facts and circumstances at the time, there being then a formidable rebellion in progress, the intention of Congress, in enacting this law, must have been to deter persons from so using and employing their property as to aid and promote the insurrection, and thereby to diminish and weaken the power of the rebellion; and perhaps it was also intended, by taking from him his property so unlawfully employed, to inflict upon the party a penalty for his misconduct in thus aiding and promoting a resistance to the laws. What, then, is included, it may be asked, under that broad language of the statute,

"any property, of whatsoever kind or description," which is lawful subject of prize and capture, and liable to be seized, confiscated, and condemned? We answer that it is manifestly any property, of whatsover kind, which is capable of being used or employed in aiding, abetting, or promoting the insurrection. The only question, then, is whether real estate can be so used or employed; for if it can, there is no more reason why it should not be seized and confiscated than any other description of property. Certainly the mischiefs to result from such use of it would be as great as those from the use of property of any other kind. Suppose that a person, with the avowed purpose of aiding the insurrection, should purchase a piece of ground suitable for his object, and proceed to erect upon it the necessary buildings and machinery for the manufacture of guns and other small arms, and he does proceed, in accordance with his previous intent, to the manufacture of such weapons of war, to supply the rebel army, can it be contended that such property—real estate, if you choose—is not used, and as effectually used, in aiding, abetting, or promoting the insurrection, as any movable property whatever? And if so, why should it not be as much a subject of confiscation as any other? All property used in its ordinary and legitimate mode is exempt from the operation of the act, but the moment it is purchased or acquired, sold or given, with intent to use or employ it in aiding the insurrection, or if the owner knowingly or intentionally uses or employs his property for such a purpose, it immediately becomes the subject of seizure and condemnation under the act, whether it be real or personal property. The words "prize and capture" in the act were intended to have the same meaning which is given to the word "seizure" in the act of July, 1862, and to apply as well to real as personal property. * * * * *

Upon the whole, I am of the opinion that the information filed in this case ought not to be quashed.

I concur in the foregoing opinion of the District Judge. J. CATRON, Associate Justice.

The Constitutionality of the Acts.—The question of the constitutionality of the act of 1861 was disposed of by Judge Trigg in the opinion in the case of the "Republican Banner," as follows:

The question raised by claimant's counsel in the closing argument, as to the constitutionality of the act, was not made upon the original motion as the same was entered, and was not argued on behalf of the United States. No authority, however, was produced, and it seems to me that the arguments relied on to sustain its unconstitutionality would be as applicable to any other law of Congress imposing the penalty of forfeiture, as to the act we are considering.

The constitutionality of the act of 1862 was brought directly in question in proceedings instituted in New Orleans in December. No decision was given during the year, but the following points were made on either side. M. F. Day, Esq., on behalf of the United States, said:

When we find terms in that instrument which are not clearly defined in the Constitution itself, we must go to the common law to ascertain the meaning of those terms; and any technical terms in the Constitution, which have a known signification in the common law, are to be understood in the Constitution in the same sense in which they are used in the common law.

Section 3, of Article III., of the Constitution, declares that "the Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted."

Now, it has been contended that this provision is a limitation upon the power of Congress for the punishment of treason. This is an error. This word attainted is not a limitation of the power given by that portion of the sentence which precedes it. "The Congress shall have the power to punish treason."

The whole question turns upon the meaning of the word *attainder*. There is nothing in the Constitution or laws of the United States that tells us what attainder is. When we fix the meaning of the term it will be easy to fix the power of Congress. Attainder is the resulting consequence of a conviction and *sentence of death*. Then it was a consequence just as certain to follow, as death is certain to follow when the head is severed from the body. The power is given Congress to declare the punishment of treason, except that no resulting consequence shall work corruption of blood or forfeiture, except during the life of the party attainted. The consequences of attainder are the corruption of blood and the forfeiture of estate.

On the whole, I conclude that the Constitution means just as though it read: "You may punish treason as you please, but if you make any provision for its punishment, no mere sentence of death shall work corruption of blood or forfeiture of estate beyond the life of the person attainted." The joint resolution in no way limits the operation of the act, except as to any resulting consequences.

The next position taken by the claimants is on the right of trial by jury. They rely on the constitutional provision that a man cannot be deprived of life, property, or liberty, without "due process of law," and claim that due process of law means a trial by jury.

There are two answers to this argument: First, this proceeding can in no case be considered as a criminal proceeding. It is merely a proceeding to enforce a *forfeiture*, and the universal practice in these cases has been to enforce forfeitures without trial by jury.

There is another position that is impregnable—that is the war right. We are in a state of war—a public war on the part of the United States, and a private war on the part of the rebels. The statutes put it on that ground. The property is to be condemned as enemy's property.

The whole war power is vested in the President and Congress. There is no power on earth that can dictate to Congress what disposition they shall make of the property of enemies, and even when the power is left to the discretion of the President there is no power on earth that can question it. Who is to say to Congress what course they shall pursue, not only toward the rebels themselves, but toward their property, or to attempt to control that body in the exercise of the means which it shall use to prosecute the war. They have an unlimited discretion to do all things necessary to carry out the power given them by the Constitution of the United States, and they are the sole judges of the means necessary to accomplish these purposes, and their judgment is final and supreme.

There is no power in the judiciary to limit the discretion of Congress in this matter: whether it is a wise direction or not, they are not responsible to the judiciary. The representatives are only responsible to the people. This grant of power to Congress to conduct the war is as broad as a grant can be. Courts have no power to say how a war should be conducted.

On behalf of the claimants Mr. C. Roselius followed:

The protection of life, liberty, reputation and property is, or at least ought to be, a preëminent purpose in every government. The powers of the Government are separate and distinct. Those powers which belong to one department are exercised by officers belonging to that department, who exercise their powers independent of any of the others. Each department is separate, co-ordinate and equal. In this admirable system no majesty is recognized but the majesty of the law. And no man can exercise any power except such as has been delegated to him merely as the servant of the people. Man, individually, is without any power, except that power which under the law he has the right to enjoy and exercise.

Under such a government one of the first principles which strikes the reflecting mind is, that no person

can be deprived of life, liberty, reputation, or property, without due process of law, or by the law of the land, for these terms are clearly convertible. We hold that everything that belongs to us by the law of the land, is secured to us by the law of the land, and can only be taken away from us by the law of the land, by due process, judgment, and execution.

What is the due process of law? That is the point; the whole case turns upon this single inquiry. In criminal proceedings, the Constitution tells us the prosecution can only be by presentment or indictment of the Grand Jury, and the trial must be by the peers of the party accused, collected in the vicinage where the offence was committed, or in certain other localities where the crime has been on the high seas. The Constitution itself has determined what is due process of law in a criminal prosecution. [Art. 5 of amendments to Constitution.] The constitution provides that no one shall be deprived of life, liberty or property, without due process of law, and defines due process of law, in a preceding part of the same article, to be presentation and indictment by a grand jury. When we refer to the Constitution, as originally adopted, we find that "all trials shall be by jury."

Is this in reality a criminal proceeding?—The answer is found, in the first place, in this paper, which is called a *Libel of Information*, and which has been presented to this honorable court as if it was sitting in admiralty. Now, if it does declare such a case as can be proceeded against by the law of nations in an admiralty court, my objections are groundless.

It is the facts discovered in the libel that call the court into action to enforce the law, and for this reason the state of facts in this libel impresses its character on the proceedings, I care not by what name he or anybody else may call it. The ground on which we claim is, that they have endeavored to evade the Constitution by giving a wrong name and directing a wrong process to issue in the case.

There is no offence against the law of nations set forth in the case.

The United States have passed a law for the punishment of traitors and rebels who have been in arms against the legitimate authorities of the best Government that ever existed. They had a right to do it. No one will question the right of a government to make laws for inflicting condign punishment on traitors, but it does not follow that they have a right to proceed against them with a *libel of information.* Congress is subservient to the behests of the Constitution. It cannot do any act in violation of the Constitution. Its powers have been restricted in order that it may afford protection to life, liberty, and property, just as the powers of the other departments of the Government have been restricted. You may prosecute traitors before a grand jury and find an indictment. It is not necessary that they should be before the court. It is only necessary that the offence should have been committed within the jurisdiction of the court.

My learned friend argues that the clause in the Constitution providing that "no attainder shall work corruption of blood," was intended to prevent the resulting consequences under the common law, of the conviction of treason. By that law, the moment a person was convicted of treason, he forfeited his estate and his blood was corrupted, his children could no longer inherit, and his property went to the crown.

The United States goes to the common law for the definition of technical terms and to determine the rules of evidence in criminal cases. It is idle to say that this is intended to guard against the consequences of a conviction at common law, as my friend has attempted to show. It does not fortify the position he has taken. It refers to an offence created by statutes under the Constitution, not to an offence against the law of nations. I do not invoke the law of nations to establish that this offence was against that law. I claim that this offence which has been transcribed in this *libel* is the very offence to which the Constitution refers, and, therefore, that it is an offence against the laws of the United States, and not against the law of nations. That law had nothing to do with the law of nations. It was enacted for the punishment of treason and the suppression of rebellion. That is a subject of general legislation; a subject regulated by the Constitution in express terms.

The Confiscation Act is, in reality, an act for the punishment of treason and rebellion, and every line of the act shows it. Is it not clear that the act is punitive and nothing else, and that is what is limited by the clause in the Constitution providing that "no attainder for treason shall work corruption of blood," etc.

He next proceeded to the argument that had been adduced on the ground that this was a

Proceeding in rem,—and argued that a proceeding *in rem* could only be instituted when a *jus in re* had been acquired by the act of the thing itself, which, by the use that had been made of it, was forfeited, and that unless it was forfeited by some use to which it was put, it could only be forfeited by the act of the owner, and the proof of that act was the record of his conviction. The Government might confiscate enemies' property. The right existed, but had not been exercised for 260 years.

Belligerents had the abstract right and were responsible to the civilized world for its exercise. It was claimed by his opponents that, by virtue of this law, the property in question was liable to confiscation. But to be liable under the law of nations, as enemy's property it must have been in the enemy's country at the date of the enactment, or it must be the produce of the enemy's country.

But the act was passed on the 17th of July, 1862, two months after the United States authority had been reëstablished here, therefore, it could not be held under the law of nations, for it was not the produce of the enemy's country, and at the time of the passage of the act it was in New Orleans, which was a part of the United States not under the jurisdiction of the enemy.

The District Attorney, Rufus Waples, in his argument presented the following propositions:

By the law of nations all the property of enemies is confiscable, including lands in fee simple.

Civil wars are governed by the same rules as international wars concerning confiscation of enemies' property; the sovereign-belligerent has the right to confiscate the property of the subject-belligerent.

As the right to confiscate enemies' property found on land had grown somewhat into disuse, it was necessary for Congress to pass a law expressive of the will of the sovereign to exercise the right, and to "make rules concerning the capture" of this species of property, in order to enable the courts to take judicial proceedings.

Congress made such rules in the acts of August 6th, 1861, and July 17th, 1862, sections 5, 6, 7, 8; the former act being against property which obtains its enemy character by use; the latter, against property which obtains that character by ownership.

Sections 5, 6, 7, and 8 of the act of July 17th, 1862 (bringing into exercise the right of the Government as sovereign-belligerent against subjects-belligerent), are clearly authorized by the Constitution.

There is nothing in the Constitution which prohibits the confiscation of enemies' property in the manner and to the extent provided for in the 5th, 6th, 7th, and 8th sections of the act; that is, absolute forfeiture of all the "right, title, and interest" of the enemy-owner by proceedings *in rem.*

1. The act does not deny trial by jury in any case in which the Constitution secures it. The first four sections relate to crime, and its punishment is to be by indictment and jury trial, as a matter of course. Con., Art. 3, section 2d and 7th. All forfeitures are to be by "due process of law," but not all by jury trial.

2. No attainder, there being no death or outlawry.

3. No corruption of blood—the capacity of the heirs to inherit is not affected.

4. No remainder or reversionary interest of the heirs forfeited.

5. No working of corruption or forfeiture.

6. No forfeiture after death. Forfeiture, like a sale, is an instantaneous act, and must take place while the owner is alive, if its enemy character is caused by ownership.

As the act (sec. 5, 6, 7, 8) provides, without ambiguity, for the absolute forfeiture, the Joint Resolution passed with reference to the act cannot affect it.

The belligerent right of the Government to treat rebellious subjects as though they were *alien* enemies and thus to confiscate their property absolutely, is a constitutional right. Late decision of the Supreme Court in proof sheets of 1 Black's U. S. Supreme Court reports. *See* PROVISIONAL COURT FOR LA.

CONGREGATIONALISTS, TRINITARIAN. The "Congregational Quarterly" for January, 1864, contains full statistics of the Orthodox Congregational churches, as collected in 1863. The number of churches reported is 2,729. Of these 610 are not specified, 830 have pastors, 768 have stated supplies, and 495 are vacant. Of the 2,594 ministers of the denomination, 632 are not in active service. The total church membership (including ministers) is 253,200, of whom 90,163 are males, and 164,-037 females; 31,178 are represented as "absent," 6,487 have been received by letter, and 5,576 have been dismissed by letter, leaving an excess favorable to denominational growth of 910. There have been admitted by profession 7,999, while 4,288 have died, and 680 have been excommunicated, leaving 2,931 as an increase, and which, with this 910, will make a total increase in the year in the 2,729 churches of 3,841 members, with no deduction for the 31,-178 absent.

An interesting case of doctrinal controversy was tried in July, before a mutual board called by a petition of about one half of the male members of the Congregational church at Georgetown, Mass. The letter of call set forth that the Rev. Charles Beecher, the pastor, did not, in the view of the petitioners, preach according to the creed of the church and of the Orthodox churches generally of New England, especially in presenting his views of the preëxistence of man, the condition of souls after death, the atonement and divine sorrow. With regard to the preëxistence of souls, Mr. Beecher was reported to profess to the following effect: "We were all created in a previous world, and were drawn into apostasy by the fallen angels. God then proposed to create this world as a hospital for our race, introduce us here, and heal us of sin. It was proposed to Lucifer to become our redeemer. He refused. God then chose a younger brother, who proved willing. To him was added the divine nature, and he became among us the Christ. As it seemed doubtful whether Christ could do this work that Lucifer refused to do, he, Lucifer, remained in heaven after his refusal till Christ's resurrection. Lucifer was not expelled while he could raise a doubt whether this redemption could be accomplished."

The council adopted, by a vote of 16 yeas against 5 noes, the report of a committee, which found Mr. Beecher guilty of heretical preaching, and recommended the dissolution of pastoral relations between him and the congregation of Georgetown. The latter, however, by a vote of 27 against 21, refused to accept the doings of this ecclesiastical council. Toward the close of the year, Mr. Beecher resigned the pastoral charge of the church.

The Canada Congregational Union, at its annual meeting, held in Montreal, on June 15th, passed the following resolution:

The ministers and delegates of the Congregational Union of Canada, in annual session of the Congregational Union, beg to express their deep and heartfelt sympathies with brethren in the neighboring republic in the dire calamities of civil war with which their country is afflicted, and their homes desolated.

With them we love to fraternize, their delegates are gladly welcome among us, and recognizing, as we do, that slavery is the chief cause of the fearful struggle in which they are involved, our prayers are to the Father of mercies, the great Ruler of the universe, that he would bring hostilities to a speedy and righteous termination, by which the principles of civil and religious liberty, the rights of humanity and universal freedom may be advanced and perpetuated.

At the 24th autumnal session of the Congregational Union of England and Wales, which commenced at Liverpool, on October 12th, an interesting paper was read on the bicentenary movement in commemoration of the ejection of Non-Conformist ministers from the Church of England in 1662. It appeared that the Congregational churches up to that time had subscribed £251,568 for the objects in view. Out of the thirty chapels, contemplated by the Lancashire churches, eight capable of accommodating 6,000 persons, had been opened; others were in progress, and sites for thirteen more had been secured. A large educational establishment had been opened at Farnworth, and another at Ashton, involving a large expenditure. Lancashire intended, as it appeared, to expend £150,000 upon these measures; Wales was determined to collect £20,000, to found a college, and £30,000 for the liquidation of chapel debts, and for other denominational purposes.

The "English Congregational Yearbook" of 1864, gives the following summary of Congregational statistics of England and the Colonies:

Number of Congregational Churches.

In Great Britain—		In Colonies—	
England	1,818	The Canadas	93
Wales	687	Other British Provinces, North America,	20
Scotland	103	Vancouver's Island	1
Ireland	28	Australasia	121
Jersey	8	South Africa	10
Guernsey	5	Demerara	3
Isle of Man	2		
Total	2,651	Total	248

To these may be added 203 mission churches among the heathen, in connection with the London Missionary Society, making a total throughout the world of 3,102. This number does not include the numerous village chapels,

out-stations, schoolhouses, &c., in connection with the foregoing churches, amounting probably to double the number of those churches, making a total of some 10,000 places where, statedly or occasionally, the Gospel is preached. In addition to the above, a considerable number of independent churches exist in London and throughout the country, known generally as "High Calvinist," but which, having no organized associations themselves, not being in fellowship with the Congregational body, are not included. Number of churches vacant: in England, 155; Wales, 79; Scotland, 14; Ireland, 4; Colonies, 27—total, 279. Number of Congregational ministers: In England, 1,737; Wales, 361; Scotland, 99; Ireland, 30; Colonies, 216; heathen lands, 168—total, 2,611. Number of students: in England, 320; Wales, 90; Scotland, 16; Colonies, 30—total, 456. Of the 2,612 ministers, there are at present without pastoral charges: in England, 387; Wales, 35; Scotland and Ireland, 17; Colonies, 41—total, 480. There are on the Continent of Europe 148 independent churches, in Belgium, France, Geneva, Holland, and Switzerland." (*See* CONGREGATIONALISTS, UNITARIAN.)

CONGRESS, CONFEDERATE. The proceedings of the Congress * at Richmond were so generally conducted in secret session, that their action on only a few subjects of interest is known. In the House on the 19th of Jan. Mr. Clopton, of Alabama, offered a series of joint resolutions relating to the conduct of the existing war and the late proclamation of the President of the United States.

Mr. Foote, of Tennessee, preferred in lieu of retaliatory measures, as suggested by the resolutions, that an attempt should be made to stop the shedding of blood by a movement to bring about peace. It would strengthen the friends of peace at the North, and perhaps have the effect of producing a state of things so much desired notwithstanding the opposition of the abolition party.

Mr. Dargan, of Alabama, took the ground that Powers at war must retaliate. The resolutions contemplated the turning over of captured officers to State Governments, and to let them be punished according to the laws. He did not think that was correct, but he suggested that the Government should take the responsibility itself. Mr. Lyons, of Virginia, suggested that the Government had no power to turn these captured officers over to the States. Nor was there any necessity for the resolutions, since the President has said in his message he will do it unless prevented by Congress. He favored the passage of a law prohibiting such a course, and to repose the power of retaliation entirely in the hands of the Government. When an officer was captured, if there was cause for retaliation, we might retaliate upon him; if not, we were bound to exchange him. They could not, by any law of nations, when captured by one Government, be turned over to another Government for trial. He would prefer that any officer captured in any State after the promulgation of that proclamation should be instantly hung; not subject him to the uncertainties of a trial by jury.

Mr. Kenner, of Louisiana, called the attention of the House to the fact that this portion of the President's message was referred to the Committee of Ways and Means. The committee was now prepared to report. He moved, as instructed by the committee, that the House now go into secret session for the purpose of receiving that report.

The motion was agreed to.

Subsequently the subject came up in the Senate, when Mr. Yancey, of Alabama, offered the following resolution:

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* The following were the members of Congress at the second session convened in Richmond on the 1st of December, 1863. For the list of members convened at the first session in December, 1862, *see* ANNUAL CYCLOPÆDIA, 1862.

SENATE.

ALEXANDER H. STEPHENS, of Georgia, *President.*
J. H. NASH, of South Carolina, *Clerk.*

Alabama—Clement C. Clay, Robert Jemison, Jr.
Arkansas—Robert W. Johnson, Charles B. Mitchell.
Florida—James M. Baker, Augustus E. Maxwell.
Georgia—Benjamin H. Hill, Herschel V. Johnson.
Kentucky—Henry C. Burnett, William E. Simms.
Louisiana—Thomas J. Semmes, Edward Sparrow.
Mississippi—Albert G. Brown, James Phelan.
Missouri—John B. Clark.
North Carolina—George Davis, William T. Dortch.
South Carolina—Robert W. Barnwell, James L. Orr.
Tennessee—Landon C. Haynes, Gustavus A. Henry.
Texas—William S. Oldham, Lewis T. Wigfall.
Virginia—Robert M. T. Hunter, Allen T. Caperton.

HOUSE.

THOMAS S. BOCOCK, of Virginia, *Speaker.*
ALBERT R. LAMAR, of Georgia, *Clerk.*

Alabama—Thomas J. Foster, William R. Smith, John P. Rawles, Jabez L. M. Curry, Francis S. Lyon, William P. Chilton, David Clopton, James L. Pugh, Edward L. Dargan.
Arkansas—Felix I. P. Batson, Grand. D. Royster, Augustus H. Garland, Thomas B. Hanley.
Florida—James B. Dorkins, Robert B. Hilton.
Georgia—Julian Hartridge, C. J. Monnalym, Augustus H. Keenan, David W. Lewis, William W. Clark, Robert P. Trippe, Lucius J. Gartrell, Hardy Strickland, Augustus R. Wright.
Kentucky—W. B. Machen, John W. Crockett, H. E. Reid, George W. Ewing, James S. Crisman, T. L. Burnett, H. W. Bruce, G. B. Hodges, E. M. Bruce, J. W. Moore, R. J. Breckinridge, John M. Elliott.
Louisiana—Charles J. Villers, Charles M. Conrad, Duncan F. Kenner, Lucien J. Dupre, Henry Marshall, John Perkins, Jr.
Mississippi—J. W. Clapp, Reuben Davis, Israel Welch, H. C. Chambers, O. R. Singleton, E. Barksdale, John J. McRae.
Missouri—Thomas A. Harris, Casper W. Bell, A. H. Conrow, George C. Vest, L. W. Freeman.
North Carolina—Wm. H. N. Smith, Robert R. Bridges, Owen R. Keenan, F. D. McDowell, A. H. Arrington, J. R. McLean, Thomas S. Ashe, William Lander, Burgess S. Gaither, A. T. Davidson.
South Carolina—John McQueen, W. Porcher Miles, L. M. Adger, W. D. Simpson, James Farran, W. W. Boyce.
Tennessee—Joseph T. Heiskell, William G. Swan, W. B. Tibbs, E. L. Gardner, Henry S. Foote, Meredith P. Gentry, George W. Jones, Thomas Mences, J. D. C. Atkins, John V. Wright, David M. Currin.
Texas—John A. Wilcox, Claiborne C. Herbert, Peter W. Gray, F. B. Sexton, Malcolm D. Graham, William B. Vaughn.
Virginia—M. R. H. Garnett, John R. Chambers, James Lyons, Charles F. Collier, Thomas S. Bocock, John Goode, Jr., James P. Holcombe, D. C. De Jarnette, David Funsten, Alexander R. Boteler, John R. Baldwin, Waller R. Staples, Walter Preston, Samuel A. Miller, Robert Johnston, Charles W. Russell.

Resolved, That the Committee on Judiciary be instructed to inquire into and report whether an officer of the army of the United States, acting under the authority of that Government, can be made liable and punished as a criminal for the violation of the criminal laws of a State, by a State tribunal, when turned over to State authorities by order of the President.

Mr. Yancey said he was in favor of retaliation, but inasmuch as that involved "counter retaliation," and jeoparded the lives of officers, it was well to consider whether, on the whole, the retaliatory measures recommended had better be adopted. Mr. Yancey said that this counter retaliation had already commenced, and that Confederate officers are already "suffering inconvenience" from it. He was sure, however, that even though the proposition of President Davis was adopted, there would be no retaliation, for, he added:

When these officers shall be turned over to State tribunals, under the judgment of these State tribunals they will be declared as not liable, as criminals, to the State laws. We recognize the United States as a public enemy, and public enemies are not liable, in my opinion, to the criminal laws of the country with which they are at war. * * * If amenable to one State law, he is amenable to all State laws; and surely it would not be held for a single moment that an officer of the United States would be held liable to the law of trespass. In my opinion, no one law is more sacred than another law, and the very same principle of construction, which would make him liable for exciting an insurrection, would make him amenable to all other laws of the State which would be violated by him in the conduct of war.

Mr. Yancey then proceeded to meet the argument that the United States were violating the law of nations, and very distinctly took the ground that the public enemy might stir up an insurrection or do any act to weaken the power of his foe without violating the law of nations or military law. Mr. Yancey was willing to have the policy established that every officer of the enemy shall be killed in the field of battle, but he thought it was the duty of the Confederate Government to take the matter in hand, and not to shift the responsibility upon the local laws of the separate States.

The following are the joint resolutions as adopted:

Resolved, by the Congress of the Confederate States of America, in response to the message of the President, transmitted to Congress at the commencement of the present session, That, in the opinion of Congress, the commissioned officers of the enemy ought not to be delivered to the authorities of the respective States, as suggested in the said message: but all captives taken by the Confederate forces ought to be dealt with and disposed of by the Confederate Government.

Sec. 2. That, in the judgment of Congress, the proclamations of the President of the United States, dated respectively September twenty-second, eighteen hundred sixty-two, and January first, eighteen hundred and sixty-three, and the other measures of the Government of the United States and of its authorities, commanders, and forces, designed or tending to emancipate slaves in the Confederate States or to abduct such slaves, or to incite them to insurrection, or to employ negroes in war against the Confederate States, or to overthrow the institution of African slavery and bring on a servile war in these States, would, if successful, produce atrocious consequences, and they are inconsistent with the spirit of those usages which in modern warfare prevail among civilized nations; they may, therefore, be properly and lawfully repressed by retaliation.

Sec. 3. That in every case wherein, during the present war, any violation of the laws and usages of war among civilized nations shall be, or has been, done and perpetrated by those acting under the authority of the Government of the United States, on the persons or property of the citizens of the Confederate States, or of those under the protection or in the land or naval service of the Confederate States, or of any State of the Confederacy, the President of the Confederate States is hereby authorized to cause full and complete retaliation to be made for every such violation, in such manner and to such extent as he may think proper.

Sec. 4. That every white person, being a commissioned officer, or acting as such, who, during the present war, shall command negroes or mulattoes in arms against the Confederate States, or who shall arm, train, organize, or prepare negroes or mulattoes for military service against the Confederate States, or who shall voluntarily aid negroes or mulattoes in any military enterprise, attack, or conflict in such service, shall be deemed as inciting servile insurrection, and shall, if captured, be put to death, or be otherwise punished at the discretion of the court.

Sec. 5. Every person, being a commissioned officer, or acting as such in the service of the enemy, who shall, during the present war, excite, attempt to excite, or cause to be excited servile insurrection, or who shall incite or cause to be incited a slave to rebel, shall, if captured, be put to death, or be otherwise punished, at the discretion of the court.

Sec. 6. Every person charged with an offence punishable under the preceding resolutions shall, during the present war, be tried before the military court attached to the army or corps by the troops of which he shall have been captured, or by such other military court as the President may direct, and in such manner, and under such regulations as the President shall prescribe, and, after conviction, the President may commute the punishment in such manner and on such terms as he may deem proper.

Sec. 7. All negroes or mulattoes who shall be engaged in war or be taken in arms against the Confederate States, or shall give aid or comfort to the enemies of the Confederate States, shall, when captured in the Confederate States, be delivered to the authorities of the State or States in which they shall be captured, to be dealt with according to the present or future laws of such State or States.

The section of the conscription law which exempted one person as owner or overseer of each twenty negroes was repealed. A resolution was adopted in favor of free navigation of the Mississippi river, as follows:

Resolved by the Congress of the Confederate States of America, That the Confederate States again repeat the principles above set forth, and declare the free navigation of the Mississippi river to be the natural right of the people of all the States upon its banks, or upon the banks of its navigable tributaries.

In the House, on the 3d of March, a resolution was adopted to inquire into the expediency of repealing the resolutions declaring that a neutral flag covers an enemy's goods, with the exception of contraband goods.

A bill, introduced into the Senate, placed all telegraph lines under the control of the Postmaster-General.

A tax bill was also passed at this session, which levied a tax of eight per cent. on the value of all naval stores, salt, wines, spirituous liquors, tobacco, manufactured or unmanufactured, cot-

ton, wool, flour, sugar, molasses, syrups, rice, and other agricultural productions. Bankers were taxed $500; auctioneers $50, and 2½ per cent. on the gross amount of their sales; wholesale liquor dealers were taxed $200, and 5 per cent. of their gross sales; retail liquor dealers pay $100 and 10 per cent. of gross sales; distillers pay $200 and 20 per cent. of gross sales; hotels and eating houses pay according to the yearly retail of the property, from $800 a year down to $30; theatres pay $500 and 5 per cent. of gross receipts; tobacconists pay $50 and 5 per cent. of gross sales; billiard rooms pay $40 for each table; butchers and bakers pay $50 and 1 per cent. of gross sales; peddlers pay $50 and 2½ per cent. of sales; photographers, lawyers, apothecaries, doctors, and confectioners pay $50 each, with a tax on all but lawyers and doctors of 2½ per cent. of sales. Incomes are taxed as follows: over $500 and under $1,500 a year, 5 per cent.; over $1,500 and less than $3,000 a year, 5 per cent. on the first $1,500 and 10 per cent. on the rest; over 3,000 and less than $5,000, 10 per cent.; over $5,000 and less than $10,000, 12½ per cent.; over $10,000, 15 per cent.

The following section related to farmers:

Sec. 11. Each farmer and planter in the Confederate States, after reserving for his own use fifty bushels of sweet potatoes and fifty bushels of Irish potatoes, one hundred bushels of corn or fifty bushels of wheat produced in the present year, shall pay and deliver to the Confederate Government, of the products of the present year, one-tenth of the wheat, corn, oats, rye, buckwheat, or rice, sweet and Irish potatoes, and of the cured hay and fodder; also, one tenth of the sugar, molasses made of cane, cotton, wool, and tobacco; the cotton ginned and packed in some secured manner; the tobacco shipped and packed in boxes, to be delivered by him on or before the first day of March in the next year. Each farmer or planter, after reserving twenty bushels of peas or beans, but not more than twenty bushels of both, for his own use, shall deliver to the Confederate Government, for its use, one tenth of the peas, beans and ground peas produced and gathered by him during the present year.

An act was also passed adopting a new flag. It consisted of a white ground with a bright red union, the latter crossed diagonally, with two blue stripes with white stars on the stripe. The law directed it to be hoisted for the first time on all ships and forts, on the first day of July. The steamer Atlanta, when she advanced to attack the Weehawken and Nahant, hoisted it in anticipation of the day appointed, but instead of floating in triumph, it was hauled down in defeat.

Congress also passed an Impressment bill, the design of which was to protect the holders of property seized by the Government. It provided that compensation should be determined, in the case of producers, by two or three impartial and loyal citizens of the vicinage, and in the case of non-producers, by two commissioners in each State—one appointed by the President, the other by the Governor.

Soon after the passage of this bill, a case of impressment occurred in Virginia—of hay or corn—and the appraisers put on a most exorbitant price. Acting thus on the presumption that citizens would invariably extort from the Government exorbitant prices, Congress passed a supplementary bill, providing that in case the impressing officer did not approve the award of the appraisers, he should so endorse on the appraisement, and turn the matter of price over to be settled by the State Impressment Commissioners. As these commissioners fixed prices every sixty days, or oftener, for a whole State, their prices would most probably be always either too much or too little for some articles in the various districts of a large State. Under the supplementary bill instructions were issued from the War Department at Richmond, prohibiting impressing officers from approving any appraisement in excess of the schedule price fixed by commissioners for a whole State. Thus the principle of adjusting compensation by the arbitrament of impartial citizens of the vicinage—a most important feature of the Impressment bill—was virtually abandoned.

This impressment was enforced at the same time that the produce tax was collected, and caused much dissatisfaction.

On the 7th of December, Congress convened again at Richmond. In the Senate, Mr. Simms, of Kentucky, and Mr. Clark, of Missouri, offered resolutions and bills against permitting substitutes to be employed any longer in the army. The proposition was, that the Government should return the substitute money, and require all to do their duty.

The House adopted a resolution for a joint committee to consider the currency, and report speedy measures for action. In the House, on the 9th, Mr. Foote, of Tennessee, offered a resolution instructing the appropriate committee to provide for the increase of the pay of soldiers. He urged the question at some length, assuming that no action in regard to the currency would fully restore it to its nominal value, and that, therefore injustice was done the soldier in refusing him an equable compensation. He contended that the President was opposed to the increase of the soldiers' pay, from the fact that he stated in his message that the suggested action upon the currency would obviate its necessity, by approximating the nominal value of the money. He wanted the whole value secured.

Mr. Gartrell, of Georgia, vindicated the President from the imputation, and argued at some length, in order to show that the increase of the pay of the soldier was one of the President's most eager wishes.

The resolution was lost.

The following resolution was then offered by Mr. Foote:

Resolved, That said committee be instructed to inquire whether there be any ground for the allegation made by the enemy, in formal official letters and otherwise, that the prisoners of war detained by us in custody have been refused adequate supplies of a

wholesome and nutritious character, at any time, and report the result of the inquiry herein, in order that not a moment should be lost in vindicating the honor of our own Government in regard to this solemn and interesting matter, and that no plausible pretext shall remain for the maltreatment of our own valuable soldiers, now retained in Northern prison houses upon the plea of needful retaliation.

In explaining and urging this resolution upon the Committee of the Whole, Mr. Foote said that his design was to investigate facts, and he had a few to offer; not to give information to the enemy, but to give information to this House, and to the country, that the honor of the country may be protected. A certain commissary-general, who was a curse to our country, had been invested with authority to control the matter of subsistence. This man has placed our Government in the attitude charged by the enemy, and has attempted to starve the prisoners in our hands! Here Mr. Foote read a letter from the quartermaster for the prisons, Capt. J. Warner, addressed to Gen. Winder, and placed on the record at Col. Ould's office, which stated that he (Capt. Warner) had, from the 1st to the 20th of the last month, been able to obtain meat for the prisoners in a very irregular and meagre manner from the department, and that for six days only of the period was he able to obtain a regular supply; for twelve days the supply was irregular and inadequate, and for eight days they got none at all. This commissary-general, who, he was told (continued Mr. Foote), was a sort of pepper doctor down in Charleston, and he must say, looking as like a vegetarian as his practice would indicate, had actually made an elaborate report to the Secretary of War, showing that, for the subsistence of a human Yankee carcass, a vegetable diet was the most proper that could be adopted. He had other facts which he could bring forward, in addition to this, to show that this Northrop should be turned out. For the honor of the country he should be ejected at once.

The vote was then taken on the resolution, and it was lost.

In the Senate, on the 11th, Mr. Brown, of Mississippi, offered a resolution that the state of the country demanded that the laws should, without delay, be passed declaring every male citizen in the military service; to repeal the laws authorizing substitutes; to authorize the President to issue his proclamation commanding all foreigners to leave the country, in sixty days, or to take up arms; to regulate details for necessary civil pursuits; to levy direct taxes; to make Confederate notes a legal tender after six months; to prohibit the trade in gold and silver and bank notes and United States Treasury notes during the war, or to prohibit blockade running, under heavy penalties, and to declare these laws war measures, and make those violating them amenable only to military courts.

Mr. Wigfall, of Texas, offered a resolution instructing the Military Committee to inquire into and report upon the treatment by the military authorities of prisoners of war, which was agreed to.

Mr. Phelan, of Mississippi, introduced a bill which was referred to the Finance Committee and ordered to be printed, providing for the issue of $500,000,000 of coupon bonds in sums not less than five hundred dollars, payable in twenty years, and bearing interest of six per cent., payable semi-annually. The coupons when due to be a legal tender for all debts due in dollars or other money, and a refusal to accept the same when tendered to act as a discharge to the indebtedness in payment of which they are offered.

Mr. Holcombe offered a resolution that the Special Committee on the Currency consider the expediency of requesting the State Banks of the Confederacy to loan their respective reserves to the Confederate Government.

Mr. Sparrow, of Louisiana, from the Military Committee, reported back the following bill, with the recommendation that it pass:

The Congress of the Confederate States do enact, that no person liable to the military service shall hereafter be permitted or allowed to furnish a substitute for such service, nor shall any substitute be received, enlisted, or enrolled in the military service of the Confederate States; and that all laws heretofore passed permitting or allowing persons liable to military service to furnish substitutes for the same, or authorizing the acceptance, enlistment, or enrolment of any substitute in the military service, be and the same are hereby repealed.

Mr. Wigfall moved to strike out the last clause of the bill, which being rejected, the bill was passed and sent to the House.

In the House, Mr. Foote offered several bills, among them one for the repeal of the existing substitute law, and one for the increase of the pay of soldiers. They were referred. He also introduced several resolutions, one requesting the President to withdraw all diplomatic agents from such foreign Governments as have not recognized the Confederacy, before the first day of February next, and to dismiss all foreign consuls in the country.

Mr. Foote also introduced a resolution in regard to unreasonable searches and seizures.

Also a resolution that the Judiciary Committee inquire into the expediency of so amending the present law with reference to the exchange of prisoners of African descent as to distinguish between those who were free when the war commenced, and those who are recognized as slaves by the laws of the Confederate States. Agreed to.

On the 18th, Mr. Goode, of Virginia, offered a resolution instructing the Committee on the Judiciary to inquire into the expediency of so amending the act to regulate impressments, as to relieve sufficient bread and provisions to supply the wants of the non-producers of the country.

Mr. Goode said that the agents of the commissary and quartermaster departments have been recently going all over the country, and

where they could not go themselves, had written communications, notifying all producers that their whole surplus was impressed, and forbidding them to move it. The question was, what are all the non-producers—the large number of persons residing in cities—the mechanics, the wives and children of our soldiers, the vast number of refugees who were driven from their homes by the enemy—what were these to do? As an instance of the great injustice of the system, he stated that he knew of a mill in which all the toll corn had been impressed by the commissary agent at the depot, who knew at the time that twenty or thirty families were supplied by that mill, and he impressed it, simply because it was convenient to the depot, and he was too lazy to go some distance further and obtain supplies from a place which could afford to give them. Mr. Goode represented, as a part of his district, the little county of Carroll, which had sent into the field eleven hundred volunteers out of twelve hundred voters. It had not furnished a single conscript, and but three substitutes, and contained only one hundred and fifty slaves. Almost all of the laboring population, therefore, consisted of the old men, the women and boys; and if the producer was not allowed to furnish his poor neighbor with bread and meat, what was he to do? He knew and admitted the necessity of feeding the army; but by so doing he could not admit the necessity of starving the country. He had been told that there were "oceans of corn" in the State of Georgia; if so, why was it not brought here? Could not the Government regulate its own transportation? He could not say that he knew the remedy for the evil, but it was his opinion that a change in the commissary department would be very beneficial.

On the 21st, Mr. Miles, of S. C., offered the following bill, which was referred to the Committee on Military Affairs:

A bill to be entitled an Act to continue in the service all troops now in the service of the Confederate States.

SEC. 1. The Congress of the Confederate States of America do enact, that all musicians, privates, and non-commissioned officers now in the armies of the Confederate States, by virtue of volunteering, enlistment, or conscription into the military service of the Confederate States, be and the same are hereby retained in said service for and during the existing war with the United States, and no longer.

SEC. 2. *Be it further enacted*, That all troops so retained in service shall continue to serve in the companies, battalions, squadrons, batteries, and regiments in which they now are, until transferred, detailed, exempted or discharged in accordance with existing laws and regulations, or such laws and regulations as may hereafter be passed and adopted with reference to transfers, details, exemptions, or discharges in the armies of the Confederacy.

Mr. Gartrell, of Ga., offered an amendment to allow the troops so retained in service to elect their company and field officers.

Mr. Read, of Ky., offered an amendment to allow the troops from Kentucky to mount themselves and become part of the cavalry. The amendments were ordered to be sent to the committee with the original bill.

Mr. Foote, of Tennessee, rose to a personal explanation. He had seen in the papers extracts from Northern papers, reporting him as having said that our Government officials were trying to starve Federal prisoners. He had made no such statement, but had merely offered a resolution looking to an inquiry into the subject, and had presented papers to show that there had been some irregularity in feeding them, and the Committee on Quartermaster and Commissary Departments were now engaged in a strict investigation of the subject.

Mr. Hilton, of Fla., from the Committee on Military Affairs, presented the following bill which was ordered to be printed:

Whereas, Through frauds perpetrated on the Government under the clause of the act approved April 16th, 1862, which granted the privilege that persons not liable to military duty might be received for those who were, our armies have been deprived of the services of men necessary for the public defence, therefore,

SEC. 1. The Congress of the Confederate States do enact, That, in all cases where substitutes received under the provision of the above (or any other) law have deserted, or shall hereafter desert, the obligation of the principal shall revive upon the desertion of the substitute being established under regulations to be prescribed by the Secretary of War.

SEC. 2. In all cases where a substitute has proved unfit for the discharge of the ordinary duties of a soldier, by reason of physical or mental incapacity existing at the time he was received as a substitute, the obligation of the principal shall revive upon such incapacity being established and attested under regulations to be prescribed by the Secretary of War.

SEC. 3. In all cases where a man who is a substitute would be liable to enrolment for military service under existing or future laws, if he were not already in the army, the principal is hereby declared to be subject to such enrolment.

On the 24th, a bill was unanimously passed in the House prohibiting every person from dealing in the paper currency of the United States.

The following bill was passed by a vote of 52 ayes to 13 noes:

Whereas, In the present circumstances of the country, it requires the aid of all who are able to bear arms; *The Congress of the Confederate States do therefore enact*, That no person shall be exempted from military service by reason of having furnished a substitute. *Provided*, That nothing in the foregoing clause shall be so construed as to relieve a substitute from any obligation or liability contracted or assumed by him as such substitute. But this act shall not be construed so as to affect persons who, though not liable to military service, have, nevertheless, put in substitutes.

In the Senate, on the 30th, Mr. Phelan, of Miss., presented joint resolutions of the General Assembly of Mississippi, which were referred to the Military Committee.

The resolutions severally provide that Congress be requested to repeal that portion of the Conscript act authorizing substitution in the army, to take into consideration the practicability of using negro men in the service as teamsters, &c., and to appoint an agent, or

agents, on the part of the Confederate States, to visit different portions of the State of Mississippi for the purpose of auditing, adjusting, and paying off certificates and receipts given persons for provisions and other property impressed by the Confederate Government.

The Senate then resumed consideration of the House bill to put an end to the exemption of persons who have furnished substitutes, the pending question being on the adoption of the amendment of Mr. Maxwell, of Florida, excepting those engaged in agricultural pursuits whose substitutes have not deserted.

Mr. Hill favored the amendment. There was a great clamor to put everybody in the army. The ranks of the army certainly required filling up, but they were thin, not because the muster rolls were not full, but because the men on the muster rolls were not in the ranks. Absenteeism was the greatest vice of the day, We lost the battle of Missionary Ridge because of absenteeism. Officers of that army were absent who were as well as he was. He could give the names of some of these officers, but not all of them, as they were too numerous. But if any one of them ever come before the Senate for promotion, and he knew it, he would mention the facts and vote against him. Gen. Bragg had stated in his report that two thirds of his army were absent. All of them were, probably, not on sick furloughs. Many of them were, no doubt, engaged on provost duty. It had come to this, that every little village in the country must have a provost and provost guard, who, as far as his own observation went, were a great deal more active in annoying citizens than in arresting deserters. The army was discontented with the Substitute law because most of those who had put in substitutes had set themselves down in towns and amassed fortunes out of the necessities of the country. If they had betaken themselves to some occupation useful and necessary to the country, this discontent would not have arisen. To exempt from the operation of this act men who were engaged in producing food for the support of the army and the country would certainly be agreeable to the army. He therefore favored the amendment.

Mr. Wigfall said he wished to say a few words, not to influence the mind of the Senate, for he was satisfied the Senate had made up their minds. This matter of substitutes was one which might have once been defended, but now it seemed to him that the bill abolishing all substitution ought to pass unconditionally. It was absolutely necessary that every soldier in the army should remain there, under the present organization, without any change of company, battalion, or regiment. The *statu quo* must be preserved. We could not afford to disorganize the army. Incompetent officers must be gotten rid of by examining boards. He meant what he said, and had said what he meant. The army and the country had been talked of in a manner calculated to produce confusion. The army was the country, and the country was the army. We were engaged in such a conflict as the world never saw. By a misnomer we spoke of "this revolution," and compared it with the revolution of '76. There was no comparison whatever. If we had failed then we should still be under the best government the world had then seen. We should have been under a government which reserved to us the trial by jury, &c. A half dozen persons, if so much, would have been executed, and there would have been an end of it. But if we failed now? Has any man in or out of the army, considered what subjugation and confiscation mean—what is comprehended and signified by these terms? Confiscation means to have no house to cover the head; no bed whereon to lie; to have nothing. Subjugation means a negro guard in every house and a provost marshal at every cross road; with no right to visit a neighbor; no right to visit the house of God without a permit from a Yankee provost marshal to be handed to a negro guard.

Senators should recollect that there was discontent in the army. He believed that this discontent was groundless, but still it existed. It had been said upon the floors of Congress that there had been discrimination in favor of certain classes, and this had produced dissatisfaction. Those who had fought under the suns of July and August, and under the frosts of October and November, and were not yet buried, were discontented that their rich neighbors were not in the army to share their lot with them. The soldiers in the army were content to remain there; but they insisted that their rich neighbors should be there also. There had been reasons for the exemption of some and the permitting of others to furnish substitutes. Those reasons were that some men could do more good, could benefit the country and the cause more, out of the army than in it. We were obliged to have merchants, tailors, shoemakers, and blacksmiths. But when the bill passed permitting substitutes, what was the result? It was the fashion to talk about the bone and sinew of the country, and to speak of the planters and farmers as having all of the religion, cultivation, education, and patriotism of the country. Talk of speculators, extortioners and Dutch Jews! The farmers have been the worst speculators, extortioners, and Dutch Jews of this war. Has the population of the South changed? No. Have the Yankees driven out the people from their lands, and put into their places the Dutch and Irish with whom they have threatened to colonize the conquered States? No. These are the people of the South who are fighting for their liberties or getting other people to fight for them. And, singular to say, they think a great deal more of their negroes than of their sons and brothers. A gentleman of his acquaintance had, last summer, met a negro on the cars coming to Richmond to work on the batteries. The

negro looked sad, and the gentleman enquired the reason. Sambo said he was sorrowful because his old master looked so downcast when he parted with him; that his master had five sons in the army, but never grieved half so much at parting with all of them as with him. The patriotic planters would willingly put their own flesh and blood into the army, but when you asked them for a negro the matter approached the point of drawing an eyetooth. A great change had come over the planters within the last two years. Two years ago, when that pink of gallantry and soldierly qualities was at Manassas, to keep his army from starving he wrote a letter to a farmer in Orange county, asking him to send him sixty wagon loads of corn and provisions; to pay for the grain and the expense of hauling the same as soon as he was in funds. On the next Sunday this letter was read at every church in Orange, and on Monday morning the sixty wagons, loaded with corn, were sent to General Beauregard, free of charge, and telling him to keep also the wagons and teams. Such was the patriotism in Orange county then. Now, those very farmers will actually burn their wheat rather than sell it to the Government at five dollars a bushel for the use of their own sons and brothers. They stood haggling about the price of pork per pound when their sons and brothers were living on a quarter of a pound a day, and sometimes had none at all. What had produced such a change in this people? He did not hesitate to answer, an inflated currency. No patriotism could stand an inflated currency. Make money cheap and you make men mean. But the effect had been produced, and when you talked of patriotism, of the planters and bone and sinew of the country, these facts should not be forgotten. Of late a wild spirit of speculation had seized upon the people, which bid fair to work our ruin. This is felt in the army. The soldiers in the army believed they were better than the people at home, but he honestly believed they were no better. If the soldiers were sent home, in the present condition of the currency, they would immediately turn speculators and extortioners. And if the people now at home were put into the army, they would become patriotic. The people, the farmers, have bowed the knee to Baal, and nothing could be done till the currency was reduced.

When the Substitute bill passed, Congress said to preachers, doctors and some others, you are exempt; and to others, you will be allowed to furnish substitutes. But there was no contract between the Government and these men. The contract, if any there was, was between the principals and the substitutes themselves. Government only said, if you can get a man who is not liable to military duty to go for you, you shall be exempt. But now Government wanted them all, substitutes and principals. We are again to conscribe all the men in the army, not for three years, but for the war, if that war lasts, like the contest in which the Dutch republic was engaged for eighty years. They stay in the army till they die or our independence is achieved. These men in the army did not feel it was right they should do all the fighting for the protection of their lives and property, and for the lives and greater property of the substitute men. If it was said these substitute men were necessary to the subsistence of the army, it might, with truth, be replied that they were not doing anything for the subsistence of the army. They were speculating—charging from fifteen to twenty dollars for a bushel of meal, and upward of a thousand per cent. profit upon shoes and clothing. Our liberties were inevitably lost unless we pass the conscript bill—the bill of the Military Committee. If we were going to disband the army it was useless to pass any other measures.

The question being called, Mr. Maxwell's amendment was lost.

The vote was then taken on Mr. Simms' amendment, proposing to repay the principals a fair proportion of the money paid by them to their substitutes, and the amendment was lost by a vote of—yeas, 10, nays, 10.

Mr. Orr moved to amend the bill by altering the enacting clause, so that instead of reading "The Congress of the Confederate States do therefore," it should read, "The Congress of the Confederate States of America do." The amendment was agreed to. The bill was then passed by the following vote:

YEAS—Messrs. Brown, Caperton, Clay, Clark, Davis, Dortch, Henry, Hill, Hunter, Jamison, Johnson, of Arkansas, Maxwell, Phelan, Semmes, Simms, Sparrow, and Wigfall—17.

NAYS—Messrs. Johnson, of Georgia, and Orr—2.

The following is the bill as amended and passed:

A Bill to be entitled an Act to Put an End to the Exemption from Military Service of those who have heretofore furnished Substitutes.

Whereas, in the present circumstances of the country, it requires the aid of all who are able to bear arms, the Congress of the Confederate States of America do enact, that no person shall be exempt from military service by reason of his having furnished a substitute; but this act shall not be so construed as to affect persons who, though not liable to render military service, have, nevertheless, put in substitutes.

The Conscription Act finally adopted declared every man between eighteen and fifty-five years of age to belong to the army, subject at once to the articles of war, military discipline, and military penalties, and required him to report within a certain time or be liable to death as a deserter. The whole people were made soldiers under martial law. Mechanics and laboring men would be detailed from the army to work on army supplies. Railroad men, telegraphers, and miners would also be detailed under military rule and on the pay of $13 a month. Government, State, and county officers will be detached from the army. Planters likewise sent to oversee the negroes. All the production and labor of the country was under military control.

CONGRESS, UNITED STATES.—The third session of the 37th Congress* commenced at Washington on the 1st day of December, 1862. For the President's Message, *see* ANNUAL CYCLOPÆDIA, 1862.

In the House, on the first day of the session, Mr. Cox, of Ohio, offered the following resolution:

Whereas, many citizens of the United States have been seized by persons acting, or pretending to be acting under the authority of the United States, and have been carried out of the jurisdiction of the States of their residence, and imprisoned in the military prisons and camps of the United States, without any public charge being preferred against them, and without any opportunity being allowed to learn or disprove the charges made, or alleged to be made, against them; and whereas, such arrests have been made in States where there was no insurrection or rebellion, or pretence thereof, or any other obstruction against the authority of the Government; and whereas, it is the sacred right of every citizen of the United States, that he shall not be deprived of liberty without due process of law, and when arrested, that he shall have a speedy and public trial by an impartial jury of his countrymen; therefore,

Resolved, That the House of Representatives do hereby condemn all such arrests as unwarranted by the Constitution and laws of the United States, and as a usurpation of power never given up by the people to their rulers, and do hereby demand that all such arrests shall hereafter cease, and that all persons so arrested and yet held should have a prompt and public trial, according to the provisions of the Constitution.

It was laid upon the table. Yeas, 80; nays, 40.

Subsequently, on the same day, Mr. Richardson, of Illinois, offered the following resolution:

Resolved, That the President of the United States be requested to inform the House what citizens of Illinois are now confined in the Forts Warren, La Fayette, and Delaware, or the old Capitol prison, and any other forts or places of confinement; what the charges are against said persons; also the places where they were arrested. That the President be further requested to inform this House of the names of the persons that have been arrested in Illinois and taken to and confined

* The following is a list of the members of both Houses:

SENATE.

Maine—William Pitt Fessenden, Lot M. Morrill.
New Hampshire—Daniel Clark, John P. Hale.
Vermont—Solomon Foot, Jacob Collamer.
Massachusetts—Charles Sumner, Henry Wilson.
Rhode Island—Henry B. Anthony, Samuel G. Arnold.
Connecticut—Lafayette S. Foster, James Dixon.
New York—Preston King, Ira Harris.
New Jersey—John C. Ten Eyck, Richard S. Field,* James W. Wall.†
Pennsylvania—Edgar Cowan, David Wilmot.
Delaware—James A. Bayard, Willard Saulsbury.
Maryland—Anthony Kennedy, Thomas H. Hicks.
Virginia—John S. Carlile, Waitman T. Willey.
Kentucky—Lazarus W. Powell, Garrett Davis.
Missouri—John B. Henderson, Robert Wilson.
Ohio—Benjamin F. Wade, John Sherman.
Indiana—Jos. A. Wright, Henry S. Lane, David Turpie.‡
Illinois—Orville H. Browning, Lyman Trumbull.
Michigan—Zachariah Chandler, Jacob M. Howard.
Wisconsin—Timothy O. Howe, James R. Doolittle.
Iowa—James W. Grimes, James Harlan.
Minnesota—Henry M. Rice, Morton S. Wilkinson.
California—Milton S. Latham, James A. McDougall.
Oregon—James W. Nesmith, Benjamin F. Harding.
Kansas—S. W. Pomeroy, James H. Lane.

HOUSE.

Maine—John N. Goodwin, Charles W. Walton, Samuel C. Fessenden, Anson P. Morrill, John H. Rice, Frederick A. Pike, Thomas A. D. Fessenden.
New Hampshire—Edward H. Rollins, Thomas M. Edwards, Gilman Marston.
Vermont—E. P. Walton, Justin S. Morrill, Portus Baxter.
Massachusetts—Thomas D. Eliot, James Buffinton, Benjamin F. Thomas, Alexander H. Rice, John B. Alley, Chas. R. Train, Amasa Walker, Charles Delano, Henry L. Dawes, Samuel Hooper, Daniel W. Gooch.
Rhode Island—William P. Sheffield, George H. Browne.
Connecticut—Dwight Loomis, Alfred A. Burnham, Geo. C. Woodruff, James E. English.
California—Aaron A. Sargeant, T. G. Phelps, F. F. Low.
New York—Edward H. Smith, Moses F. Odell, William Wall, Frederick A. Conkling, Elijah Ward, Edward Haight, Charles H. Van Wyck, John B. Steele, Stephen Baker, Abraham B. Olin, Erastus Corning, William A. Wheeler, Socrates N. Sherman, Richard Franchot, Roscoe Conkling, R. Holland Duell, William E. Lansing, Ambrose W. Clark, Charles B. Sedgwick, Theodore M. Pomeroy, Robert V. Van Valkenburgh, Augustus Frank, Burt Van Horn, Elbridge G. Spaulding, Reuben E. Fenton, Benjamin Wood, James E. Kerrigan, Isaac C. Delaplaine, James B. McKean, Chauncey Vibbard, Jacob B. Chamberlain, Alexander S. Diven, Alfred Ely.
New Jersey—William G. Steele, George T. Cobb, Nehemiah Perry, John T. Nixon, John L. N. Stratton.
Pennsylvania—William E. Lehman, John P. Verree, William D. Kelley, William Morris Davis, John Hickman, Sydenham E. Ancona, Thaddeus Stevens, James H. Campbell, Galusha A. Grow, Charles J. Biddle, Joseph Bailey, Edward McPherson, Samuel S. Blair, Jesse Lazear, James K. Moorhead, Robert McKnight, John W. Wallace, John Patton, Elijah Babbitt, J. D. Stiles, John W. Killinger, Hendrick B. Wright, Philip Johnson, James T. Hale, John Covode.
Maryland—Cornelius L. L. Leary, Henry May, Francis Thomas, Charles B. Calvert, John W. Crisfield, Edwin H. Webster.
Virginia—Charles H. Upton, Jacob B. Blair, Joseph Segar, William G. Brown, Kellam V. Whaley.
Ohio—George H. Pendleton, John A. Gurley, Clement L. Vallandigham, William Allen, James M. Ashley, Chilton A. White, Richard A. Harrison, Samuel Shellabarger, Warren P. Noble, Carey A. Trimble, Valentine B. Horton, Samuel S. Cox, Samuel T. Worcester, Harrison G. Blake, James R. Morris, Sidney Edgerton, Albert G. Riddle, John Hutchins, John A. Bingham, Robert H. Nugen, William P. Cutler.
Kentucky—Charles A. Wickliffe, George W. Dunlap, John W. Menzies, Aaron Harding, Samuel L. Casey, George H. Yeaman, Henry Grider, Robert Mallory, John J. Crittenden, William H. Wadsworth.
Tennessee—Horace Maynard, A. J. Clements.
Indiana—John Law, James A. Cravens, W. McKee Dunn, William S. Holman, George W. Julian, Albert G. Porter, Schuyler Colfax, William Mitchell, Daniel W. Voorhees, Albert S. White, John P. C. Shanks.
Illinois—Elihu B. Washburne, Isaac N. Arnold, Owen Lovejoy, William Kellogg, William A. Richardson, James C. Robinson, Philip B. Foulke, William J. Allen, Anthony L. Knapp.
Missouri—Francis P. Blair, jr., Elijah H. Norton, John W. Noell, James S. Rollins, William A. Hall, Thomas L. Price, John S. Phelps.
Michigan—Bradley F. Granger, Fernando C. Beaman, Rowland E. Trowbridge, Francis W. Kellogg.
Iowa—William Vandever, James F. Wilson.
Wisconsin—John F. Potter, Walter McIndoe, A. Scott Sloan.
Louisiana—Benjamin F. Flanders,* Michael Hahn.*
Minnesota—Cyrus Aldrich, William Windom.
Delaware—George P. Fisher.
Oregon—George K. Shiel.
Kansas—Martin F. Conway.
Dakota—John B. S. Todd.
Nebraska—Samuel G. Daily.
Utah—John M. Bernhisel.
Nevada—John Cradlebaugh.
Colorado—H. P. Bennet.
New Mexico—John S. Watts.
Washington—William H. Wallace.

* Appointed to fill a vacancy occasioned by the death of John R. Thompson.

† Elected by the Legislature in January, 1863, to fill the vacancy occasioned by the death of John R. Thompson.

‡ David Turpie was subsequently elected by the Legislature to fill the vacancy temporarily filled by J. A. Wright.

* Elected by authority of the military governor of Louisiana, December, 1862.

in prisons outside of the limits of said State, and who have been released, what were the charges against each of them, by whom the charges were made, also by whose order said arrests were made, and the authority of law for such arrests.

It was laid on the table. Yeas, 74; nays, 40.

In the Senate, on December 2, Mr. Powell, of Kentucky, offered the following joint resolution, which was read and laid over:

Whereas, many citizens of the United States have been seized by persons acting, or pretending to be acting, under the authority of the United States, and have been carried out of the jurisdiction of the States of their residence and imprisoned in the military prisons and camps of the United States, without any public charge being preferred against them, and without any opportunity being allowed to learn or disprove the charges made, or alleged to be made, against them; and whereas, it is the sacred right of every citizen that he shall not be deprived of liberty without due process of law, and when arrested shall have a speedy and public trial by an impartial jury; therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all such arrests are unwarranted by the Constitution and the laws of the United States, and a usurpation of power never given by the people to the President or any other official. All such arrests are hereby condemned and declared palpable violations of the Constitution of the United States; and it is hereby demanded that all such arrests shall hereafter cease, and that all persons so arrested and yet held should have a prompt and speedy public trial according to the provisions of the Constitution, or should be immediately released.

Mr. Davis, of Kentucky, offered the following joint resolution, which was also laid over:

Resolved by the Senate and House of Representatives, &c., That it be and is hereby recommended to all the States to choose as many delegates, severally, as they are entitled to Senators and Representatives in Congress, to meet in convention in Louisville, Kentucky, on the first Monday in April next, to take into consideration the condition of the United States, and the proper means for the restoration of the Union; and that the Legislatures of the several States take such action on this proposition as they may deem fit at the earliest practicable day.

On the same day, Mr. Sumner, of Massachusetts, offered the following resolution, which was adopted:

Resolved, That the Secretary of War be requested to furnish to the Senate any information which he may possess with reference to the sale into slavery of colored freemen, captured or seized by the rebel forces, and to state what steps have been taken to redress this outrage upon human rights.

Mr. Clark, of New Hampshire, introduced a joint resolution, approving the policy of the President in setting slaves free in insurrectionary districts, which was read twice, and laid over.

In the House, on the 4th, Mr. Wickliffe, of Kentucky, offered the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire and report to this House on the following subjects: First. Under what law there has been appointed a military governor for the District of Columbia. Second. What powers does he possess or exercise, and by and under what law has he derived his power. Third. What salary or compensation is paid him, and out of what appropriation. Fourth. What is the entire annual expense of such military governor, including all sums paid for quarters, guardhouses, and prisons, and for house rent, servants, soldiers, and assistants under his control. Fifth. Whether the said office of military governor has interfered with and obstructed the administration of justice and law by the civil or judicial tribunals within the District of Columbia. State the case and facts of such obstruction. And if, in the opinion of the committee, such officer is not provided for by law, that they report a bill prohibiting his existence and the exercise of power by him.

It was moved to add to the second inquiry the words, "in the said District, or in the State of Pennsylvania, or in any of the United States." The resolution and amendment were laid over. Yeas, 85; nays, 46.

Mr. Stevens, of Pennsylvania, offered the following resolutions, and moved their postponement:

Resolved, That this Union must be and remain one and indivisible forever.

Resolved, That if any person in the employment of the United States, in either the legislative or executive branch, should propose to make peace, or should accept, or advise the acceptance, of any such proposition on any other basis than the integrity and entire unity of the United States and their Territories as they existed at the time of the rebellion, he will be guilty of a high crime.

Resolved, That this Government can never accept the mediation or permit the intervention of any foreign nation in this rebellion in our domestic affairs.

Resolved, That no two governments can ever be permitted to exist within the territory now belonging to the United States, and which acknowledged their jurisdiction at the time of the insurrection.

Mr. Wickliffe: "If in order now to amend the resolutions, I offer to add the following words:"

That any officer of the United States, either executive, legislative, or judicial, who is opposed to close the present war upon preserving the Constitution as it is, with all its guarantees and privileges, and the union of the States as established by said Constitution, is unworthy to hold such office, and should be dismissed or removed from the same.

The Speaker: "After a motion to postpone, it is not in order to move an amendment."

The motion to postpone was agreed to.

On the next day Mr. Vallandigham, of Ohio, proposed the following resolutions as amendments to those of Mr. Stevens:

1. *Resolved*, That the Union as it was must be restored and maintained one and indivisible forever under the Constitution as it is—the fifth article, providing for amendments, included.

2. *Resolved*, That if any person in the civil or military service of the United States shall propose terms of peace, or accept or advise the acceptance of any such terms, on any other basis than the integrity and entirety of the Federal Union, and of the several States composing the same, and the Territories of the Union, as at the beginning of the civil war, he will be guilty of a high crime.

3. *Resolved*, That this Government can never permit the intervention of any foreign nation in regard to the present civil war.

4. *Resolved*, That the unhappy civil war in which we are engaged was waged in the beginning, professedly, not in any spirit of oppression or for any purpose of conquest or subjugation, or purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired, and was so understood and accepted by the people, and especially by the Army and Navy of the United States; and that, therefore, whoever

shall pervert, or attempt to pervert, the same to a war of conquest and subjugation, or for the overthrowing or interfering with the rights or established institutions of any of the States, and to abolish slavery therein, or for the purpose of destroying or impairing the dignity, equality, or rights of any of the States, will be guilty of a flagrant breach of public faith and of a high crime against the Constitution and the Union.

5. *Resolved*, That whoever shall propose by Federal authority to extinguish any of the States of this Union, or to declare any of them extinguished, and to establish territorial governments within the same, will be guilty of a high crime against the Constitution and the Union.

6. *Resolved*, That whoever shall affirm that it is competent for this House or any other authority to establish a dictatorship in the United States, thereby superseding or suspending the constitutional authorities of the Union, and shall proceed to make any move toward the declaring of a dictator, will be guilty of a high crime against the Constitution and the Union and public liberty.

The resolutions were laid on the table. Yeas, 79; nays, 50. On the same day, Mr. Morrill, of Vermont, offered the following resolution:

Resolved, That at no time since the commencement of the existing rebellion, have the forces and materials in the hands of the executive department of the Government been so ample and abundant for the speedy and triumphant termination of the war as at the present moment; and it is the duty of all loyal American citizens, regardless of minor differences of opinion, and especially the duty of every officer and soldier in the field, as well as the duty of every department of the Government—the legislative branch included—as a unit, to cordially and unitedly strike down the assassins, at once and forever, who have conspired to destroy our Constitution, our nationality, and that prosperity and freedom of which we are justly proud at home and abroad, and which we stand pledged to perpetuate forever.

This resolution was adopted by the following vote: Yeas, 105; nay, 1—W. J. Allen.

Subsequently, Mr. Cox, of Ohio, offered the following explanatory resolution:

Resolved, That the word "assassins," used in the resolution this day offered by the member from Vermont, [Mr. Morrill], is intended by this House to include all men, whether from the North or the South, who have been instrumental in producing the present war, and especially those in and out of Congress who have been guilty of flagrant breaches of the Constitution, and who are not in favor of the establishment of the Union as it was and the Constitution as it is.

This resolution was laid on the table. Yeas, 85; nays, 41.

In the Senate on the 8th of December, Mr. Saulsbury, of Delaware, offered the following resolution:

Resolved, That the Secretary of War be, and he is hereby directed to inform the Senate whether Dr. John Laus and Whitely Meredith, or either of them, citizens of the State of Delaware, have been arrested and imprisoned in Fort Delaware; when they were arrested and so imprisoned; the charges against them; by whom made; by whose orders they were arrested and imprisoned; and that he communicate to the Senate all papers relating to their arrest and imprisonment.

Mr. Saulsbury, in calling for the consideration of the resolution, said: "These two gentlemen, one of whom resides in my own county, and the other not far off, in the adjoining county, are known to me personally, and have been for a number of years; and as their friends do not know of any just cause why they should be imprisoned in Fort Delaware or elsewhere, I have felt it my duty to call for this information. I hope the Senate will not perceive any reason for refusing to comply with this request. If they are there properly, if they have been guilty of any attempt to subvert the Government, if they have acted traitorously in any respect, their friends do not know it; I do not know it, and I do not believe it. They have been in Fort Delaware now for some time, and neither themselves nor their friends have been apprised of any cause for their arrest, or of the reasons upon which the arrests were made."

Mr. Wilson, of Massachusetts, opposed the adoption of the resolution, saying: "I think the Senate of the United States ought not to be engaged during this brief session in calling upon the Government for this kind of information, or in arraigning the administrators of the Government. We have had some arrests made, and it is possible there may have been some mistakes made; but I believe that instead of the few hundred arrests we have had, we ought to have had several thousand, and that not one man in ten who ought to have been arrested, has been arrested. I know the Government of this country has forborne a great deal. Adopting this resolution at this time looks to me as a sort of arraignment of the Government of the country for making these arrests—arrests that have done much toward maintaining the just authority of this Government. Never since the dawn of creation has any Government menaced by insurrection or rebellion been so considerate, so forbearing, so just, so humane, so merciful. While spies and traitors are skulking around us, ready to destroy the life of the nation, I am unwilling to censure the Government of my country for protecting the nation menaced by assassins."

Mr. Bayard, of Delaware, thus urged the resolution: "I always supposed that the great value of this Government consisted in the fact that it afforded, beyond all other Governments, the best guardianship to the liberty of the individual citizen. Sir, what is the state of things now? The honorable senator from Massachusetts tells us that, in his opinion, the Government have forborne; that some mistakes may have been made in making arrests, but that they ought to have gone farther than they have gone. The question does not lie there. The question lies in the great principle that the liberty of the citizen ought to be protected against the Government, except by public judicial inquiry on facts *prima facie* established by affidavit in order to justify his incarceration, because incarceration is imprisonment, it is punishment. In no free Government can the citizen be arrested at the will of an officer—I do not care who the officer is, whether a Secretary of War or a Secretary of the Navy, or any subordinate to whom a Sec-

retary chooses to delegate the power; and it is impossible to call the Government where such a power exists a free Government."

Mr. Doolittle, of Wisconsin, thus objected: "Mr. President, this complaint of the great oppression of this Government because, in time of war, men have been arrested under circumstances to raise suspicions of their loyalty, it seems to me is not very well founded, so long as the prison door is open to all arrested upon suspicion only, if they will simply take the oath of allegiance and to support the Government. I think, sir, I am not misinformed in this respect. There has been some complaint, and with more reason, perhaps, made against the Government because it has been too lenient toward men who have been notoriously engaged, in sympathy and in act too, with the traitors against the Government; and the complaint has been, not because suspected parties have been arrested, but because the guilty have not been shot or hung; that the prison door has been opened too easily to many of these men."

Mr. Saulsbury, in further urging the adoption of the resolution, stated as follows: "We do hold that a State situated as we are, where there has never been any attempt to resist Federal authority, should have some consideration in the American Senate. But, sir, I tell the Senate that at our last general election armed soldiery were sent to every voting place in the two lower counties of the State of Delaware. I am informed that this soldiery consisted of men from New York, from Pennsylvania, and from Maryland. When I went to vote myself, I had to walk between drawn sabres in order to deposit my ballot. Peaceable, quiet citizens, saying not a word, on their way to the polls, and before they had got to the election ground, were arrested and dragged out of their wagons and carried away. Peaceable, quiet citizens were assaulted at the polls. I do not, however, propose to discuss these matters now; I may do so hereafter. I simply wish to call the attention of Senators to this fact, which distinguishes us from States that are in revolt: we have offered no resistance to Federal authority."

Mr. Bayard, in reply to Mr. Doolittle, said: "He tells us he thinks the Government has been too forbearing; that men ought not only to have been arrested and imprisoned, but that they ought to have been shot or hung. Shot or hung in this country without a trial? Shot or hung, according to the generality of his language, "for sympathy?" Is that the state of things throughout the United States? Is that what we are to expect to see established in this country—that sympathy is to be the ground on which a man is to be hung? You may charge sympathy on a man because he differs from you in opinion. Suppose a man believes that the restoration of the Government of this country over the revolted States cannot be effected by war; the Administration may say that is an evidence of sympathy with rebellion, and hang a man for that! That is the doctrine, as I understand it. It seems to me that there could not possibly be a form of Government more despotic in its character—and I might use a much stronger term—than a Government that would carry out such a principle as that in action."

Mr. Doolittle immediately rose to explain, saying: "I did not intend to be understood that men who are arrested should be either shot or hung without trial. If anything that I said led the gentleman from Delaware to suppose such was my meaning, I did not express myself as I intended. I simply say that the complaint against the Government is that they have not been either shot or hung. I ought to have said, perhaps, tried, shot, and hung."

Mr. Hale, of New Hampshire, thus expressed his views: "I have regretted the exercise of this power from first to last; but, sir, I will say that where the emergencies of the country are such, and the condition of things is such, as to justify a resort to extraordinary proceedings for the safety of the Government, I am willing that the Executive should act upon that old maxim, which, translated into plain English, is, "The safety of the republic is the supreme law." I confess, for myself, that nothing in the whole history of the war has so embarrassed me, has left me in such doubt what course to take and pursue, as questions of this character. I have as earnest a desire for the preservation of the Constitution in all its intregrity as anybody else; and it matters not to me whether victory or defeat attends our arms, if, when the war is over, it does not leave us a constitutional Government. We are at war for that, sir; and I hope we shall make every sacrifice that is necessary to sustain it. That being our object and our end and our aim, I would not now, while the enemy is in the field, and while the contingencies of battle are pending, and the issues of life or death are suspended upon the result, impede or hinder those who are charged with the execution of the laws by inquiries which are not vital to the Government. I do not look upon this as so, because I believe it is one that belongs to the judiciary to examine and settle; and if anybody has made an attempt to apply that remedy and has failed, it will be time enough then to look to some ulterior course."

Mr. Bayard, of Delaware, in reply said: "The President of the United States—rightly or wrongly is immaterial; I am not going to enter into that discussion—has asserted the right to dispense with the law which requires the *habeas corpus* to be issued in any case of judicial arrest. He has claimed that right; he has exercised that right. He has openly, through the Secretary of War, issued a proclamation which virtually subverts this Government, if carried out in practice; because the Secretary of War is authorized to appoint an indefinite number of men, constituting a corps of provost

marshals, who are to have the right, in addition to their military duties, to arrest any citizen throughout the country on indefinite charges, and to call in military aid to sustain their action; and they are to report to the central authority at Washington, and hold the party in custody subject to the orders of that central authority. There is no law which authorizes such an organization as that. If the judiciary attempt to intervene, as in the case of the prisoner at Fort Warren, the bayonet of the soldier prevents the service of the writ upon the military commandant who has possession of the prisoner. The judiciary, then, are powerless for redress; and under this asserted right on the part of the President, that feeblest department of the Government being powerless to redress individual wrong, if the legislative branch, which is equally powerful with the executive, are not to interpose by calling for the information, the facts, and by the expression of their opinion, if it be necessary, when the facts are returned to them, what protection has the citizen against the aggressions of executive power? Can a Government be a free Government, where, when the judiciary is set at defiance, the legislature unites in saying to the citizen: 'You shall have no investigation; you may be arrested by officers unknown to the law, indefinite in numbers, on offences unknown to the laws, not described, for disloyal practices, which may mean anything that an executive officer pleases; you may be arrested not only by the order of a functionary at Washington, who, from his position, may be supposed to have ability to exercise some discretion, but you may be arrested at the discretion of any one of his subordinate deputies, and an investigation is not to be made by any other tribunal than by an *ex parte* return made in your absence, and without any power of investigation on your part, to the central authority at Washington?' If the proclamation of the President of the 26th of September be carried out, and the general facts that have occurred taken as matters of history, that is the state of things and the power claimed by the executive. Sir, I consider that power a subversion of this Government. I consider it also unnecessary; and though the honorable senator says that while we are engaged in war he would not call for any account from the executive department for its actions, I submit there is a wide distinction there. I am asking nothing in reference to a continuation of the war. I am seeking not to embarrass the Government in reference to the prosecution of the war; but war certainly can be in the present, as it has been in the past, prosecuted without trampling upon the rights of the individual citizen at home, and in States which are entirely untainted by anything like resistance to the authorityf othe Federal Government."

Mr. Sherman, of Ohio, expressed the following views on the arrests which had been made: "I say to my political friends that we cannot afford these arrests; they should not be made except where the facts are so glaring that when they are stated to us here by the Secretary of War, every one of us will say he did right in making the arrest. We ought, in justice to ourselves and to our constituents, to demand of the Secretary of War a reason in every case for the arrest made. I have that confidence in the President of the United States, who I believe is thoroughly honest and patriotic, and who would deprive no man of his liberty without good cause, and I have that confidence in the Secretary of War to believe, especially since this subject has been made the object of public inquiry, that they will not make any arrest except for cause that in the opinion of every loyal senator would justify the arrest. Congress neglected its duty in not, at the first session after the opening of this rebellion, authorizing in terms, by law, the suspension of the writ of *habeas corpus*, and imposing conditions upon arrests, requiring the cause of the arrest to be reported to Congress in each case, and requiring an examination by a military or other court. The power to suspend the writ of *habeas corpus* should only be exercised with all the guards that can be thrown by wise legislation around it. Such a power uncurbed, unregulated, and unchecked, would make this Government a despotism worse than England ever saw, worse than France was in the time when *lettres de cachet* were used for the arrest of citizens, and they were confined in dungeons for forty years. The power to suspend the writ of *habeas corpus*, while it must be exercised in certain cases for the public safety, ought to be so guarded by legislation that no oppressive act to the citizen can be done, and in every case of an unlawful arrest the legislation of Congress ought to require that the person making the arrest should make a formal report to Congress, so that we and our constituents might judge whether the necessity justified the arrest."

Mr. Powell, of Kentucky, followed in favor of the resolution. He said: "Taking it for granted that the writ of *habeas corpus* is suspended by competent constitutional authority, then I hold that they have no right to make these arrests. The writ of *habeas corpus* has nothing to do with the arrest of an individual. The whole scope, verge, and object of the writ of *habeas corpus* is to relieve a man, when arrested, from illegal imprisonment. The object is to open the prison doors, and to bring him before the court, to inquire whether he is lawfully detained or not; and if he has been lawfully lodged in the prison, it is the duty of the judge before whom he is brought to remand him to prison, and if it is a bailable case, to allow him bail, and if he is illegally imprisoned, to let him go free. That is the only object of the writ of *habeas corpus*. It is a great remedial writ. The suspension of that writ confers no authority on any officer in this Government to make an arrest. The arrest and the discharge are separate and distinct things.

"I hold that there is no authority vested by the Constitution of the United States in the President or any of his cabinet ministers to make these arrests; and whenever they exercise such a power it is an act of usurpation and an overthrow of the Constitution of the country. The Constitution defines what are the duties of the various departments of this Government. The duties of the executive are plainly marked out in the instrument. So it is with the legislative power; so it is with the judicial power. Upon each and every one of these distinct bodies of the magistracy are conferred separate and distinct powers which they can legitimately exercise; and whenever they go beyond the powers prescribed in the Constitution, they usurp an authority not given to them by the law, and deserve and should receive the honest censure of every loyal man in the country—I mean of every man loyal to the Constitution of the country.

"Now, sir, I ask senators who claim that the President and his cabinet ministers have exercised this power rightfully, to point me to the clause in the Constitution or the law that authorizes those officials to arrest a citizen, a civilian. The President, as commander-in-chief of the army and navy, may have the right, by virtue of the laws passed to regulate the army and navy, to make arrests of persons employed in land and naval service; but I ask senators to show the law that authorizes him to make an arrest of a citizen not connected with either service. Why, sir, even suppose the position of the senator from New Jersey were true, that the President has a right to suspend the writ of *habeas corpus*, does it necessarily follow, after that suspension, that he has a right to arrest whom he pleases? If so, I would not give a fig for the liberties of this people. If it be so, any President who is wicked enough and abandoned enough to do it, may, *ad libitum*, overthrow the liberties of this country."

Mr. Fessenden, of Maine, rose to ask a question of the senator, saying: "My question is this: If he were at the head of the Government, and he were satisfied in his own mind that an individual, in a time like this, was about to commit a crime, the consequence of which would be exceedingly injurious to the Government itself, and would strengthen the arm of the rebellion, and there was no other way in which he could prevent it, would he not prevent it, would he not arrest the individual without law, and hold him by the strong hand, for the safety of the people?"

Mr. Powell, in reply said: "I will say to the senator, that if I were the President (which is not a supposable case) I would by no act violate the Constitution and laws of my country. If I thought that a man was about to do anything wrong, and there was a law of the land by which I could have him arrested and punished, or placed under bonds for good behavior, I would have the law executed. If there was no law to reach the case, and I thought the man meditated very great injury, I think I would have a watch kept on him, and prevent his committing the act, and then, at the next session of Congress, I would recommend the passage of a law for the punishment of just such an offence. I would adhere to the law."

Mr. Fessenden replied: "The senator forgets one clause of my question, and that is that there was no other way to prevent it."

Mr. Powell, in answering, said: "The senator is supposing a state of facts that could not exist."

Mr. Collamer, of Vermont, now rose to ask a question: "If a man cannot be unlawfully imprisoned while the *habeas corpus* is in force, when it is suspended may he not be imprisoned unlawfully?"

Mr. Powell in reply said: "If the writ of *habeas corpus* is suspended, the party may be held in prison either lawfully or unlawfully. If he is in prison, having been put there lawfully or unlawfully, the suspension of the writ of *habeas corpus* only denies him the great remedial process by which he is taken before the court, and the legality of his imprisonment inquired into by the court. That is all it does."

Mr. Collamer: "Does the gentleman wish to be understood that the *habeas corpus* can only be used for the purpose of inquiring whether the process was legal?"

Mr. Powell: "No, sir; it may be used to inquire whether he is rightfully deprived of his liberty; whether he is confined by virtue of legal process or not."

Mr. Collamer answered: "No, sir; questions of guilt or innocence are never tried on a writ of *habeas corpus*."

Mr. Powell continued: "In some classes of cases, the guilt or innocence may be inquired into. So far as the record shows guilt or innocence, it is a proper inquiry."

Mr. Collamer: "They require a jury."

Mr. Powell: "Upon a *habeas corpus*, the facts in the record which go to show the guilt or innocence of the party are before the court, and upon them they may decide whether he is rightfully or wrongfully imprisoned. If from the facts in the record it appears he is guilty, he is rightfully imprisoned; if innocent, he is wrongfully imprisoned, and is let go free. In the inquiry arising upon *habeas corpus*, the guilt or innocence of the party, to some extent in a certain class of cases, is necessarily looked into."

Mr. Collamer: "If a *habeas corpus* is brought to relieve a man charged with murder, does that *habeas corpus* enable the judge or court, before whom it is brought, to try in any way whether that man is guilty of the murder or not?"

Mr. Powell: "I am astonished that so good a lawyer as the senator from Vermont should ask such a question. We know that it is not the function of a judge, before whom a prisoner is brought on a writ of *habeas corpus*, to try

and pass judgment upon him. He can only be tried by a jury. The judge, however, on the return of the *habeas corpus*, inquires into the cause of the arrest, and if on all the facts that are developed in the record the presumptions are that he is guilty, the judge sends him back to confinement, and if it appears that he is innocent, he is allowed to go free. The judge may incidentally inquire into the facts in the class of cases to which I have alluded, though he does not do so for the purpose of inflicting punishment. But, Mr. President, I wish to ask the senator from Vermont a question, if he will allow me to do so. My question is, whether the legitimate suspension of the writ of *habeas corpus* authorizes the President of the United States to arrest and imprison a man? I wish the senator to answer that question, for that is the gist of the whole point I make."

Mr. Collamer in reply said: "I merely say, that the exercise of the power of the courts in the use and sustaining of a *habeas corpus* before them, is confined simply to the question of the process by which a man is holden; the legality of that process; and if the *habeas corpus* is suspended in relation to that subject matter, then the court has no control or jurisdiction over it."

Mr. Powell continued: "I differ from the senator, if he will allow me, about the definition he has given about the object of the writ of *habeas corpus*. He says the only object is to inquire whether the process under which the prisoner is held is legal or not. I am very well aware that, under the common law, the writ of *habeas corpus* was more circumscribed than it is in many of our States. It has been very much enlarged by statute. But I know that you have a right to a *habeas corpus* to bring persons before a court, to be released from unlawful confinement, when they are confined by no process whatever; and consequently, the senator is too limited in his explanation. There is a large class of persons, infants, for instance, who are held by others; there are persons held by certain societies of people—the Shakers, for example—and writs of *habeas corpus* are allowed for such persons, though they are not held by virtue of any process. The writ can be issued to bring a party before the court whenever he is restrained of his liberty, and the court is not limited to an inquiry as to the legality of the process, but inquires as to the right of the party to hold him."

Mr. Collamer replied: "The idea that a man may be holden without process is not contemplated by the law. The command of the writ is to bring the body of A B and the cause of his confinement. That is the *cum causâ*, the great writ. It is not the *habeas corpus ad satisfaciendum* that we are talking about, but the *habeas corpus cum causâ*, and the command of the writ is to bring the body, with the cause of confinement."

Mr. Powell: "He may be brought with the cause without bringing the process. If I had the senator's infant son in my custody, would he not have a right to the writ of *habeas corpus*, to inquire into the cause of the detention, and should I not then be at liberty to say that the son was apprenticed to me, or to give any other good reason for holding him?"

Mr. Collamer: "Certainly."

Mr. Powell: "That shows clearly that the question is not always whether the process is legal or not, because persons may be held without process."

Mr. Collamer: "By the word 'process,' I mean not merely technical process, but the instrument, the authority by which a person is holden, let it be what it may; and that authority is the thing to be looked into, and that only."

Mr. Powell: "Still, my excellent friend does not answer my question. I should like any senator to get up here and show me the authority of the President, or any of his cabinet ministers, to make arrests. That is the point to which I wish to direct attention, and I ask the country to look right to that point."

Mr. Morrill, of Maine, opposed the resolution, saying: "We are informed in this resolution—I think substantially, although it does not take that form in terms—that certain persons in Delaware have been arrested by the commander-in-chief of your army and navy, and have been restrained of their liberty. That is the charge substantially.

"Well, sir, what of it? It is said that it is extraordinary and tyrannical. Well, that depends upon what? Why, they say it is so because it is without shadow of law. That is a question to be examined; that is a question to be considered. But I repeat, what of it? Is it extraordinary that such things should occur in a time of civil war, in a time of gigantic rebellion, when a million of armed men are arrayed on the side of the supremacy of the Constitution and the laws; when as many more stand for the overthrow of this Constitution, and against the supremacy of the laws; when one half of your Confederacy is in rebellion against your authority, and armed rebels confront you, and denounce your authority and defy it, and when we know that those rebels have allies throughout the whole country, that traitors infest every portion of your country in sympathy and alliance with rebels under arms? I say, sir, that when such a state of affairs is evident, showing that the whole country is involved in civil war, not partial, affecting a few interests; not local, confined to a few places; but general, extending to the utmost confines of the republic, involving every interest, and reaching to every fireside in the land, making our condition one of war, a state of general intestine strife and commotion, affecting the liberty and the rights of every man, woman, and child in the nation, and making our condition to-day, instead of one of peace, one of war, gen-

eral war, general internal civil war, the laws of war everywhere embrace this nation in its length and its breadth. The laws of war are the law of the land, sir; not the Articles of War, as the senator from Kentucky says, but the principles of war, as defined by international law, govern us. That is our state to-day and our condition to-day, and in that sense it is the higher law; it is the law above the Constitution and above all laws; it is the law of our life and the law of our existence to-day—the *ultima ratio*. Our state to-day is that state known to nations when the laws are silent. Your municipal regulations and your Constitution have no law for such an occasion and such a time; but the law known to nations everywhere, the right of self-defence, the *ultima ratio*, is the law of our life and the law of our destiny. Therefore, sir, under such circumstances, it is easy for me to say, I vote for no such resolutions, because the presumption is, if the commander-in-chief has arrested men under these circumstances and imprisoned them, he has rightfully done it."

Mr. Wright, of Indiana, thus expressed his views: "I agree with the senator who said, the other day, that it was very remarkable that only five hundred arrests had been made. I understand that from the time this rebellion broke out down to the present, the arrests made by order of the President have not exceeded that number. It is, indeed, an astonishing fact that, in this entire country, with the land full of treason, with our very capital full of traitors, so few have been arrested. It would be very strange if, in some of these instances, there were not cases of great hardship. I am willing, however, to trust these affairs to the President, and, when necessary, to aid in the passage of a resolution calling on him to report to this body the facts, if he does not deem such a course inconsistent with the public interest. The President is the representative of the unity, the power, and the strength of this republic. I hold him responsible. I wash my hands of that miserable doctrine too often inculcated here, that in such a time as this there is such a thing as loyalty to the Government and disloyalty to those in power. Sir, there is but one true loyalty, and that is unconditional adherence to, and support of, those who stand at the helm of the Government, placed there by the people to direct, whether in calm or storm, the great affairs of state."

Mr. Bayard, of Delaware, in reply, said: "Sir, I regret that gentlemen will bring extraneous matters to bear on this resolution of inquiry; but they may do so if they please, and they may give to it a party aspect and invite party support, for the purpose of smothering the resolution. Be it so; but they cannot smother the debate; they cannot keep from the people of the country the knowledge of the fact that a citizen of the United States, in a State where the courts are open, is denied redress by the executive for the wrong through the law of the land and through the judicial power, and that when he comes by his representative and asks barely for information as to the cause why he has been arrested and detained in prison for two months, he is told, 'We will make no inquiry whatever; we will leave everything to the President;' or, perhaps, in the language of the honorable senator from Indiana, that loyalty must be to an Administration and not to a Government, and that it is a miserable sentiment for a man to say that, in a republic, loyalty means affection to the laws and Constitution, and a determination to sustain them. I uttered that sentiment."

Mr. Fessenden, of Maine, thus expressed his views: "Sir, I hold—and I may be accused perhaps of not exactly understanding quite so much about private rights as my honorable friends on the other side of the chamber—I hold that the safety of the republic is the supreme law. Now, sir, allow me to say, most respectfully, it is useless in this day to attempt to apply rules to the conduct of the Government that you would apply in time of peace. The senator's argument would be a very able one if it was fitted to the times; but the people of the country cannot fail to see that what may be necessary at one time is not at another, and what is an excuse at one period is no excuse under other circumstances. Because the President, in this time of war, in this time of rebellion, in this time of danger, has seen fit to lay his hand upon men 'without due process of law,' in the language of the Constitution, they will not judge that, therefore, he has forgotten what is due to every citizen of the country, but will believe that what he may have done in reference to matters like these has been done honestly in the endeavor to discharge his great duty to protect, preserve, and defend the Constitution of the United States. That is all they desire to know, and all that the people will desire to know so long as the rebellion continues. When the time comes, if it ever does arrive, that, in my judgment, the President, either by himself or those who are his servants in the eye of the law, is exercising his power maliciously, even carelessly, with reference to men, I am willing to call him to account; but until that time comes, I am willing to leave it to them, and I will not compel them to give reasons for their action which they may think will place the country in a worse attitude than it is at present."

Mr. Bayard, in reply, said: "The honorable senator seems to labor under what I consider this delusion—that supposing the President to mean rightly, that his intention is honest, therefore you are not to question his acts, and not to oppose them, or not to redress the wrong that he does. I hold that to be an exceedingly erroneous and dangerous doctrine. The President might be a timid man, and timidity always resorts to violence; but his intention might not be wrong. He may be a

man who lacks judgment; and his error of judgment might lead him into improper measures. Are not those measures to be opposed, because you do not impugn the motive of the man who has committed it? That is one point on which I think the senator's argument has led him into error."

Mr. Davis, of Kentucky, followed in a lengthy speech, saying: "In this day of bold and ruthless innovation, it has also been claimed that the right to suspend the writ of *habeas corpus* is an executive and not a legislative power? Is there anything more untrue than that position? What! a right to repeal a law, to dispense with, to suspend a law temporarily, is an executive power? Sir, what is the essence and nature of an executive power in our Government? It is to execute the law, to enforce the law; not to throw obstructions in the way of the law, and to defy its execution. Why, sir, this question was tested two centuries ago in England. The Stuarts claimed the power to suspend the law, to dispense with the law; and the claim and exercise of this high prerogative, even in that monarchical Government, brought one of them to the block, and lost to the other his crown and sent him an exile into foreign countries. Have we come to this, that an act of tyranny, of oppression, which in England lost a head to one monarch and a diadem to another, shall be claimed as the constitutional right of the President of the United States? Sir, here is a short argument upon this question of *habeas corpus*, which, to my mind and judgment, is unanswerable: the power to pass a law is a legislative power, it is not an executive one; the power to repeal a law is a legislative power, it is not an executive one. What is the suspension of a law but its temporary repeal? The only executive function in relation to a law is to enforce it. What process of reasoning, what rule of logic, would allow the President of the United States the power to suspend a law that would not give him the greater power of repealing it?

"The President and all men who do these acts are trespassers—trespassers by the law. They may be sued as trespassers, and when they are, they can give the whole state of fact in evidence before the jury in mitigation of damages; and in such cases as have occurred and many others, the verdict of the jury would be that the plaintiff recover one cent. But, sir, this Congress, with all its fancied power, with all the power which it may imagine appertains to it in time of war, can pass no law that would screen the President of the United States from an action of trespass in such a state of fact as that, in the name of the humblest citizen of America. No, sir; any act which you may pass on the subject being pleaded as a defence, would be laughed at by a lawyer engaged in the prosecution, and would be hooted in scorn by any man sitting as a judge who had the legal learning and independence that should belong to a court.

"I am no prophet, but I will tell you where we are drifting to. The power of the nation and of this Government is in the valley of the Mississippi, and that power is going to enlarge from day to day until it overshadows the Pacific and the Atlantic slopes. The people of the great West and the Northwest understand this Constitution, the masses of them. They have given their minds and their hearts to its support. They will, when it becomes necessary, give their lives, too, to this holy cause, and they will be willing martyrs in its defence and for its preservation. No Utopian dream for the freedom of the negro will ever lure or corrupt them from their allegiance to the Constitution. They know that the State of Kentucky has as much right to continue that condition of the African race, domestic slavery, as Massachusetts or Rhode Island had to abolish it. The Constitution is so written. That is its provision; that is its spirit. Away with this nonsense, that slavery has been the cause of the war.

"How many wars have been waged, the Christian religion being the pretext! What oceans of blood have been shed in the name of our holy religion, and to propagate the faith that was given to us by the Redeemer of the world! Will you charge the Christian religion with having caused these wars, and say that therefore the Christian religion is to be put down? What caused the war of 1812? Was it not the violation of 'free trade and sailors' rights?' Was it not that England claimed to be the mistress of the seas, and to exercise upon the decks of our vessels the ruthless power of dragging native citizens from under the stars and stripes, and making them fight against their country under the union jack? You might as well say, destroy the foreign commerce of the United States and the shipping of the Eastern States, because this commerce and shipping was the cause of that war."

The question was now taken on laying the resolution on the table, and decided as follows:

YEAS — Messrs. Anthony, Arnold, Browning, Chandler, Clark, Collamer, Dixon, Doolittle, Fessenden, Field, Foot, Foster, Grimes, Hale, Harlan, Harris, Howard, Howe, King, Lane of Kansas, Morrill, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, Wilmot, Wilson of Massachusetts, and Wright—29.

NAYS — Messrs. Bayard, Carlile, Cowan, Davis, Harding, Henderson, Kennedy, Nesmith, Powell, Rice, Saulsbury, Willey, and Wilson of Missouri—13.

In the House, on December 8th, Mr. Stevens, of Pennsylvania, introduced a bill to indemnify the President and other persons for suspending the privilege of the writ of *habeas corpus*, and acts done in pursuance thereof, which was read. Objection was made to the second reading, which was not sustained. The bill was then put on its passage.

Mr. Olin, of New York, said: "I hold that the President had the authority by law, and was the proper tribunal, to exercise all the power that he has exercised in suspending

the writ of *habeas corpus;* nevertheless, I concur with my friend from Pennsylvania that a bill of this character is proper under the circumstances. But while I thus concur with him, I would regret above all things to see a measure of this kind thrust through the House without a moment's consideration, and probably without ten members of the House knowing the legal effect of the provisions of the bill. This mode of legislation is discreditable to the country, and discreditable to this House."

Mr. Colfax, of Indiana, urged the immediate passage of the bill, thus: "I think a majority of the House are prepared to pass the bill now. Instead of being anything discreditable, I think it would be highly creditable to the House to pass the bill at this early stage of the session. We all understand the whole question. It has been discussed all over the land whether the President should have authorized the suspension of the *habeas corpus* as to persons charged with treason, or with sympathizing with it during this rebellion or not. All that has been done has been done by his authority communicated to his secretaries, and through them to others. I stand ready to pass a bill indemnifying him. We have either to vindicate him as now proposed, or leave him to be persecuted as soon as he retires from office by those whom he arrested. I rejoice that I have this opportunity of voting for this bill, and I hope it will pass at once."

The bill stated that since the 4th of March, 1861, the United States have been in an insurrectionary condition; that the public safety has required the suspension of the writ of *habeas corpus;* that during that time the privilege of said writ had been several times suspended by the President of the United States, and that several arrests and imprisonments had taken place under and in consequence thereof, and that there was not entire unanimity of opinion as to which branch of the government possessed constitutional power to declare such suspension. It, therefore, enacted that all such suspensions, arrests, and imprisonments, by whomsoever made or caused to be made under the authority of the President, should be confirmed and made valid; and it indemnified and discharged in respect thereof the President, secretaries, heads of departments, and all persons who have been concerned in making such arrests, or in doing or advising any such acts, and made void all indictments, informations, actions, suits, prosecutions, and proceedings whatsoever, commenced or to be commenced against the President, or any of the persons aforesaid, in relation to the acts or matters aforesaid, or any of them.

The second section invested the President during the existence of the war with authority to declare the suspension of the privilege of the writ of *habeas corpus*, at such times, and in such places, and with regard to such persons, as, in his judgment, the public safety might require.

Mr. Stevens, of Pennsylvania, thus explained the bill: "It provides that the President and cabinet, and all who, in pursuance of their authority, have made arrests during the time of the declared suspension, shall be indemnified and saved harmless. That is the full extent of the bill. It goes no farther in any of its provisions."

Mr. Thomas, of Massachusetts, objected to the bill. He said: "A bill of indemnity is that which secures to an officer who may have, through mistake or otherwise, violated the law, an indemnity for that proceeding. It does not necessarily deprive a party of his civil remedy. If a man has been unjustly or illegally imprisoned—however long his imprisonment or grievous his injury—he is deprived by this bill of any remedy or redress whatever. He alone is to suffer, and not the Government. If the gentleman from Pennsylvania will put his bill in such form as to indemnify officers acting under the direction of the President, still leaving the parties to their civil remedy if they were illegally and without cause imprisoned, I could support it. I could not, without further opportunity for examination, vote for this."

Mr. Stevens, of Pennsylvania, replied: "The gentleman from Massachusetts (Mr. Thomas) will find on examination—and I dare say that he has examined it—that I have drawn this bill precisely according to the English precedents; that I have used precisely the language used by all of the bills of indemnity for the last two centuries passed by the English Parliament, except that, in their bills, they have confessed the illegality of all of the acts which have been done and for which ministers have advised the passage of an indemnity. I have not confessed the illegality of these acts, for this reason: the Attorney General of the United States and the Administration have held that the President had, without such a bill, full power; and if he had the power to order all these acts, then there is no remedy for anybody. A remedy exists only where there is a wrong. If the President had the right to suspend the writ of *habeas corpus*, and under that these results took place, I should like to know who had the right of action against him? There can be no such thing. If there be a remedy for these false imprisonments, it may extend to indictments as well as to civil suits, and how is the Government to indemnify the President for two years' imprisonment in the penitentiary? What kind of indemnity is the Government to afford to men thus prosecuted under these laws? But, sir, if the President was right in supposing that he had the authority to suspend the privilege of the *habeas corpus*, I admit with my friend from New York (Mr. Olin) that there would be no necessity for this bill. But then it would do no harm, it would confer no additional power, it would do only what could be done before. But I have recited that there is doubt on that subject.

"Then it seems to me that we would have the right to give him that power. As there has been an illegal exercise of the power before, one arising from necessity, a bill of indemnity is the proper remedy which has been practicable for the Government, where it was necessary for the Executive, for the safety of the country, to assume the responsibility of acts not contemplated by the Constitution."

The previous question was then demanded, and the bill passed by the following vote:

YEAS—Messrs. Aldrich, Alley, Arnold, Ashley, Babbitt, Baker, Baxter, Bingham, Jacob B. Blair, Samuel S. Blair, Blake, William G. Brown, Buffinton, Burnham, Campbell, Casey, Chamberlain, Clark, Colfax, Frederick A. Conkling, Roscoe Conkling, Cutler, Davis, Delano, Duell, Dunn, Edgerton, Edwards, Eliot, Ely, Fenton, Samuel C. Fessenden, Thomas A. D. Fessenden, Franchot, Frank, Gurley, Hale, Harrison, Hickman, Hooper, Horton, Hutchins, Julian, Kelley, Francis W. Kellogg, William Kellogg, Lansing, Loomis, Lovejoy, Low, McKnight, Moorhead, Anson P. Morrill, Justin S. Morrill, Nixon, Noell, Olin, Patton, Pike, Pomeroy, Porter, Potter, Alexander H. Rice, John H. Rice, Riddle, Edward H. Rollins, Sargent, Sedgwick, Segar, Shanks, Shellabarger, Sherman, Sloan, Spaulding, Stevens, Stratton, Train, Trimble, Trowbridge, Van Horn, Van Valkenburgh, Walker, Wall, Wallace, Washburne, Wheeler, Albert S. White, Wilson, Windom, and Worcester—90.

NAYS—Messrs. William J. Allen, Ancona, Baily, Clements, Cobb, Conway, Cox, Cravens, Crisfield, Crittenden, Dunlap, English, Fouke, Goodwin, Granger, Grider, Harding, Holman, Johnson, Knapp, Law, Lazear, Mallory, Menzies, Morris, Noble, Norton, Pendleton, Price, Richardson, Robinson, Sheffield, Shiel, Smith, John B. Steele, William G. Steele, Stiles, Benjamin F. Thomas, Vallandigham, Voorhees, Chilton A. White, Wickliffe, Woodruff, Wright, and Yeaman—45.

On the 22d of December, Mr. Pendleton, of Ohio, submitted the following resolution, in the nature of a protest against the above proceedings:

Resolved, That the following protest of thirty-six members of this House against the passage of House bill No. 591 be entered upon the Journal:

On the 8th day of December, A. D. 1862, and during the present session of Congress, Mr. Stevens, of Pennsylvania, introduced the bill No. 591, entitled "An act to indemnify the President, and other persons, for suspending the privilege of the writ of *habeas corpus*, and acts done in pursuance thereof," and after its second reading moved that its consideration be made the special order for the Thursday then next ensuing, which motion being objected to, he moved the previous question, and this being sustained, under the operation thereof the bill was read a third time, and passed.

This bill involves questions of the gravest importance. It provides that all suspensions of the privilege of the writ of *habeas corpus*, all arrests and imprisonments upon whatever pretexts or by whomsoever made, under the authority of the President, however arbitrary or tyrannical or unjust, are confirmed and made valid; and that all persons who advised or executed or assisted in the execution of any such acts are discharged from all liability, whether to the State or to individuals, "in respect thereof;" and that all proceedings against them of every nature, whether for the recovery of damages or for the infliction of punishment, "commenced or to be commenced," are discharged and made void. It also provides that the President may, during the existence of this rebellion, at any time and anywhere throughout any of the United States, and as to any person, suspend the privilege of the writ of *habeas corpus*.

The bill is framed upon the idea that the acts recited were illegal, and without just cause or excuse; that they were violations of the rights of the persons arrested and imprisoned; and that for them redress might be had in the courts of the United States, by resort to the peaceful, regular, and ordinary administration of the law. It is framed upon the idea that the citizen was arrested without the existence of crime on his part, or even probable cause to suspect it, and that in making such arrests, the substance, as well as the form, of those provisions of law intended to secure personal liberty were entirely disregarded. It makes no exception of those cases in which the arrests have been made with malice, and the imprisonments have been inflicted with circumstances of brutality and cruelty—in which the "public good" has been made the cloak wherewith to cover the gratification of political animosity or private hatred. It distinguishes in nothing between the cases in which an honest mistake has been followed by its immediate correction, and cases in which malignity has been enabled, by false pretences, to procure the arrest and to prolong the imprisonment, to the loss of property, the destruction of health, and, in some instances, the insanity, suicide, or lingering death of the unhappy victim. It distinguishes in nothing between the active officer, zealous in the full discharge of his official duties, and the base miscreant who volunteers to assume the degrading character of spy and informer, that he may, with more effect, and secretly, use the falsehood which the venom of his heart prompted him to invent. It proposes to condone all offences, to protect all offenders, and to take away all redress for injuries, however great, or with whatever circumstances of aggravation or bad motive inflicted.

If these acts had been done in all cases from the purest motives, with an eye single to the public good, with as little aggression as possible on private rights, with all circumspection and care that only those who were really guilty should suffer such confinement as would prevent the commission of an unlawful act—if the public good were in fact subserved by them—it might be proper to protect the President, and those acting under his authority, from criminal prosecution and penal sentence; it might be proper to protect them from pecuniary loss, by the payment, from the public Treasury, of the damages assessed against them. Even then, whilst admitting that circumstances like these would in seasons of great public dangers negative all wrongful intent in the commission of these illegal acts, it would be the duty of the representatives of the people to affirm that at all times the President of the United States, before all other men, should adhere most strictly to the forms of legal procedure when directing his powers against the personal liberty of the citizen. It could never be proper to indemnify the President, and those acting under his authority, at the expense of the citizen whom they had injured, or to add to their security by the destruction of his remedies.

The Constitution of the United States guards most carefully the rights of the citizen; it was ordained "to establish justice," "insure domestic tranquillity," and to "secure the blessings of liberty;" and so steadily was this object kept in view, that in addition to the reservation of all powers not granted, there are special prohibitions of seizures without warrant, detentions without indictment, imprisonment without a speedy and public trial, and deprivation of life, liberty, or property without due process of law; and there are clauses which extend the judicial power of the United States to all controversies between citizens of different States, and secure a trial by jury in all cases in which the value in controversy exceeds twenty dollars. Congress has hitherto uniformly maintained, and, as far as was necessary, has perfected by its legislation these guarantees of personal liberty, and the courts have enforced them by the assessment of damages for their infraction. This bill proposes to deprive the courts of the power to afford such protection. It will, if carried out into practical and general operation, release the people from the duty of appealing to such peaceful and

legal means of redress, and will provoke more summary and less constitutional measures. Yet this bill, without precedent in our history, suggesting such grave questions of constitutionality and expediency, believed by many members to be utterly subversive of the rights of the citizen and of the express provisions of the Constitution, by the force of mere numbers and against the remonstrance of the minority, was passed within one hour of its first introduction, without having been printed, without having been referred to any committee, select or standing, and without any opportunity for consideration or discussion.

The undersigned, members of the House of Representatives, do therefore most solemnly remonstrate against this action of the House, and respectfully ask that this their protest may be entered upon the Journal.

They protest against the refusal of the House to permit consideration and discussion of the bill, as an arbitrary exercise of power by the majority, unjust to the members, unjust to their constituents, and derogatory to its character as a deliberative legislative body.

They protest against the passage of the bill—

1. Because it purports to deprive the citizen of all existing, peaceful, legal modes of redress for admitted wrongs, and thus constrains him tamely to submit to the injury inflicted or to seek illegal and forcible remedies.

2. Because it purports to indemnify the President and all acting under his authority for acts admitted to be wrongful, at the expense of the citizen upon whom the wrongful acts have been perpetrated, in violation of the plainest principles of justice, and the most familiar precepts of constitutional law.

3. Because it purports to confirm and make valid, by act of Congress, arrests and imprisonments which were not only not warranted by the Constitution of the United States, but were in palpable violation of its express prohibitions.

4. Because it purports to authorize the President, during this rebellion, at any time, as to any person, and everywhere throughout the limits of the United States, to suspend the privilege of the writ of *habeas corpus*, whereas, by the Constitution, the power to suspend the privilege of that writ is confided to the discretion of Congress alone, and is limited to the places threatened by the dangers of invasion or insurrection.

5. Because, for these and other reasons, it is unjust and unwise, an invasion of private rights, an encouragement to lawless violence, and a precedent full of hope to all who would usurp despotic power and perpetuate it by the arbitrary arrest and imprisonment of those who oppose them.

6. And finally, because in both its sections it is "a deliberate, palpable, and dangerous" violation of the Constitution, "according to the plain sense and intention of that instrument," and is therefore utterly null and void.

Geo. H. Pendleton, W. A. Richardson, J. C. Robinson, P. B. Fouke, Jas. R. Morris, A. L. Knapp, C. L. Vallandigham, C. A. White, Warren P. Noble, W. Allen, William J. Allen, S. S. Cox, E. H. Norton, Geo. K. Shiel, S. J. Ancona, J. Lazear, Nehemiah Perry, C. Vibbard, John Law, C. A. Wickliffe, Chas. J. Biddle, J. A. Cravens, Elijah Ward, Philip Johnson, John D. Stiles, D. W. Voorhees, G. W. Dunlap, Hendrick B. Wright, H. Grider, W. H. Wadsworth, A. Harding, Chas. B. Calvert, Jas. E. Kerrigan, Henry May, R. H. Nugen, Geo. H. Yeaman, B. F. Granger.

Mr. Stevens: "I move to lay the resolution on the table."

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative. Yeas, 75; nays, 41.

In the Senate, on the 22d of December, a motion to strike out the third section of their bill to provide for the discharge of state prisoners, &c., was considered. The section to be stricken out was as follows:

Sec. 3. *And be it further enacted*, That it is and shall be lawful for the President of the United States, whenever, Congress not being in session, and in his judgment, by reason of "rebellion or invasion, the public safety may require it," to suspend, by proclamation, the privilege of the writ of *habeas corpus* in all cases of political offences throughout the United States, or in any part thereof, until the meeting of Congress thereafter; and whenever and wherever the said writ shall be suspended as aforesaid, it shall be unlawful for any of the judges of the several courts of the United States, or of any State, to allow said writ, as to such offences, anything in this act or in any other act to the contrary notwithstanding.

Mr. Lane, of Indiana, took the floor against the entire bill. He said: "Mr. President, the bill under consideration contemplates a provision for the release of political prisoners under certain circumstances, and also to authorize the President of the United States, under the conditions of the Constitution, to suspend the writ of *habeas corpus*. If any such legislation be proper and constitutional, the provisions of the bill seem aptly drawn to effect the object. I believe, however, that no such legislation is either proper or constitutional; that it is an improper interference with the duties and powers of the executive office.

"I shall attempt no finely drawn distinctions upon this occasion between the acts of the President of the United States which are justifiable and acts which are excusable. All the political arrests which the President of the United States, in the discharge of his sworn duty, has made, I justify and defend, in the widest and broadest sense of that term. Nay, more, I believe that the President, if he had not made those arrests under the circumstances under which they were made, would have been unworthy of the high position he occupies, and recreant to his duty to the Constitution and the country."

He then proceeded to show that the power existed in the President to suspend the privilege of the writ of *habeas corpus*, and also the right to make military arrests. The latter was an inference from the powers already conferred, and the duties enjoined in the Constitution. It also followed from the great right of self-preservation, the great law of self-defence, known and recognized everywhere. He then proceeded to examine the circumstances of the arrests made in Delaware, Maryland, and Kentucky, and the proceedings in foreign countries in cases of rebellion, and thus expressed his views of the means which the Government should use to secure success:

"Another fact I learn from history—that in the suppression of rebellions in other countries, there is no single instance in which the Government has not called to its aid every description of persons and every possible destructive agency known to civilized warfare for the purpose of putting down the rebellion. I use that in answer to the imputation upon the Republican party that they are willing to use slaves in the suppression of this rebellion. I have no concealment upon that

or any other subject. I desire to speak out precisely what I as an honest man do believe. I believe that as yet there is no necessity for the employment of negroes for the purpose of suppressing the rebellion; but if the necessity shall exist hereafter, we have a perfect right to employ their services; nay, more, it will be our bounden duty to do so. I would rather that a rebel master should fall by the hand of his slave than that he should live to overthrow my Government, or to destroy the life of my brother upon the battle field. Gentlemen who are so fastidious in reference to the means which it is proper to employ for the purpose of putting rebels out of existence, it seems to me are hardly in earnest in wishing them destroyed at all. I am willing to employ any agency—the white man, the negro, the cannon, the musket. I would invoke, if it were not impious, any power in God's physical universe. I would blast them with lightning; I would rain upon them the showers of fire and brimstone for which they are now as ready as Sodom and Gomorrah were in the olden times."

Mr. Wright. of Indiana, followed, saying: "Men do not seem to realize the condition of things in the country, and the most improper appeals are made to the ignorant and the unsuspecting, which alarm their fears on this subject. In the dark days of '76, General Lee wrote to James Bowden, president of the Massachusetts council:

> We must save the community, in spite of the ordinances of the legislature. There are times when we must commit treason against the laws of the State, for the salvation of the State. The present crisis demands this brave, virtuous kind of treason.

"No statesman of this day would be willing to use language so strong as that which one of Washington's generals used in the war of the Revolution; but occasions arise when arrests become a necessity which cannot be disregarded without an impeachment of fidelity to the best interests of the commonwealth; and I am not disposed to yield the credit to the Republican party of originating a policy as bold as it is necessary, for in the despondent days of our infant struggle for liberty it was justified. Jefferson and Jackson subsequently demonstrated that it had their sanction, and it ever has had the approval of old-fashioned democracy. General Jackson suspended the liberty of the press in New Orleans, and he kept the entire city and suburbs under martial law after the British had left the coast. He arrested Judge Hall for issuing a writ of *habeas corpus* in favor of a French subject who had been seized by General Jackson's orders; and a recent Congress of the United States, by its legislation, commended that exercise of authority. Firmness and promptitude, fearlessness in assuming responsibility when his country was in an emergency, were among the prominent traits of his character, which secured the deep devotion of the democracy, and the earnest and enthusiastic regard which was akin to idolatry.

"Mr. Jefferson sustained General Wilkinson for suspending the *habeas corpus* in New Orleans on the occasion of certain military arrests of persons who were suspected of complicity in Burr's expedition; thus justifying the setting up of military authority over the jurisdiction of the courts in times of public danger. As late as the 3d of February, 1807, in a letter to Governor Claiborne respecting Burr's conspiracy, he wrote:

> On great occasions, every good officer must be ready to risk himself in going beyond the strict line of law, when the public preservation requires it. His motives will be a justification, as far as there is any discretion in his ultra-legal proceedings, and no indulgence of private feelings.

"I call the attention of senators to this language, and to the time and circumstances under which it was used. That it was not a rebellion of one third of the entire republic against its Government. The straits of the Union were not then so desperate. On that occasion a mere handful of men, starting on a distant expedition, were arrested and brought to trial. Now the conspiracy is more extended, the interests at stake are more vital, and the emergency more imperious. In a letter to General Wilkinson, of the same date, he says:

> Your sending here Swartwout and Bollman, and adding to them Burr, Blennerhasset, and Tyler, should they fall into your hands, will be supported by the public opinion.

"There is another passage in this letter which I may be justified in reading in this connection. Its appropriateness will be felt:

> The Feds, and the little band of Quids, in opposition, will try to make something of the infringement of liberty by the military arrests and deportation of citizens; but if it does not go beyond such offenders as Swartwout, Bollman, Burr, Blennerhasset, Tyler, &c., they will be supported by the public approbation.

"May I not, Mr. President, slightly alter the language of Jefferson of that day, and by a paraphrase adapt it to the present, and say that those who think more of party than of country, who seek to make political capital out of every act of the Government, may try to make something of the political arrests that have been made, but if it does not go beyond such offenders as Governor Morehead, Buckner, Wallis, and their compeers, they will be supported by the public approbation?"

Mr. Field, of New Jersey, said: "Mr. President, the motion is to strike out the third section of this bill. There are two objections to the provisions of that section. The first is, it takes for granted that the power of suspending the privilege of the writ of *habeas corpus* is conferred by the Constitution upon Congress alone; and then it proposes that Congress should delegate to the President, not only the power of suspending the writ, but also of determining whether the exigency has arisen which would justify such a suspension. Both these objections, I think, are well taken. I hold that the Constitution of the United States confers upon the President, and not upon Congress, the

power of suspending the privilege of the writ of *habeas corpus;* but if mistaken in this, I hold that Congress has no authority to delegate to the President the exercise of such a power."

He then proceeded to explain his views at much length, and thus stated his conclusions:

"I think, sir, I have established that there is nothing in the practice or in the theory of the British constitution; there is nothing in the position which this clause occupies in our Constitution; there is nothing in the history of this clause in its passage through the Convention, and there is nothing in the omission of all reference to legislative power that can furnish any argument in favor of this power being intended to be a legislative power. And now, Mr. President, it remains only to inquire what is the nature of this power? Is it an executive power, or is it a legislative power? If it is an executive power, then I insist that the only possible construction that can be put upon this clause of the Constitution is that it was designed to give the power in question to the President. In order to judge of the nature of the power, we must ascertain when it is to be exercised. It is to be exercised only in two cases, rebellion and invasion. First, in case of rebellion—not a mere local sedition, not insurrection only, which is opposition to some particular law, as the whiskey insurrection for instance, but rebellion, which involves the overthrow of the Constitution and Government itself; which is an opposition to all laws. Second, invasion—not merely foreign war, but foreign war accompanied by invasion, the tendency of which, in like manner, would be the overthrow of the Government, Constitution, and laws.

"Now, whose duty is it to preserve the Government, protect the Constitution, and execute the laws? The President, by his oath of office, swears that he will preserve, protect, and defend the Constitution of the United States; and then it is made his duty to 'take care that the laws be faithfully executed.' Rebellion is resistance to these laws. Rebellion is an attempt to overthrow this Constitution and Government. Who, then, is competent to decide whether the exigency has arisen which will justify the suspension of the writ of *habeas corpus?* Who but the President alone? Congress may not be in session. For nine months out of the twelve, every other year, Congress is not in session; and yet the idea is that the framers of this Constitution meant to confer upon that body alone the power of suspending the writ of *habeas corpus.* Suppose Congress were in session, how could that body know whether the exigency had arisen? How could Congress know whether the execution of the laws had been resisted? They would have to depend upon the President for the information upon which they were to act; and then, while a bill for the purpose of suspending the privilege of the writ of *habeas corpus* was making its way through both Houses, every individual engaged in a conspiracy for the overthrow of the Government might be at the distance of a thousand miles from the seat of Government. How utterly impossible, then, would it be for Congress to exercise such a power as this! This power, I admit, is a high, transcendent power. It is a power which ought never to be exercised except upon the most solemn, pressing, and urgent occasions. But, sir, it is a power the exercise of which may be absolutely essential to the very existence of the Government; and in order that it should be efficacious, in order that it should accomplish the end for which it is designed, it must be exercised with the utmost promptitude and vigor. The slightest delay may frustrate entirely the objects sought to be accomplished by it. The idea, then, that a power of this character, which depends for its successful exercise on the utmost possible promptness and alacrity, should be exercised by Congress and not by the President, is a reflection, it seems to me, upon the wisdom of those who framed this instrument; it is an impeachment of their character, which I, for one, am not willing to make."

Mr. Saulsbury, of Delaware, followed on the other side. The positions which he took were that the President had not the power to suspend the privilege of the writ, but that Congress alone had the power. Reviewing the rights of English subjects, and of the American colonists, he inferred that the framers of the Constitution did not intend to abridge their liberties by conferring power upon one man to do so, whenever he should adjudge the public safety should require it.

He thus argued: "Never having known the privilege of suspending a law enacted by the legislative agents of the people, other than as a legislative privilege, it is not to be presumed that they intended it should be otherwise under the system of government which they framed. In order to the existence of this power in the executive, it must be shown positively that the Constitution confers it upon him. Under the Constitution, and independently of it, the citizen is entitled to freedom from imprisonment, unless in accordance with the law of the land. The power to imprison is nowhere in the Constitution given to the President, either for or without cause. He can only execute, not make the law. 'He shall take care that the laws be faithfully executed,' not that they shall not be executed, by reason of his having assumed to suspend their execution; and he shall use all the means necessary and proper, which have been conferred upon him by the Constitution or by Congress, not by means usurped by him independently of the Constitution or act of Congress. He is to use the means given to execute, not make the means with which to execute. Suppose nothing had been said in the Constitution about the suspension of the privilege of the writ of *habeas corpus,* would the President have a right to suspend the writ, which might, nevertheless, have been provided for by act of Congress? Surely

not; and why? Because such act, being the act of the legislature, could only be suspended by an act of legislation. Can the provision of the Constitution that the privilege of the writ, which the Constitution contemplated the Congress would provide, shall not be suspended unless in certain cases, possibly be regarded as conferring a power on the President, and on no one else, to suspend? If the Constitution had been silent in reference to the suspension, Congress might have passed the bill providing for issuing the writ or not, as they deemed proper; and having passed it, they could have repealed or suspended it at pleasure. Does the fact that it is provided that it shall not be suspended unless in case of rebellion or invasion deprive Congress of the power of suspension in the case of invasion and rebellion—the cases where suspension is not prohibited—and confer such power on a coördinate branch of the Government, which, but for those restrictive or prohibitory words, no one contends it would have possessed?

"It will not be denied that in England, Parliament alone can suspend or legalize the denial of the privilege of this writ. But it is contended that here, under our Constitution, the act of suspension is executive in character, and not legislative, The advocates of this view of the question contend, in the language of Mr. Horace Binney, that, 'the power to imprison, and to deny or delay discharge from imprisonment, is an executive power,' and that 'the warrant of arrest, with the order that the party's privilege be denied for a season, is suspension under the Constitution.' Here is the assumption upon which the whole argument is based. Has the President the authority under the Constitution to arrest the citizen for any cause whatever, unless that power is given in the clause relating to the suspension of the privilege of the writ of *habeas corpus?* None whatever; because it is not among the powers conferred upon him in the Constitution, and because it is expressly provided therein that no 'person shall be deprived of his liberty without due process of law.' Due process of law relates to arrest as well as to trial. Arrest cannot be made except upon warrant, supported by affidavit, any more than can conviction be had except upon trial by jury. The suspension of the privilege of the writ relates to a person legally imprisoned, but confers no power to imprison contrary to law. The advocates of executive despotism argue in a circle. Their argument is nothing more nor less than this: the President may arrest because he has power to suspend, and he may suspend because he has power to arrest.

"The support of the hypothesis of the power in the President to suspend, as contended for by Mr. Binney, is assumption, and assumption alone. He assumes not only that 'the power to imprison and to deny or delay a discharge from imprisonment is an executive power,' but necessarily, to make his argument consistent, that this executive power is with the President. The assumption is without warrant, from the fact, as we have seen, that the President is not by the Constitution authorized to arrest any one, the right to arrest being based upon affidavit and warrant, not of mere motion. The power to imprison is only executive in the sense of executing process, and the power to deny or delay discharge rests not in the volition of the person imprisoning, or having the custody of the prisoner, but in the judgment of the judge or court to whom application for release is made as to the sufficiency of the warrant when the privilege of the writ is not suspended. When suspended, the power to delay or deny a discharge rests upon the fact of such suspension by virtue of the rightful authority to suspend. The question, therefore, remains, notwithstanding the assumption of Mr. Binney, who is the depositary of this power? To support his first assumption of the power to suspend in the President, Mr. Binney further assumes that 'all the conditions of the exercise of the power described in the *habeas corpus* clause are of executive cognizance, that is to say, rebellion or invasion, and the requirement of the public safety in time of either.' What is this but assuming what requires proof? The right to determine whether the public safety requires the suspension rests necessarily with the depositary of the power. To assume that the President is to determine this fact is to assume the matter in controversy. 'No legislative act is necessary or proper,' says the same authority, 'to give the cognizance of these facts to the executive.' So to say in reference to the 'requirements of the public safety,' is still to assume, not to prove.

"But to follow the argument. It is said that 'no act of Parliament has ever been passed in England, or has been proposed in Congress, to take away or abridge the executive power in regard to these facts.' Why not? Because no such executive power existed, as is further evidenced from the fact that the acts passed by Parliament, or proposed in Congress, were acts of suspension or proposed suspension by those bodies themselves. If the executive had the power independently of the act of Parliament or Congress, passed or proposed, where was the necessity of passing or proposing such acts? To continue: Mr. Binney says:

> All the acts of Parliament which deprive persons of the right to bail or trial in derogation of the *habeas corpus* act of Charles II. leave this power and discretion to the crown.

"If by the expression, 'leave this power and discretion to the crown,' is meant confer upon or confide to the crown this power and discretion, the phrase is intelligible and argumentative; but if it is thereby meant that these acts of Parliament do not take away this 'power and discretion' from the crown, it is an admission that the 'power and discretion'

are subject to the authority of Parliament to remove them from the crown. If, however, it is meant that the 'power and discretion' remain where they were, notwithstanding the acts of Parliament, the point in controversy is assumed and not proved, and makes the acts of Parliament useless things. Again he says:

> They cannot be taken away by Congress without invading the constitutional limits of the executive office.

"Not if they pertain to the executive office. Do they? This, again, is the point in dispute. Again he says:

> They cannot be given by Congress to the executive without supererogating what the Constitution gives.

"Assumption again, not proof, that the Constitution gives this power to the President.

"Again, says Mr. Binney:

> The power to suspend the privilege of the writ is moreover inseparably connected with rebellion or invasion, with internal war.

"Not at all. For although the privilege cannot be suspended unless there be rebellion or invasion, yet both or either of these may exist, and the suspension be unauthorized. The power to suspend is inseparably connected with the requirement of the public safety in time of rebellion or invasion, and with it alone, for either or both rebellion and invasion may exist, and the public safety not require the suspension. Again he says:

> The direction of such a war is necessarily with the executive. The office cannot be deprived of it. It is the duty of the office, in both its military and civil aspects, to suppress insurrection and repel invasion.

"Granted; but by what means? By those granted by the Constitution and conferred by Congress. Is the power to suspend the privilege of this writ granted by the Constitution? This is the matter in controversy. It must be proved, not assumed. Again, says the same writer:

> The true character of every act of Parliament in this relation, and of the only bill that has ever been proposed in Congress, has been executive, and so it must be.

"If by this is meant that the design of every such bill has been to confer power upon the executive, or those acting under his authority, to detain in custody persons legally arrested, it is true, otherwise it is not. To say that the character of an act of Parliament or of Congress is executive is an absurdity. It can only be legislative. It declares what law is or shall be. It cannot execute either judgment or power. He again remarks:

> The only aspect in which an act of Congress to this effect can be regarded as legislative is as the grant or creation of authority to detain against the writ; but this is supererogation, because the Constitution gives it.

"Again, this is the assumption of the very matter in dispute.

"I have thus far, Mr. President, considered the question, has the President the right to suspend the privilege of the writ of *habeas corpus* as presented in the argument of Mr. Binney, because that argument is the fountain of justification to him, most generally, if not exclusively, relied upon by his friends? It is, in fact, the source from which the honorable senators from Indiana and New Jersey, who have attempted the only legal defence of the executive in this regard during this session, have drawn their materials."

Mr. Collamer, of Vermont, expressed the opinion that no bill should be passed and sent to the President for approval, in which it was necessarily implied that his decision relative to the suspension of the privilege of the *habeas corpus* was wrong. It would be asking him to approve a law which declared that he had done that which he had no authority under the Constitution to do. "Is that common courtesy? Can we get along with the Government in that way?"

He then passed to a consideration of the propositions before the Senate, the first of which was the bill under discussion, and the other a bill from the House, to indemnify the President (see page 241) for suspending the privilege of the *habeas corpus*, and acts done in pursuance thereof. The objections to the first he stated as above; and the latter he regarded as an act of oblivion, such as are passed occasionally by the British Parliament. This he considered as of doubtful constitutionality, and thus proceeded: "Then I may be asked, what would you do? I would not undertake to smother up judicial inquiry at all. I do not think it necessary; neither do I think we have the power to do it, if it was necessary. It may become necessary to regulate judicial proceedings, to adapt them to the occasion which arises, and to furnish the remedies which are needed; but we should not say that a law shall be passed to make that lawful which was unlawful; we should not say in effect: 'Having done a thing which was not authorized by the Constitution, we tell you now that the courts shall never inquire into it all; we are afraid to have it inquired into any way; and they, in relation to the private claims of individuals, shall be ousted of jurisdiction in relation to them entirely.' Sir, in my judgment, that is very bad policy, very bad statesmanship, and of extremely questionable constitutionality.

"Now, Mr. President, I propose that every person sued for any act done under the executive of the United States, by order of the President, during this rebellion, if he is sued in any State court, may, like the citizen in the case just stated, remove that case from the State court into the Circuit Court of the United States. I believe we have a right so to legislate. I have no doubt on that point. In the first place, the occasion now requires that to be done. In the next place, if gentlemen will look at the case of Cohen *vs.* Virginia—the case which settles the construction of the twenty-fifth section of the Judiciary Act—they will find that in the opinion of Judge Story in that case, the court held that the United States, by

legislation, may order, in the first instance, all the cases which may, under the provisions of the Constitution, go into the Circuit Court, to be removed there whenever they are commenced in a State court. It is quite obvious, from the reading of the Constitution, that if you could order one of these forms removed, you could the other. I have a precedent for this. I am not going now merely by my own speculations and conjectures. I have a full precedent for it.

"Now, what is the object of getting a case into the Circuit Court of the United States? Is there any great purpose in it? We cannot but know that these very provisions of the Constitution were intended to be provided for a great occasion of this kind. The Constitution contemplates that the State courts, in great emergencies, and in relation to subjects which concern the Government of the United States, are not safe for the Government of the United States always to trust. Suits may be brought against those who have arrested and imprisoned men under the order of the executive, in various States. They may be brought before a justice of the peace, before a county court, before a circuit court, according to the various provisions of the different States as to their jurisdictions. The great question arises before them, was the President authorized to make the order on which the defendant relies? Did the Constitution authorize it? That is important, not merely to the individuals sued, but to the nation; because it is most clear, as I take it, that if the President and his subordinates, and the individuals to whom his authority has been deputed, have acted in good faith in this period of trial, at least we must indemnify them. We therefore have a pecuniary interest; and thus it becomes quite important to have some sort of check as to the measure of damages that shall be awarded, if the court should find these proceedings to be irregular. According to common-law principles, in such a case, the court should tell the jury, in my humble judgment, if they rejected the man's defence, if he presented the order of the executive under which he acted, and the court should decide that it did not constitute a legal defence, yet, after all, the court should tell the jury: 'If you find that, though this was a mistaken authority, the man acted in good faith, or if there was a probable cause in law for making the arrest, the most you can do is to give the defendant actual damages. You will give no exemplary damages; you will give nothing by way of what is commonly called smart money; you will give nothing for attacks through the individual upon the vitals of the Constitution, or all that. These people have acted in good faith; and if in your verdict you go beyond simply paying the man the damage sustained by him by reason of his confinement for the time he was actually confined, the court will set aside your verdict.' But do we know that these State judges will do this? Have we any good reason to have confidence in their holding over the jury the proper judicial influence to keep them in potent control? I am afraid of them. I do not like to leave our citizens and officers in their hands. I desire that the cases may be carried into our courts, into the United States Circuit Courts, in order to avail the defendants of all the advantages and protections under our Constitution which those courts give."

Mr. Collamer closed by introducing a substitute for the House bill, p. 241, which was referred to the Committee on the Judiciary, p. 256.

On the 27th of January, the Committee on the Judiciary reported this bill with an amendment striking out all after the enacting clause and substituting Mr. Collamer's bill.

Mr. Harris, of New York, moved to amend by inserting the words "civil or criminal," after the word "prosecution."

Mr. Trumbull, of Illinois, suggested numerous objections. He said: "The amendment of the committee which we are considering provides for the transfer of suits, commenced against the officers of the Government who have acted under the authority of the President in making arrests and doing other things during this rebellion, from the State courts in which they may be commenced, into the United States courts. I think that may be done. The amendment proposed by the senator from New York is to extend this to criminal prosecutions. Now, let us take a case. Suppose that a postmaster in the State of Illinois, acting, as he contends, under the authority of the Government, should get into a wrangle and kill a man, if you please; I put an extreme case to test the principle which it is sought to incorporate into this bill. That is an offence against the peace of the people of the State of Illinois; it is no offence against the United States. He is indicted by the grand jury of the proper county of the State of Illinois for murder. He files his petition stating that he was acting under the color of authority derived from the President of the United States through the Postmaster-General; that case is thereupon transferred into the United States court, and it is to proceed there in the same manner as in the State court. When you get it there, can the United States court administer the law of the State of Illinois? It is no offence against any law of the United States for one man to kill another in the State of Illinois, unless it be in the military service; unless it be in a place where the United States have jurisdiction, in some fort or arsenal. Could the United States court go on with the trial and convict him, in case it should turn out that he acted maliciously in the killing; and if convicted, could it sentence him to be hung? Who would have the pardoning power in such a case? Could the President pardon the offender?"

Mr. Harris, of New York, replied: "Mr. President, this power to transfer a cause from a State court to the United States courts, falls within the appellate jurisdiction of the Federal

courts, and since the senator from Illinois has been speaking on this question my eye has rested on the language of Chief-Justice Marshall, as quoted by Judge Story in his Commentaries on this question, and it presents in a very few words an answer to his difficulty. This is the language of Chief-Justice Marshall:

This power of removal is not to be found in express terms in any part of the Constitution; if it be given, it is only given by implication, as a power necessary and proper to carry into effect some express power. The power of removal is certainly not, in strictness of language, an exercise of original jurisdiction; it presupposes an exercise of original jurisdiction to have attached elsewhere.

"In the State courts.

The existence of this power of removal is familiar in courts, acting according to the course of the common law, in criminal as well as in civil cases; and it is exercised before as well as after judgment.

"That is precisely what is proposed here.

But this is always deemed, in both cases, an exercise of appellate, and not of original jurisdiction. If, then, the right of removal be included in the appellate jurisdiction, it is only because it is one mode of exercising that power; and as Congress is not limited by the Constitution to any particular mode, or time of exercising it, it may authorize a removal either before or after judgment.

Mr. Powell, of Kentucky, strongly opposed the amendment, saying: "I hope the amendment of the senator from New York will not prevail. It has been decided by the Supreme Court that no jurisdiction over crimes against the United States has been delegated to the State courts, and by parity of reasoning, it would certainly be held by any enlightened court that crimes committed against the States cannot be transferred to the jurisdiction of the United States courts. The scope and object of this bill is to prevent those who have been injured in their persons and their property from having redress in the courts. It is astonishing to me that so distinguished a senator as the senator from Vermont should ever have produced such a bill. Alfred the Great has received more approval and won more distinction for having brought justice to the door of every Englishman than for fighting a hundred pitched battles. But here, sir, we find the Senate of the United States engaged, by its legislation, in preventing those who have been injured by the minions of power from having redress in the courts of justice; and it is now proposed to insert a clause that criminals who have violated the criminal laws of the country shall have their cases transferred to the courts of the United States. Sir, suppose you do it; you try a man in the Federal court—you convict him. I ask you, if he is tried for an infraction of the criminal laws of a State, has the President of the United States any power to pardon him? None. The Governors of the States alone have the right to pardon for criminal offences against the criminal codes of the States. The amendment of the senator, in my judgment, is clearly unconstitutional."

Mr. Collamer, of Vermont, in answer to Mr. Powell, said: "This bill the senator seems to think is a perfect outrage upon all men's rights. I do not want to argue it, but there is a precedent for it. The case occurred in the days of Mr. Madison. Chief-Justice Marshall says, in relation to these questions over which the United States courts have jurisdiction—that is, questions arising on the construction of the Constitution and the United States laws—that by statute made for that purpose they may be removed into the courts of the United States for their decision."

Mr. Bayard, of Delaware, followed in opposition to the bill: "I believe the honorable senator from New York proposes to insert in the third line of the substitute, after the word 'prosecution,' the words 'civil or criminal.' The effect of that is intended to be, I presume—it certainly will be—the assumption, by the authority of Congress, of the power of removing from a State court the exercise of its criminal jurisdiction. It is perfectly clear, and has been frequently decided, that the criminal laws of the United States cannot be enforced in the State courts; nor can the criminal laws of the State courts be enforced in the courts of the United States. If a party is indicted in a criminal prosecution in a State court for an offence, it must be an offence against the laws of the State. Does this Congress mean to pass a law which shall authorize offences against the laws of the States to be tried in the Circuit Court of the United States on appeal? When I pursue the substitute farther, it seems that it would not only give the power to appeal before trial, but, after judgment in a criminal case, to carry the case into the Circuit Court of the United States to rehear it on the law and the facts.

"Sir, I cannot believe that that is within the intent of the Federal Constitution. I cannot believe it is within your powers in any way whatever. I can easily see that it must lead necessarily to the entire destruction of the power of the States as regards their own criminal jurisprudence. It tends to a system of centralization which must subvert and break down this Government, if carried out."

The substitute was subsequently accepted. Yeas, 27; nays, 15.

The point, however, came up again for discussion under other amendments.

Mr. Browning, of Illinois, said: "Mr. President, I had intended to move to strike out this portion of the bill, with a view to hear the views of senators upon it, from the word 'and,' in the thirty-fourth line, to the word 'court,' in the seventy-second line, inclusive—all that portion of the bill which relates to annulling or avoiding judgments after they shall have been rendered in the State courts. That is going very far. I do not know of any precedent for taking a case from the State courts to the Circuit Court of the United States after it has been tried and judgment pronounced. In a class of cases provided for by the statute upon

the subject, the judiciary law, appeals or writs of error may be taken from the final judgment of the State courts to the Supreme Court of the United States; but this portion of the bill contemplates an abrogation of the judgments of the State courts, or some sort of appeal from the State courts to the Circuit Court of the United States. The portion of the bill which I move to strike out has no connection whatever with, and no pertinence to, the removal of actions that have been commenced and are pending in the State courts, where the defence intended to be made in them may arise under the Constitution or laws of the General Government, or under the authority of the executive head of the General Government; but it relates totally and entirely and exclusively to cases that have been already adjudicated, and in which final judgment has been pronounced. I should like to hear the reasons for that."

Mr. Collamer, of Vermont, stated that the provisions of the bill were copied from the act of 1815. He further said: "It is no innovation at all. It is the reënactment of that act in the very words. The occasion which called for that law was the passage of the non-intercourse law, which had occasioned a great deal of difficulty, and gave rise to claims for suits; but when it was understood that the actions which had been or should be commenced might be carried into the Circuit Court of the United States, they ceased. It was a law of peace."

Mr. Bayard, of Delaware, asked if it applied to "criminal" cases?

Mr. Collamer replied: "It does not use the word 'criminal,' but I have copied the mode of removing causes, word for word, from that act.

"It is provided here, in the first place, that when a man is sued or prosecuted for an act of the kind stated in the bill, he may, at the first term, have it removed to the Circuit Court of the United States. In his application he states that such a question arises; that is, that he acted in the manner charged against him, be it what it may, under the authority of the executive, or under the authority of a law of the United States, under which he claims protection. That is his petition; that is what he states as the cause of the removal; and then he gives bail, and the case is removed. When that case comes before the Circuit Court, if it appears that in point of fact that was not the question which arises in the case, the court will turn the case out, and send him back to the State court.

"Again: suppose a judgment has been rendered before he can get this removal. In that contingency, I have followed the statute which was passed in 1815, for the removal of the case at that stage of the proceedings. That bill provided, then, for carrying it by appeal into the Circuit Court. I have followed all the machinery provided in that law, and I propose to allow the defendant to carry the case to the circuit court of the United States by way of appeal, on the ground that the question arising is his right to be protected under the laws of the United States, or the authority of the executive of the United States. If the case does not contain any such question, the court will say it is improperly brought there, and it will be remitted, remanded to the court from which it came."

Mr. Browning, of Illinois, said: "Now, sir, if judgments have been rendered, if judgments should be rendered before the passage of this bill, there is already provision for prosecuting appeals. The parties may take an appeal from the Circuit Court of the State where the case is tried, and where the judgment is rendered, to the Supreme Court of the State; and there are already provisions existing and means provided for prosecuting an appeal from the judgment of that final tribunal of the State to the Supreme Court of the United States, in the event of any question arising, as I have said, under the Constitution, laws, treaties, or authority of the United States. I think the case is already provided for so as to give the right of appeal. They have the unquestionable right of appeal to their own State tribunal, the court of ultimate resort there; and already the provisions are such, I think, as to warrant the prosecution of an appeal or writ of error from the decision of the ultimate tribunal in the State to the Supreme Court of the United States. I do not feel as if I can go any farther."

Mr. Harris, of New York, replied: "The provision which is now objected to provides that after a trial shall have been had in a State court, either party, not simply the party that is charged with the violation of the law, but either party who shall prove unsuccessful, the plaintiff as well as the defendant, if he shall appeal, may remove the cause to the Federal courts, and have a second trial. I see nothing alarming in that provision; on the contrary, it secures to the unsuccessful party what the legislatures of the different States have thought a beneficial thing, a second trial; and in that, certainly, there can be no harm. Whether the proceeding may be a civil or criminal proceeding, what harm or danger can there be in allowing the unsuccessful party to try the cause over again?"

Mr. Browning said: "I desire only to suggest to the senator from New York that he is mistaken in one of the provisions of the bill, I think. This is not a mutual right; it is a right restricted to one of the parties and denied to the other; for the bill reads:

And provided also, That no such appeal or writ of error shall be allowed in any action or prosecution where final judgment shall have been rendered in favor of the defendant or respondent by the State court.

Mr. Collamer: "That is precisely the same limitation which applies to a writ of error under the twenty-fifth section of the Judiciary Act."

The amendment proposed by Mr. Browning was rejected. Other amendments were proposed and rejected, and the bill was ordered to

a third reading. Mr. Bayard, of Delaware, alone, took the floor to express opposition to its passage. He said: "With the solitary exception of an amendment proposed by the honorable senator from Ohio, which was originally rejected and afterward adopted, there is nothing in the bill which does aught than advance us toward a despotic exercise of power. It refers not only to the past but to the future action of the executive of the United States, and it throws a shield over every act of aggression that he can commit against the rights of an American citizen, and interposes a bar, in point of fact, to the right of recovery against even the individual who is the agent for the purpose of infracting those rights. The Senate, I have no doubt, from the votes already given, will pass this bill. I do not intend to enter into any argument against it further; but I will make this prediction: you may pass this bill, but the public sentiment of the country will not ratify your action. The spirit of civil liberty has been dormant, but it is awakened. Rely upon it. Gentlemen may think me mistaken now, but they will find hereafter that they have committed a blunder, a political blunder, and that is said to be worse than a crime. They will have by the passage of this bill brought the legislative power into accord with the executive, so as to prevent for past action and for future action of the executive any redress on the part of an American citizen, however great the outrage may have been. In my judgment it would have been better to pass the House bill. That is a plain, open, manly defiance of the Federal Constitution. This is more indirect. It is, in some respects, sustainable; but I trust that in others, when it comes to the criterion of the courts, it will be adjudged to be void and of no effect. It is useless to particularize now; but whether it be done under cover of law, and whether it be sustained or not, it is, in my belief, equally true that the passage of the bill is but an advance toward a centralized despotism in this country."

The question being taken by yeas and nays, resulted as follows:

YEAS—Messrs. Anthony, Arnold, Browning, Chandler, Clark, Collamer, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harlan, Harris, Henderson, Hicks, Howard, King, Lane of Indiana, Lane of Kansas, Morrill, Pomeroy, Sherman, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, Willey, Wilmot, and Wilson of Massachusetts—33.

NAYS—Messrs. Bayard, Carlile, McDougall, Powell, Turpie, Wall, and Wilson of Missouri—7.

The bill passed the Senate and went to the House.

In the House, on the 18th of February, the original bill, as amended by the Senate, came up for consideration. Mr. Voorhees, of Indiana, spoke at much length in opposition to it. His views, however, were embraced in these words: "Sir, the bill now before the House has no parallel in the history of this or any other free people. It is entitled 'An act to indemnify the President and other persons for suspending the privilege of the writ of *habeas corpus*, and acts done in pursuance thereof.' But it embraces even more than its startling title would indicate. It gives to the executive and all his subordinates not merely security for crimes committed against the citizen in times past, but confers a license to continue in the future the same unlimited exercise of arbitrary power which has brought disgrace and danger to the country. I propose, to the best of my ability this day, to show that neither indemnity for the past nor impunity for the future can be bestowed on those who have violated, and who propose further to violate, the great and fundamental principles of constitutional liberty."

Mr. May, of Maryland, strongly opposed the bill, saying: "The House bill is a pure, unmitigated product of ideas of republican liberty as manifested by the dominant party of this House. The Senate's amendments claim to draw a sanction from a Democratic precedent. The provisions of the amendment adopted by the Senate, and which is, indeed, a substitute for the original bill, look to the example of the celebrated Force Bill of 1833 to justify it. But, sir, the provisions of the Senate amendment go infinitely beyond the principle asserted by that law.

"The Force Bill adopted in General Jackson's day proposed simply a transfer of jurisdiction from the State to the Federal courts in revenue cases only; in actions brought for some alleged wrong committed in the execution of the revenue laws. The law of 1833 limited the exercise of the right of transferring the case to the period before trial, and there it ceased.

"But here, sir, is a proceeding which gives the right to remove a suit in all that comprehensive class of cases brought to redress wrongs committed 'under color of any authority derived from or exercised by or under the President of the United States,' both before trial and also after judgment. It also gives the strange right of an appeal at once from the State to Federal courts, or, if the party shall prefer it, 'within six months after judgment, by writ of error or other process,' to remove the case from a State to the Federal Circuit Court, there 'to try and determine the facts and the law as if the said case had been there originally commenced;' and provided further, 'that no such appeal or writ of error shall be allowed where the judgment is in favor of the defendant in the State court,' and if 'the plaintiff is nonsuited or judgment passed against him, the defendant shall recover double costs.' These amendments further provide that if the Federal judge shall certify that the defendant had probable cause to act, or acted in good faith, then, notwithstanding the jury have found otherwise and a judgment been recovered by the plaintiff, yet no execution shall issue until after the next ensuing session of Congress; thus striking down in effect the trial by jury in such cases. It is further provided that an appeal shall be allowed to the defendant to

the Supreme Court of the United States, 'whatever may be the amount of the judgment.'

"Am I not authorized, Mr. Speaker, in view of these before unheard-of and most monstrous provisions of a judicial bill, to say that, while proposing to promote justice, it is simply a mean and cunning scheme, designed purposely to frustrate it?

"The measure before us, so far from following the principle of the Force Bill, flagrantly violates it. That Force Bill simply provided for the impartial administration of law by allowing, upon certain prescribed conditions, the transfer of jurisdiction. The principle it asserted was supremacy of law. It transferred only such suits as were brought to question the execution of a law. Its language is 'for acts done under the revenue laws of the United States or under color thereof.'

"But here the monstrous power is asserted of justifying the acts of the executive power committed against law. The mere arbitrary will of the President, or his agents 'acting under color of his authority,' and despoiling the citizen of his constitutional rights, is now for the first time to be vindicated and approved by Congress, that ought to feel insulted and outraged by such a proposition.

"I need hardly add, sir, that I shall vote against these measures."

An extended debate followed on the policy of the Government, at the close of which, the amendment of the Senate was not concurred in, and a committee of conference was appointed by the House.

On the 27th of February, the Committee of Conference, in the House, reported an agreement that the Senate recede from their amendment, and approve of the House bill, with some amendments. The consideration of the report was postponed to March 2d.

In the Senate a similar report was made by the Committee of Conference on the 2d of March, and the bill was debated through a portion of the ensuing night.

Mr. Powell, of Kentucky, having the floor, yielded it to Mr. Cowan, who wished to ask of him a question.

Mr. Cowan, of Pennsylvania, said: "I ask whether it is possible that the legislature can deny the privilege of the writ of *habeas corpus* to any one; whether from the very nature of the thing, *ex necessitate rei*, it does not follow that the legislature must delegate to somebody the right to deny the privilege, whether it be the party arresting, whether it be the judge who issues the writ, or whether it be the custodian in whose keeping the prisoner is? It is not possible that the legislature, in my humble judgment, could say that the privilege shall be denied in this case, or in that case, or in any other case, because that would require them to legislate in particular cases; but are they not obliged when they suspend the writ to declare that somebody, either executive or judicial in his functions, shall have the power in his hands to deny the privilege? It may be, I see nothing improbable in it, that they should delegate to the judges the power to determine who should be denied the privilege and who should not, or they may delegate it to the President. But even admitting that it is their function to declare when the contingency shall happen that the writ shall be suspended, still I ask if it does not follow, and follow inevitably, that either the judicial officer or the ministerial officer shall apply the law to the exigency declared by the legislature?"

Mr. Powell replied: "I will answer the senator's question with great pleasure. If Congress, in obedience to the power vested in it by the Constitution, should suspend the writ of *habeas corpus*, there can be no doubt that the judiciary would obey the law. If you were to pass such a law, it would be the duty of the executive to see that the law, like every other, was faithfully executed. That would be all the President would have to do with the matter."

Mr. Cowan again asked: "Mr. President, allow me to request the attention of my learned friend to the phrase in the Constitution. I admit that if the writ of *habeas corpus* were to be suspended, the power would be delegated to the judge to say when he should refuse the writ; but upon referring to the Constitution, it will be found that the writ is not to be suspended, but it is the privilege of the writ which is to be suspended. Now, what is the privilege? The privilege is that great right which inheres as a prerogative to every citizen to be discharged upon bail, or to be delivered over to the civil magistrate to be tried, and that privilege is in the hands of his custodian, not in the hands of the judge. As I understand it, in this republic, the writ can never be suspended. That is not the language of the Constitution. The writ must always issue; but the privilege may be suspended, that is, the right to be delivered over under the writ, or to be delivered upon bail, or to be discharged. Now, then, the privilege only being suspended, in whose hands is that privilege? Not in the judge's, certainly. The judge has the writ; he grants the writ; but it is upon the return of the writ that the privilege comes in question, and it is a question upon that return whether the petitioner, the complainant, is entitled to the privilege. If the privilege is suspended *pro hac vice*, for that turn, as to him, then I think it could properly be delegated to the executive to suspend it, or in other words, to his custodian."

Mr. Powell replied: "I do not concede that the language of the Constitution justifies the senator in his construction. That language is this: 'The privilege of the writ of *habeas corpus* shall not be suspended unless when in cases of rebellion or invasion the public service may require it.' Who has the privilege of the writ? Every person who is deprived of his liberty. To whom does he apply for the writ? To the judges, the judiciary; not to the executive. If

you suspend the privilege, and an individual should make application to the judge, the law being suspended, the judge would not grant him the privilege of the writ. That is the way I construe it. Certainly the executive has nothing to do with it. When you put your law upon the statute book suspending the privilege of the writ of *habeas corpus*, it is the duty of the executive to see that, as every other law, faithfully executed. Apart from that the President has nothing to do with the writ of *habeas corpus*."

Mr. Cowan: "Mr. President, is it not in the breast of the custodian? Even suppose the privilege be suspended, is it not in his breast to waive the statute? Could he not come forward, and bring the body of the prisoner, and say to the judge, 'Here he is; dispose of him as you see proper; I will abide your judgment;' showing that the privilege is in his hands, the privilege under the law? But if he deny the privilege, if he refuse to obey the mandate of the writ, that is what I understand in the privilege being suspended, not the writ. The writ issues, because *non constat* that the custodian may not agree to deliver upon the writ, and the writ must be issued in order to know whether he chooses to avail himself of the suspension by the statute, because it is not in all cases to be suspended. Nobody would pretend, I suppose, that the privilege was to be suspended in all cases. It is only in such cases as affect the matter in hand; that is, the rebellion or the invasion, or in such cases as would endanger the public safety. Of that the legislature judge. They judge of the general contingency, and the custodian judges of the particular one."

Mr. Powell: "When Congress suspends the privilege of the writ of *habeas corpus*, it deprives the party of the privilege of that writ. Who are to administer the laws? The judges. When a man applies to a judge for the writ, the judge cannot grant it, if the privilege is suspended by law. He will say, 'No, sir, the law allowing you the privilege of that writ'—for he only has the privilege by virtue of the law —'is necessarily suspended; Congress having suspended the privilege of the writ, we must deny you that privilege which you had before that action of Congress.'

"But the honorable senator thinks it cannot be done in all cases. I had supposed that no legislative body on the earth would ever attempt to suspend it in all cases, or to authorize anybody else to do so; but if the senator will look at this bill closely, he will find that it proposes to allow the President to suspend the writ in all cases. The language is, 'the President of the United States, whenever in his judgment the public safety may require it, is authorized to suspend the privilege of the writ of *habeas corpus* in any case throughout the United States or any part thereof.' The power conferred upon the executive by this bill is not confined to a class of cases which may arise in the country in its present disturbed condition, such a class of cases as would endanger the public safety. If this bill should become a law, and shall be held to be constitutional, it will allow the President to suspend the writ in any case whatever, whether a party be charged with treasonable practices, with aiding or abetting the enemy, or with petty larceny, or any description of theft. 'In any case,' is the language. There is no limitation upon it. If this bill pass and shall be held to be constitutional, it will authorize the President to suspend it in the case of a parent who applies for the writ to relieve his infant child from the custody of another. He may suspend it in the case of a man charged with petty or grand larceny, or with manslaughter, murder, or any other offence known to the law, as well as for treason, or aiding or abetting the enemy. The senator from Pennyslvania thinks nobody would think of suspending it in all cases. Here it is proposed to clothe the executive with the power to suspend it 'in any case,' and consequently he can carry it to all cases. This is the startling power you propose to confer upon the executive. What, sir, if a member of the Senate should be arrested upon any charge, or committed to jail, without having committed any offence, upon suspicion, the President could say upon that suspicion, 'That is a case, and as to it I will suspend the writ of *habeas corpus*.' Sir, I think there never was before an attempt to confer such a power on any magistrate by law.

"Mr. President, I do not regard this matter of the *habeas corpus* so lightly as some others. I do not believe that the writ of *habeas corpus* should ever be suspended where your courts are open, and where you have virtuous and upright judges. I think the danger to the liberty of the citizen is much more than the danger to the public liberties, provided the courts are upright, honest, and just, and are open. If you arrest a man and he is released, if he does anything wrong you can arrest him again."

Mr. Cowan further said: "The language of the Constitution is somewhat peculiar as well as precise; it does not warrant the suspension of the laws relating to writs of *habeas corpus*, therefore those laws remain intact just as before in every State of the Union, not to be repealed or suspended under any circumstances, even in cases of rebellion or invasion. Nor is it said that the writ can be suspended. No judge or court having jurisdiction dare refuse it to the suit of the citizen; it must issue in all cases, and at all events, when it is properly demanded. It can hardly ever happen that it would be either necessary or proper to suspend the writ of *habeas corpus*, because if the invasion or rebellion has left either courts or judges to issue the writ, there will always be many cases properly within their cognizance and jurisdiction. The writ must then issue in order that the return may indicate to the judges whether or not the person claiming the privilege is or is not

of the class to which it ought to be denied. As, for instance, if it were determined that the public safety required that persons charged with political offences alone should not be delivered upon the writ, it could only be known on the return of the writ whether the complainant was held for such an offence or not. Hence the bill under consideration provides that if the officer having the custody returns that he holds the prisoners by order of the President, the privilege is denied, but without this return the proceedings remain just as before.

"But it is distinctly provided that the 'privilege of the writ of *habeas corpus* shall not be suspended except in cases of rebellion or invasion, when the public safety may require it;' thus declaring, by way of exception, that in such cases the privilege may be suspended.

"The law remains undisturbed. The writ issues in all cases, but the privilege of it may be suspended. What is that privilege? It is the right which belongs privily and personally to every man arrested and detained of his liberty, to be either freely discharged, or in case he is charged with an offence, that he be delivered over to the proper judicial tribunal to be tried for the same according to law. These distinctions may be thought too refined, still they result from the language used; and there are besides many good and valid reasons why they should be preserved.

"Now, we can readily conceive a state of things when it would be perfectly proper to allow this privilege to one man, and yet, strange as it may seem, to deny it to another. A man charged with murder might insist upon it, while one charged with treason could not. The civil tribunals might, even in times of civil war, give to the first a fair and impartial trial, while at the same time to allow them to try the second for treason would be a mere mockery, resulting in his acquittal or conviction, not according to the evidence, but according as the court and jury were affected for or against his cause."

The debate was further continued until a late hour by Messrs. Powell, Cowan, Grimes, Bayard, &c., when the question of concurring in the report was taken without calling the yeas and nays. On the next day a discussion took place on these proceedings, and it was urged that the vote was taken at a time when a member had yielded the floor only to a motion to adjourn. It was finally agreed that a motion should be made to reconsider, and that the vote on this motion should be regarded as a test vote on the adoption of the report.

The vote was as follows:

YEAS—Messrs. Bayard, Carlile, Davis, Henderson, Latham, Nesmith, Powell, Rice, Richardson, Saulsbury, Turpie, Willey, and Wilson of Missouri—13.

NAYS—Messrs. Anthony, Chandler, Clark, Dixon, Doolittle, Foster, Grimes, Harlan, Harris, Hicks, Howard, Howe, King, Lane of Indiana, Lane of Kansas, Morrill, Pomeroy, Sherman, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, Wilmot, and Wilson of Massachusetts—25.

The following is the bill as it passed:

An Act relating to Habeas Corpus, and regulating Judicial proceedings in certain cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, during the present rebellion, the President of the United States, whenever, in his judgment, the public safely may require it, is authorized to suspend the privilege of the writ of *habeas corpus* in any case throughout the United States, or any part thereof. And whenever and wherever the said privilege shall be suspended, as aforesaid, no military or other officer shall be compelled, in answer to any writ of *habeas corpus*, to return the body of any person or persons detained by him by authority of the President; but upon the certificate, under oath, of the officer having charge of any one so detained that such person is detained by him as a prisoner under authority of the President, further proceedings under the writ of *habeas corpus* shall be suspended by the judge or court having issued the said writ, so long as said suspension by the President shall remain in force, and said rebellion continue.

SEC. 2. *And be it further enacted*, That the Secretary of State and the Secretary of War be, and they are hereby, directed, as soon as may be practicable, to furnish to the judges of the circuit and district courts of the United States and of the District of Columbia a list of the names of all persons, citizens of States in which the administration of the laws has continued unimpaired in the said Federal courts, who are now, or may hereafter be, held as prisoners of the United States, by order or authority of the President of the United States or either of said Secretaries, in any fort, arsenal, or other place, as state or political prisoners, or otherwise than as prisoners of war; the said list to contain the names of all those who reside in the respective jurisdictions of said judges, or who may be deemed by the said Secretaries, or either of them, to have violated any law of the United States in any of said jurisdictions, and also the date of each arrest; the Secretary of State to furnish a list of such persons as are imprisoned by the order or authority of the President, acting through the State Department; and the Secretary of War a list of such as are imprisoned by the order or authority of the President, acting through the Department of War. And in all cases where a grand jury, having attended any of said courts having jurisdiction in the premises, after the passage of this act, and after the furnishing of said list, as aforesaid, has terminated its session without finding an indictment or presentment or other proceeding against any such person, it shall be the duty of the judge of said court forthwith to make an order that any such prisoner desiring a discharge from said imprisonment be brought before him to be discharged; and every officer of the United States having custody of such prisoner is hereby directed immediately to obey and execute said judge's order; and in case he shall delay or refuse so to do, he shall be subject to an indictment for a misdemeanor, and be punished by a fine of not less than five hundred dollars and imprisonment in the common jail for a period of not less than six months, in the discretion of the court: *Provided, however*, That no person shall be discharged by virtue of the provisions of this act until after he or she shall have taken an oath of allegiance to the Government of the United States, and to support the Constitution thereof; and that he or she will not hereafter in any way encourage or give aid and comfort to the present rebellion, or the supporters thereof: *And provided, also*, That the judge or court before whom such person may be brought, before discharging him or her from imprisonment, shall have power, on examination of the case, and, if the public safety shall require it, shall be required to cause him or her to enter into recognizance, with or without surety, in a sum to be fixed by said judge or court, to keep the peace and be of good behavior toward the United States and its citizens, and from time to time, and at such times as such judge or court may direct, appear before said judge or court

to be further dealt with, according to law, as the circumstances may require. And it shall be the duty of the district attorney of the United States to attend such examination before the judge.

Sec. 3. *And be it further enacted*, That in case any of such prisoners shall be under indictment or presentment for any offence against the laws of the United States, and by existing laws bail or a recognizance may be taken for the appearance for trial of such person, it shall be the duty of said judge at once to discharge such person upon bail or recognizance for trial as aforesaid. And in case the said Secretaries of State and War shall for any reason refuse or omit to furnish the said list of persons held as prisoners as aforesaid at the time of the passage of this act within twenty days thereafter, and of such persons as hereafter may be arrested within twenty days from the time of the arrest, any citizen may, after a grand jury shall have terminated its session without finding an indictment or presentment, as provided in the second section of this act, by a petition alleging the facts aforesaid touching any of the persons so as aforesaid imprisoned, supported by the oath of such petitioner, or any other credible person, obtain and be entitled to have the said judge's order to discharge such prisoner on the same terms and conditions prescribed in the second section of this act: *Provided, however*, That the said judge shall be satisfied such allegations are true.

Sec. 4. *And be it further enacted*, That any order of the President, or under his authority, made at any time during the existence of the present rebellion, shall be a defence in all courts to any action or prosecution, civil or criminal, pending, or to be commenced, for any search, seizure, arrest, or imprisonment, made, done, or committed, or acts omitted to be done, under and by virtue of such order, or under color of any law of Congress, and such defence may be made by special plea or under the general issue.

Sec. 5. *And be it further enacted*, That if any suit or prosecution, civil or criminal, has been or shall be commenced in any State court against any officer, civil or military, or against any other person, for any arrest or imprisonment made, or other trespasses or wrongs done or committed, or any act omitted to be done, at any time during the present rebellion, by virtue or under color of any authority derived from or exercised by or under the President of the United States, or any act of Congress, and the defendant shall, at the time of entering his appearance in such court, or if such appearance shall have been entered before the passage of this act, then at the next session of the court in which such suit or prosecution is pending, file a petition, stating the facts and verified by affidavit, for the removal of the cause for trial at the next circuit court of the United States to be holden in the district where the suit is pending, and offer good and sufficient surety for his filing in such court, on the first day of its session, copies of such process and other proceedings against him, and also for his appearing in such court and entering special bail in the cause, if special bail was originally required therein. It shall then be the duty of the State court to accept the surety and proceed no farther in the cause or prosecution, and the bail that shall have been originally taken shall be discharged. And such copies being filed as aforesaid in such court of the United States, the cause shall proceed therein in the same manner as if it had been brought in said court by original process, whatever may be the amount in dispute or the damages claimed, or whatever the citizenship of the parties, any former law to the contrary notwithstanding. And any attachment of the goods or estate of the defendant by the original process shall hold the goods or estate so attached to answer the final judgment in the same manner as by the laws of such State they would have been holden to answer the final judgment had it been rendered in the court in which the suit or prosecution was commenced. And it shall be lawful in any such action or prosecution which may be now pending, or hereafter commenced, before any State court whatever, for any cause aforesaid, after final judgment, for either party to remove and transfer, by appeal, such case during the session or term of said court at which the same shall have taken place, from such court to the next circuit court of the United States to be held in the district in which such appeal shall be taken, in manner aforesaid. And it shall be the duty of the person taking such appeal to produce and file in the said circuit court attested copies of the process, proceedings, and judgment in such cause; and it shall also be competent for either party, within six months after the rendition of a judgment in any such cause, by writ of error or other process, to remove the same to the circuit court of the United States of that district in which such judgment shall have been rendered; and the said circuit court shall thereupon proceed to try and determine the facts and the law in such action, in the same manner as if the same had been there originally commenced, the judgment in such case notwithstanding. And any bail which may have been taken, or property attached, shall be holden on the final judgment of the said circuit court in such action, in the same manner as if no such removal and transfer had been made, as aforesaid. And the State court, from which any such action, civil or criminal, may be removed and transferred as aforesaid, upon the parties giving good and sufficient security for the prosecution thereof, shall allow the same to be removed and transferred, and proceed no farther in the case: *Provided, however*, That if the party aforesaid shall fail duly to enter the removal and transfer, as aforesaid, in the circuit court of the United States, agreeably to this act, the State court, by which judgment shall have been rendered, and from which the transfer and removal shall have been made, as aforesaid, shall be authorized, on motion for that purpose, to issue execution, and to carry into effect any such judgment, the same as if no such removal and transfer had been made: *And provided also*, That no such appeal or writ of error shall be allowed in any criminal action or prosecution where final judgment shall have been rendered in favor of the defendant or respondent by the State court. And if in any suit hereafter commenced the plaintiff is nonsuited or judgment pass against him, the defendant shall recover double costs.

Sec. 6. *And be it further enacted*, That any suit or prosecution described in this act, in which final judgment may be rendered in the circuit court, may be carried by writ of error to the Supreme Court, whatever may be the amount of said judgment.

Sec. 7. *And be it further enacted*, That no suit or prosecution, civil or criminal, shall be maintained for any arrest or imprisonment made, or other trespasses or wrongs done or committed, or act omitted to be done, at any time during the present rebellion, by virtue or under color of any authority derived from or exercised by or under the President of the United States, or by or under any act of Congress, unless the same shall have been commenced within two years next after such arrest, imprisonment, trespass, or wrong may have been done or committed or act may have been omitted to be done: *Provided*, That in no case shall the limitation herein provided commence to run until the passage of this act, so that no party shall, by virtue of this act, be debarred of his remedy by suit or prosecution until two years from and after the passage of this act.

Approved, *March* 3, 1863.

In the Senate, on the 19th of February, the bill for the discharge of state prisoners and others was considered. Mr. Trumbull, of Illinois, offered a substitute for the whole bill, when Mr. Carlile, of Virginia, offered an amendment in the form of a substitute for the substitute.

Mr. Carlile, of Virginia, thus explained his amendment: "Under the provisions of the substitute which I have offered, every arrest

that is made by the President's authority must be made under and by virtue of a precept issued by him, and that, as a necessary consequence, would, even in the rebellious States, call the attention of the President to the name, at least, of the party to be arrested, and would probably lead to an inquiry as to the cause of arrest; but under the provisions of the bill, and under the provisions of the substitute of the senator from Illinois, arrests are to be made by the Secretary of War, or by his order, or by the order of the Secretary of State, with no process issuing directly from the President, and nothing that can be made a matter of record going to show why an arrest has been made.

"I believe that greater opposition has been made, and that opposition has been more effectual, to the party in power because of the exercise of this arbitary and despotic power of arrest than because of any other act that has been committed by the Administration. The loyal citizen is laboring for the maintenance of the Union, because of the value of the constitutional rights which that Union has secured to him; but if you take from him this right to personal liberty, this right to be protected in that personal liberty, and not be deprived of it without due process of law, and without an opportunity of knowing the charge upon which he is confined and for which he is said to have forfeited his liberty, will you not make that Government, instead of an object of love, an object of hate?"

Mr. Trumbull, of Illinois, followed and thus explained his amendment: "Although the immediate question is between the bill proposed by the senator from Virginia and the substitute which I have offered, I will state as briefly as I can what the provisions of the substitute offered by me are, and wherein they differ from the bill which has passed the House of Representatives. The House of Representatives passed a bill, the first two sections of which provided for the discharge of political prisoners, persons now in confinement by authority of the Secretary of War or the Secretary of State for what are called political offences. The third section provided for the suspension of the writ of *habeas corpus*. The substitute which I have proposed alters the numbers of the sections. It seemed to me a little more appropriate to provide in the first section for the suspension of the writ of *habeas corpus*, and in the other sections for the discharge of the persons who might be arrested. There is no importance in that. It is no matter whether it is the first or the third section; but as I deemed it advisable to rewrite the bill which passed the House of Representatives, the second and third sections being, as I thought, somewhat confused and not very clear, and desiring some amendments, I rewrote them. There is no substantial difference between the substitute I have offered and the bill which passed the House of Representatives, in the first and second sections, corresponding with the second and third sections of the substitute. There is a substantial difference between the first section, as I propose it, and the third section of the House bill. The third section of the House bill authorized the President of the United States to suspend the writ of *habeas corpus* until the meeting of Congress. The substitute that I propose authorizes him to suspend the writ of *habeas corpus* throughout the United States, or any part of it, at any time during the existing rebellion; and that is the difference between the two. The House bill limited the suspension until Congress should meet. The substitute I propose authorizes the suspension wherever the President, by proclamation, shall declare the writ suspended, so long as the proclamation continues in force and the rebellion exists.

"Under this first section, persons arrested, when the writ of *habeas corpus* is suspended, of course cannot be discharged by virtue of the writ of *habeas corpus;* but the second and third sections provide for the discharge of those persons. They are not to be taken and held indefinitely, without knowing for what and why; but the second and third sections make it the duty of the Secretary of State and the Secretary of War, immediately upon the passage of the bill, to furnish the judge in each district where the parties reside, or where they may be charged with the commission of an offence, with a list of their names. They are to be laid before the grand jury; and whenever a grand jury shall have assembled in the proper district, and shall have adjourned without finding an indictment or making a presentment of any kind against the party who has been imprisoned, it is made the duty of the judge forthwith to issue an order discharging the prisoner from arrest, and any person resisting that order is to be punished by fine and imprisonment. The judge, however, before discharging the prisoner from arrest, is to take from him an oath of allegiance to the country and to the Constitution of the United States, and is authorized also, if on examination of the facts he deems it advisable, and if the public safety shall seem to demand it, to take from the prisoner a bond conditioned that he will keep the peace toward the United States, and appear from time to time to answer in the court as the court shall direct."

Mr. Doolittle, of Wisconsin, said: "Whether the power is derived from the Constitution or derived from the act of Congress to suspend the writ, it is the best policy to have it declared by Congress that the power exists either under the Constitution or under the act of Congress; and I will state my reason for this opinion. We know very well that the people of the United States are so familar with these terms, "be it enacted," which are used in the passage of laws by their representatives, whom they have chosen, who speak their own

voice, who legislate for them, who declare the popular will, which, as our ancestors maintained, is to them the voice of God, that they submit to an enactment, passed by their representatives, commencing "be it enacted," as the Israelites of old would submit to a "thus saith the Lord." But, sir, when a thing is assumed to be done by the order of any one individual, the Secretary of War or the President, their jealousy of despotic power exercised by an individual is such, that although he may be acting within his clear constitutional power, the people, perhaps, are less likely to acquiesce in an order of the War Department or an order of the President than they are to acquiesce in an enactment of Congress."

Mr. Bayard, of Delaware, opposed the delegation of power to the President, thus: "I suppose this bill does give the power if you can delegate it in this way. If the power exists, certainly those who claim that the power exists in the executive are only making a reflection upon him if they undertake to grant him the power. I suppose this bill does give the power if you can grant it to him. Then comes this objection: can you delegate the legislative authority of this nation to the executive, to be determined upon his discretion and not upon yours? Let those who believe that the power to suspend the privilege of the writ of *habeas corpus* is vested in the legislative power reconcile it to themselves, if they can, that they can dispense with their own judgment as to whether the public safety requires that the writ should be suspended, and can delegate that power of legislation, founded on an act of high discretion, to the executive of the nation. Why, sir, you might just as well delegate to him the power to make any appropriations out of the Treasury he saw fit. You might as well delegate to him all your powers of legislation and abdicate your seats in Congress, and do what this and other bills you have passed will do—create a single despotic government in this country. Do it, and in terms you abandon legislation."

Mr. Powell, of Kentucky, said: "Of the two propositions, I favor the one of the senator from Virginia, and I will assign to the Senate very briefly the reasons why I prefer the proposition of the senator from Virginia. The proposition of the senator from Virginia requires that no citizen of the United States during the existence of these troubles shall be arrested except upon oath or affirmation of a loyal citizen of the United States. It further requires that any citizen who may be deprived of his liberty by being arrested shall have the privilege of the writ of *habeas corpus*, in order to have the facts concerning the arrests judicially investigated. The proposition of the senator from Illinois is widely different. The amendment proposed by the senator from Illinois, which is offered in lieu of the original bill, authorizes the President of the United States to suspend the writ of *habeas corpus* in all cases of political offences. I would ask the learned senator to define what he calls a political offence. There is no definition. You leave it to the discretion of the executive to say what a political offence is. We know that since these unhappy difficulties have existed in this country, persons have been seized in every part of the country upon charge of political offences, and that those offences have been, perhaps, as variant as the names of the persons seized."

Mr. Trumbull, of Illinois, replied: "The senator from Kentucky objects that the bill declares that the President of the United States shall have authority by proclamation to suspend the 'privileges of the writ of *habeas corpus* in all cases of political offences.' He says the term 'political offences' is not a technical term, it has no fixed and definite meaning, and that it is uncertain what it does mean; and he asks, who is to decide what is meant by 'political offences?' Are you to leave it to the President to decide at his discretion? And he thinks this is monstrous. Now, I will compromise with the senator from Kentucky, who is in favor of compromise, and I will strike out of the bill the words, 'in all cases of political offences,' and then the President will be authorized to suspend the writ of *habeas corpus* whenever, in his judgment, the public safety requires it during this rebellion, everywhere and for all offences."

After a considerable debate on political issues, the amendment was adopted, and the bill passed as follows:

YEAS—Messrs. Anthony, Chandler, Clark, Collamer, Doolittle, Fessenden, Foot, Foster, Grimes, Harlan, Harris, Hicks, Howe, King, Lane of Kansas, Morrill, Pomeroy, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, Wilmot, and Wilson of Massachusets—24.

NAYS—Messrs. Carlile, Henderson, Kennedy, Lane of Indiana, Latham, Powell, Rice, Richardson, Saulsbury, Turpie, Wall, Willey, and Wilson of Missouri—13.

This bill was reported to the House, and finally laid aside, as having been provided for by the report of the Committee on Conference, above stated, which had been adopted.

In the Senate, on the 22d of December, Mr. Saulsbury offered the following resolution:

Resolved, That the Secretary of War be, and is hereby directed to inform the Senate whether armed soldiers were sent into the State of Delaware, to be present at the polls on the 4th day of November last, the day of general election in said State; and if so, by whose orders, upon whose application, the necessity, if any, for their being so sent, for what purpose they were sent, to what places by name they were sent, how many were sent, how many to each of such places, the names of the regiments or companies sent, the names of the officers commanding such regiments and companies; and whether any, and, if so, how many provost marshals were or have been appointed, and at what places, in said State, with their names, the necessity, if any, for their appointment, and the powers conferred upon them; and that he communicate to the Senate all papers and orders in his Department relating to the sending of such soldiers into said State.

Mr. Saulsbury, of Delaware, said: "Sir, in a State where everything was perfectly calm and quiet, where there had been no attempt since the commencement of this revolution to take sides with the States in revolt, military were sent on the day of the general election to every voting place in the two lower counties of that State except two. I state to the Senate and to the country what I know to be true, and what I can prove, that peaceable citizens were arrested on the day of the election, and incarcerated in the common jail of the county, at one place; that at another voting place, peaceable citizens, who were making no disturbance, doing nothing illegal or improper, were arrested and placed in confinement in a room; that at another place, peaceable citizens, before they arrived on the ground, before they had done or said anything on the election ground, were taken from their wagons and fastened up in a house, and some of them deprived of their right to vote. I state another fact which can be proved: at another voting place, persons were intimidated from voting, and others were assaulted. At some voting places the inspectors of the election were compelled to take what they believed to be illegal votes; at other voting places, persons having a clear legal right to vote were prevented from voting by the military.

"Now, sir, I do not say that the General Government desires this to be done. Gen. Wool left his headquarters, went to the town of Seaford, in my State, and stayed there until after the election. I believe, as far as Gen. Wool was concerned, and as far as the election was concerned at that place, there was very little wrong done—nothing further than what would be the natural effect of having soldiers at a poll, the natural intimidation which it occasioned. I will state also that where there were regular soldiers, under officers of character, there was not generally so much wrong done as at other places. But, sir, where Maryland home guards were stationed, outrages of a gross character were committed upon our citizens. I want to know—and that is the object of this resolution—what were the reasons for the sending of these men into the State of Delaware; what representations have been made to the General Government."

Mr. Bayard, of Delaware, said: "I hope the resolution will be adopted. I do not desire to debate it; but I desire the information. I think we are entitled to it. The Government of the United States having sent into the State of Delaware, under the command of a major-general of the army of the United States, some three thousand troops, on the day before the election, and distributed them throughout the State—a State which has at no time whatever, either by her position, her course of conduct, or the action of her people, offered any resistance to the authority of the United States—we have a right to know the reasons for such actions. It may be, and probably it will be shown, that some of our own citizens, in the heat of political excitement and partisan resentment, have made improper, erroneous, and false statements to the Secretary of War. If that is so, we have a right to know it. We have a right to know who those recreant sons of Delaware are. The people of Delaware have a right to know who it was that thus attempted to cause civil strife and military rule to be established in the State."

Mr. Sumner, of Massachusetts: "I think it were better that the resolution should be passed over; and I therefore move that it lie upon the table."

Mr. Anthony, of Rhode Island, said: "Will the senator from Massachusetts withdraw that motion for a moment? I was going to suggest that the resolution be referred to the Committee on Military Affairs."

Mr. Sumner: "I have no objection to that."

Mr. Anthony: "I have no objection at all to the information asked for being obtained; I desire that it should be laid before the country; but I think the resolution is not expressed in such felicitous language as the senator from Delaware usually employs. It seems to charge all the matter that is to be inquired into upon the Secretary of War, and the particularity of the inquiries seems to imply that unless he is pinned down to the exact point, he is going to evade the inquiry. I do not think it is respectful or proper. I would prefer that a resolution should be offered inquiring generally into the matter; and if the Secretary should not reply fully, then we should know, what the resolution now seems to assume, that he does not mean to answer the inquiry?"

Mr. Saulsbury, in reply, said: "Mr. President, I offer this resolution asking information of the Secretary of War. The proposition now is to refer a resolution asking for information from the Secretary of War to the Committee on Military Affairs. Can the Committee on Military Affairs give the information? How can you refer a resolution of inquiry, directed to the Secretary of War, to the Committee on Military Affairs? It is not to be supposed that they are the persons who have sent soldiers into the State of Delaware. I would prefer, and I say so frankly to the Senate, if they think we ought not to be furnished with this information, that they meet the question fairly and vote the resolution down."

Mr. Grimes, of Iowa, followed, saying: "It seems to me that a part of the information sought for in this resolution is manifestly improper. It not only inquires of the Secretary of War whether he has done this thing, but it requires an inquisition as to who instituted these proceedings, who made the representations to the Secretary of War that induced him to take this official action, if he did take it. It is manifestly improper for us to go into any such inquiry as that. Does the senator desire to lay the basis here, or to furnish the testimony for any number of judicial investigations,

for private prosecutions and personal collisions, in the State of Delaware? Does he not see (if I apprehend the state of public sentiment in Delaware) that such must be the case, if it be true that armed men were sent into the State of Delaware upon the advice and recommendation of some of the citizens of Delaware? I am perfectly content to ask the Secretary of War whether or not he did send men into the State of Delaware to attend the polls; but I am not going into any such private inquisition as is proposed by the resolution, and ask the Secretary to inform me upon whose instance it was done, whether upon the recommendation of this senator or that senator. If we establish a rule that we shall do this, and go on and inquire of each head of a department upon whose recommendation he does this act and that act, we shall have no end to these inquiries."

Mr. Bayard, in reply, said: "We do not want to inquire into the fact of whether the army was sent there and whether they were distributed at the polls—that is notorious; but we want the reasons which justify an act which certainly is an infraction of the rights of the people of Delaware, and an infraction which, carried out in other States—I am not speaking of what the design was, for I do not know what the grounds were; I want to know—would enable any existing Administration to keep itself in power and control the Government of this country just as long as it had the military force to do so. That would be the effect of submitting to such action. I want to know the grounds and the reasons, to see whether there was any justification for this action. It is not, as the honorable senator from Iowa supposes, with any desire for judicial inquiry against individuals there; nothing of the kind. It would not be evidence for the purpose of subjecting them to judicial inquiry."

In the House, on the 8th of January, the appropriation bill being under consideration, an amendment was offered to add to the clause "for compensation of thirty-three commissioners, at $3,000 each, and eleven clerks, at $1,200 each, $112,200," the following proviso:

Provided, A sufficient sum shall be collected in the insurrectionary States to pay said salaries: *And provided further*, That no greater sum shall at any time be paid to said commissioners, or to any of them, than shall have been collected from the taxes in the insurrectionary States, and paid into the Treasury of the United States.

The discussion which followed brought out an expression of views relative to the position of the seceded States under the Federal Government. Mr. Stevens, of Pennsylvania, in the course of his remarks said: "I did say, sir, that I find no warrant in the Constitution for the admission, under the Constitution, of West Virginia. I do not know whether the gentleman from Kentucky voted for that bill or not."

Mr. Dunlap: "I will say to the gentleman from Pennsylvania that I voted against the bill, because I deemed it unconstitutional."

Mr. Stevens: "Then the gentleman voted against it upon the same opinion I expressed, that it was unconstitutional. But I went farther, and voted for it because I did not believe that the Constitution embraced a State now in arms against the Government of this Union, and I hold that doctrine now. It was not said upon the spur of the occasion. It is a deliberate opinion, formed upon a careful examination of the law of the United States and the laws of nations.

"Though it may be out of place just now, I will give one or two reasons for my opinion. The establishment of our blockade admitted the Southern States, the Confederates, to be a belligerent power. Foreign nations have all admitted them as a belligerent power. Whenever that came to be admitted by us and by foreign nations, it placed the rebellious States precisely in the position of an alien enemy with regard to duties and obligations. Now, I think there is nothing more plainly written in the law of nations than that whenever a war, which is admitted to be a national war, springs up between nation and nation, ally and ally, confederate and confederate, every obligation which previously existed between them, whether treaty, compact, contract, or any thing else, is wholly abrogated, and from that moment the belligerents act toward each other, not according to any municipal obligations, not according to any compacts or treaties, but simply according to the laws of war. And I hold and maintain that with regard to all the Southern States in rebellion, the Constitution has no binding influence and no application."

Mr. Dunlap: "Are not those seceded States still members of this Union, and under the laws of the Government?"

Mr. Stevens: "In my opinion they are not."

Mr. Dunlap: "Then I would ask the further question, did the ordinances of secession take them out of the Union?"

Mr. Stevens: "The ordinances of secession, backed by the armed power which made them a belligerent nation, did take them, so far as present operations are concerned, from under the laws of the nation."

Mr. Dunlap: "Are they then members of the Union?"

Mr. Stevens: "They are not, in my judgment."

Mr. Dunlap: "And the ordinances of secession took them out?"

Mr. Stevens: "I have my own views of this subject, and if erroneous the gentleman will not act upon them."

Mr. Dunlap: "Then if these States are not within the Union, how, as chairman of the Committee of Ways and Means, do you propose to pass an appropriation to pay officers to collect revenue in States which do not belong to the Union?"

Mr. Stevens: "I propose to levy that tax and collect it as a war measure. I would levy a tax wherever I can upon these conquered

provinces, just as all nations levy them upon provinces and nations they conquer. If my views and principles are right, I would not only collect that tax, but I would, as a necessary war measure, take every particle of property, real and personal, life estate and reversion, of every disloyal man, and sell it for the benefit of the nation in carrying on this war. We have such power, and we are to treat them simply as provinces to be conquered, and as a nation fighting in hostility against us until we do conquer them. I can arrive at no other conclusion. To me it is a great absurdity to say that men, by millions, in arms, shall claim the protection of the provisions of the Constitution and laws made for loyal men, while they do not obey one of those laws, but repudiate their binding effect. There never was a principle more clear than that every obligation, whether in a national or civil point of view, in order to be binding, must be reciprocal; and that the moment the duty ceases upon the one part, the obligation ceases upon the other; and that, in my judgment, is precisely the condition of the rebel States now."

Mr. Yeaman: "I am so much astonished at the doctrine I am now hearing, and I feel so much interest in this thing, not only as a question of constitutional law, but in view of the influence which these announcements may have upon this controversy, that I hope the gentleman will allow me to ask another question."

Mr. Stevens: "Certainly."

Mr. Yeaman: "Does the gentleman hold, or does he not, that the ordinance of secession passed in South Carolina was legal under the Constitution of the United States?"

Mr. Stevens: "I hold that it was an act of treason and rebellion."

Mr. Yeaman: "I would ask further whether the backing up of these ordinances of secession by armed force imparts to them any validity?"

Mr. Stevens: "I hold that so long as they remain in force against us as a belligerent power, and until they are conquered, it is in fact an existing operation. I will not say any thing about its legality. I hold that it is an existing fact, and that so far from enforcing any laws, you have not the power."

Mr. Yeaman: "What I want to know is whether these people are now citizens of the United States, or whether they are an independent nation; and if the latter, I want to know where we derive our right or authority to wage war against them, and to tax them to support that war, all of which I am in favor of."

Mr. Stevens: "I hold that the Constitution, in the first place, so far operated that when they went into secession and armed rebellion, they committed treason; and that when they so combined themselves as to make themselves admitted as belligerents—not merely as men in insurrection, but as belligerents—they did acquire the right to be treated as prisoners of war, and all the other rights which pertain to belligerents under the laws of nations."

Mr. Mallory: "Will the gentleman yield to me for a moment?"

Mr. Stevens: "Certainly, sir."

Mr. Mallory: "I would inquire of the gentleman from Pennsylvania with what propriety he can speak of these men at the South who are engaged in this armed resistance to the United States as rebels, or as disloyal men, when he distinctly stated just now that he thought that the duty of obedience and the duty of protection were reciprocal, and that when protection is not afforded by the Government, the citizen is not bound in allegiance to that Government? Does not his doctrine release these men from all obligation to the Government of the United States, which is not protecting them from the confederate government; and has he therefore a right to punish them by the confiscation of their property, or by hanging them as traitors, for the acts which they have committed?"

Mr. Stevens: "All these crimes were committed before they became belligerents; before they had acquired the *status* of a belligerent power, and compelled us to treat them as belligerents—for instance, as prisoners of war."

Mr. Mallory: "I would ask the gentleman from Pennsylvania if the Confiscation Act does not apply to those crimes which have been committed since the commencement of the armed resistance which, in his doctrine, converted them from traitors and rebels into public enemies. It cannot, therefore, refer to crimes, as the gentleman says, which were committed before this armed resistance was made, and our relations with the Southern States became the relations of one belligerent nation to another."

Mr. Stevens: "I suppose that bill refers to a continuation of what was commenced before. My own notion is, sir, that we have a right to treat them as we would treat any other provinces that we might conquer. Now, sir, I do not know but what the President looks upon it in that light."

Mr. Maynard: "This discussion has become very interesting; and I would like to ask the gentleman whether he holds to the theory that this is a Government of the American people, or whether he holds that it is simply a compact between separate, independent, and sovereign States?"

Mr. Stevens: "Well, that is an abstract question. It has been well settled heretofore."

Mr. Maynard: "If he holds to the latter view, I can well conceive why he should hold every individual citizen in each particular State responsible for all the acts committed by the State authorities. If he holds to the former hypothesis, I would ask him how any citizen can lose his rights under the Constitution, wherever he may be found, excepting by his own act, or by the regularly authorized act of the Government through its different branches,

legislative, executive, and judicial? I will ask the gentleman a further question, because this is a matter in which my constituents will feel great interest. The gentleman's remarks will go out to the country as those of a representative of his party, the party which is now in power, and they will be repeated all over the country as those of a representative man, not expressing his own opinion only, but the opinions of a large party, the opinions of the executive."

Mr. Stevens: "I speak for myself only."

Mr. Maynard: "I am very glad to hear the gentleman say that, for I am personally well aware he does speak for himself alone; but I know that it will not be so understood and so represented in certain portions of the country.

"I would ask the gentleman how it can happen that people situated as those in my own particular district are, for instance, who have resisted the action of the majority of the State and of the State Government from the beginning—have resisted it by arms and are now resisting it—how it happens that they can, by any possibility, have lost their rights under the Constitution, although they happen to be within the limits of one of the so-called seceded States?"

Mr. Stevens: "I hope I may be able now to finish the few remarks I proposed to make, because I wish to get through with this bill if I can. I have seen no act, either done by the executive or proposed by the Congress, which would take away any rights or sacrifice any interests of the loyal men in the rebellious States. I have seen, on the other hand, that they have been carefully protected from all the consequences even of a war measure which was supposed to be necessary, and which did, in the first instance, take some of their property. There has been great care taken to separate them from the original sin of those who went into the rebellion, and to guard all their property.

"Now, sir, as I said before, I speak only for myself. These views of mine are not now for the first time put forth, and I am sorry that I have been provoked into the expression of them on this occasion, for I wanted to go on with the bill. But I do not see how the executive can view these questions any other way than I do. He appoints in places which we conquer military governors, and I was told yesterday that he had created a court in New Orleans. Now, if the Constitution still operates in those portions of the country, if it is not a question of military power, I want to know by what authority he does that. I see also that by the proclamations of military governors he orders men to be elected to take their seats in this Congress. To be sure, he has seen fit to direct what kind of men shall be elected, which, perhaps, was right enough, or we might have been overrun by secessionists. Only to-day, evidence has been presented of what purports to have been an election held in Accomac county, or in some of the adjacent counties in Virginia. Will any of these gentlemen here who are such sticklers for 'the Constitution as it is, and the Union as it was,' tell me by what authority that election took place, unless it was by that military authority the existence of which I have been asserting? Why, I saw from some reports when that election was going on, that at one of the precincts they had to send a squadron of cavalry to protect the ballot box and those voting, and that the secessionists attacked them and drove them off. Now, I ask again, under what part of the Constitution are these proceedings; and if they are not under the Constitution, how is it that the Constitution is in full force in all these States? I would ask my friend from Tennessee (Mr. Maynard), under what clause of the Constitution does his excellent friend, Andrew Johnson, hold his office as Governor of Tennessee?"

Mr. Maynard: "I will answer the gentleman with a great deal of pleasure. Under that part of the Constitution which requires the United States Government—not the people of the United States, but the Government as a Government—to guarantee to the people of every State a republican form of government. Whenever the authorities of a State have abdicated, or have been driven away by usurpation or invasion, the United States Government must see that the machinery already there is vitalized and set to work."

Mr. Stevens: "I hold that the Governor of Virginia to-day is John Letcher, so far as the Constitution is concerned. No other man has ever been elected according to the provisions of the Constitution. I hold, too, that there is no necessity for the exercise of the provisions of the Constitution in order to effectuate these objects, for that these rebellious States are all now under military law and military rule, and that this Government has a right to do all those things which are necessary to repress this rebellion, and to conquer these people, and then we shall come to the question of the Union afterward. I say that you cannot justify nine out of ten of the acts of the Government, or of our own acts here, if you consider the Constitution a valid and binding instrument with reference to those in arms in the rebellious States."

Mr. Olin: "The only theory that can justify the prosecution of this war is, that it is a war waged in obedience to the Constitution and the laws; that no law or ordinance of secession relieves any citizen from a single obligation that he was under to the country, nor from his allegiance to the General Government.

"Now, sir, if there be but a single man remaining loyal to the Constitution in any one of the seceded States, he is entitled to all the rights, all the privileges, and all the immunities granted to any citizen in any loyal State. It is the duty of this Government to protect such loyal citizen in the enjoyment of those

rights, privileges, and immunities; and the performance of that duty alone justifies this war.

"Now, sir, look at the theory that is attempted to be defended by my learned friend from Pennsylvania. That he is learned in the law, his high reputation and his long and laborious life in that profession entitle him to be considered. Look at his theory. No member of this House pretends to deny that any act or ordinance of secession is void in law; and yet the gentleman from Pennsylvania finds that somehow or other the ordinance of secession, though void and of no effect, did somehow take the State out of the Union, and has relieved the General Government from all obligation even to protect, or to attempt to protect, the loyal citizens of that State in the enjoyment of their rights. Now, can there be a plainer proposition than this, that if there be one loyal citizen remaining in a rebel State, no man, no body of men, by any act, illegal and unconstitutional, can deprive such a citizen of his rights?

"The duties of obedience and protection are reciprocal; and no just and humane Government, where it cannot give such protection, will punish disloyalty. The first duty of the Government is to protect its citizens; and the next duty of the Government is to punish those who violate its laws. Sir, I have no patience with the doctrine announced by the gentleman from Pennsylvania; I hold it in utter abhorrence. I think it equally unsound and mischievous as that of the so-called right of secession.

"The gentleman speaks of the appointment of these military governors over the conquered States, as he calls them. Did anybody ever pretend that we had the authority of the Constitution for that? It is only to be justified as a military necessity. It is only to be justified by the usage of war. It is the exercise of authority by the commanding general. If a judge or a police magistrate be appointed, it is only in pursuance of the power of the commander-in-chief of the army. Constitutional questions have nothing more to do with the appointment of those judicial officers than they have with the appointment of his aids. He had undoubtedly a right, where military and where judicial authority was to be exercised, to delegate a judge, or to delegate a major-general for the exercise of that power. That delegation of authority is to be justified alone by the usage of war. The power to appoint a military governor over one of the States of the Union, or a person to discharge temporarily the functions of a magistrate, or a police officer, by the President, has its origin in necessity, and is alone justified by it. Of that necessity the President is alone the judge, as the commander-in-chief of the army. Congress can neither exercise the power nor judge of the necessity of its exercise."

Mr. Thomas, of Massachusetts: "Mr. Chairman, I beg to call the attention of the House back to the precise matter before us. It is a provision for the appropriation of money for a definite and specific purpose; and that purpose is to enforce the collection of a direct tax assessed by this House in conformity to a provision of the Constitution of the United States (article one, section two, clause four); a tax which could only have been assessed in exact conformity to that provision. The object of this provision in the appropriation bill, and of the law of the last session, was to enforce, in the disaffected States, the collection of that tax. Upon what ground, Mr. Chairman? Upon this ground, that the authority of this Government at this time is as valid over those States as it was before the acts of secession were passed; upon the ground that every act of secession passed by those States is utterly null and void; upon the ground that an act legally null and void cannot acquire force because armed rebellion is behind it seeking to uphold it; upon the ground that the Constitution makes us not a mere confederacy, but a *nation;* upon the ground that the provisions of that Constitution strike through the State Government and reach directly, not intermediately, the subjects. Subjects of whom? Of the nation; of the United States. If this be so, Mr. Chairman, if these acts of secession be void, what is our position to-day? Gentlemen say that there is a belligerent power exercising authority against us. That is, you say that rebellion is attempting revolution. Very well. Who ever heard, as a matter of public law, that the authority of a Government over its rebellious subjects was lost until that revolution was successful—was a fact accomplished?

"My position, then, Mr. Chairman, is that we may appropriate this money, that we may enforce the collection of this tax, because to-day, as always heretofore, the authority of the National Government binds and covers every inch of the territory of the national domain; because that law which we call the Constitution is, to-day, the supreme law of the land. If the position taken by the learned gentleman from Pennsylvania be true, that we are every day passing unconstitutional acts, we are every day violating our oaths recorded in heaven to support the Constitution of the United States. I hold, therefore, Mr. Chairman, that it is our duty to compel the collection of this tax just as if the ordinance of secession had not been passed. But I beg leave to say that however we may differ as to the extent of powers which the Constitution gives us (and they are ample for all good ends), when we deliberately pass from fidelity to this Constitution to enact law in violation of its sacred provisions, we are ourselves inaugurating revolution. It is fire against fire, and God have mercy on the country.

"I have only a word or two more to say, Mr. Chairman. In all events, at whatever cost or peril of treasure or of life, we must cling to the national unity; and for this end we must cling to the only possible bond of unity—the Constitution. Mr. Chairman, I have listened quietly,

but with great sorrow, to the attacks which are often made on the Republican side of the House against the gentlemen from the border States. I desire to say, what I have often said, and repeat, with the fullest sense of my responsibility, that, in fidelity to the Union and the Constitution, and every earnest effort to uphold them, there have been no truer, nobler, more devoted men than these representatives from the border States. And the great heart of this country to-day goes out to meet them and to bless them. It is easy in New England, where fortunes are rapidly built up and industry quickened and material prosperity advanced by this war, or in New York, or in Pennsylvania, to be patriotic and loyal and national. These men have stood the touch of fire and the sword. They have been tried by suffering. No ties of natural affection, no love of kindred, no fear of desolation or death has moved them, not even your unkindness. And I do not believe that it is policy or wisdom to alienate such men from us; we should rather grapple them with hooks of steel.

"Say what you will, Mr. Chairman, as a practical question this war must be fought out in the border States. They constitute the battle ground of this contest to-day, as they have been from the beginning of the war. Can you hold the border States to their allegiance? If you can, then the final victory is with us. If you cannot, separation is inevitable. I hope, therefore, and trust and pray, Mr. Chairman, that we shall hear no more of these party discussions and wrangles, no more reproaches thrown from the one side of the House to the other. We have no strength thus to fritter away. God knows we need a united people to save the Union, trembling even now on the very verge of dissolution; and therefore, if we cannot agree upon all questions of law, if we cannot agree upon all questions of policy, let us consent to differ as we best may, but with the firm resolve that everything of strength, of power, of purpose, of motive, of will that is in us shall combine, concentrate, converge to save the national integrity, the national life."

Mr. Stevens: "As the gentleman from Kentucky (Mr. Mallory) undertook to charge that the views I held were the views of others than myself, and that I was speaking for the party, it very properly brought out a very mild denial from the pleasant gentleman from New York (Mr. Olin), and the somewhat softened and modified repudiation of the gentleman from Indiana (Mr. Colfax), and I hope that will satisfy the gentleman from Kentucky as to at least a portion of this side of the House. I desire to say that I know perfectly well, as I said before, I do not speak the sentiments of this side of the House as a party. I know more than that: that for the last fifteen years I have always been a step ahead of the party I have acted with in these matters; but I have never been so far ahead, with the exception of the principles I now enunciate, but that the members of the party have overtaken me and gone ahead; and they, together with the gentleman from New York (Mr. Olin), will again overtake me, and go with me, before this infamous and bloody rebellion is ended. They will find that they cannot execute the Constitution in the seceding States; that it is a total nullity there, and that this war must be carried on upon principles wholly independent of it. They will come to the conclusion that the adoption of the measures I advocated at the outset of the war, the arming of the negroes, the slaves of the rebels, is the only way left on earth in which these rebels can be exterminated. They will find that they must treat those States now outside of the Union as conquered provinces and settle them with new men, and drive the present rebels as exiles from this country; for I tell you they have the pluck and endurance for which I gave them credit a year and a half ago, in a speech which I made, but which was not relished on this side of the House, nor by the people in the Free States. They have such determination, energy, and endurance, that nothing but actual extermination or exile or starvation will ever induce them to surrender to this Government. I do not now ask gentlemen to indorse my views, nor do I speak for anybody but myself; but in order that I may have some credit for sagacity, I ask that gentlemen will write this down in their memories. It will not be two years before they will call it up, or before they will adopt my views, or adopt the other alternative of a disgraceful submission by this side of the country."

Mr. Lovejoy: "My chief object is to repudiate for myself and the Republican party, and the Administration, the idea advanced by the gentleman from Pennsylvania, that if it should be necessary, as I believe with him it is, to annihilate these rebels, to extirpate them, and repeople those States with a loyal population, that that exile and that annihilation by military authority would be unconstitutional. Now, I claim that this is precisely, if necessary, just what the Constitution imperatively requires of us. That it imposes it upon us as a sacred duty to destroy these rebels, and, to the extent that may be necessary, to exterminate them in order to restore as a matter of fact, what still exists as a matter of right, the constitutional authority of the Government of the United States. I repudiate the theory which, if I understand the gentleman from Pennsylvania, is his theory, that if I own a vessel, the mere fact that pirates come and take possession of it, destroys the validity of my title to it. I may not be in possession; I may go and demand the possession to which I am legally and constitutionally entitled, and force may prevent my taking possession; but that does not invalidate my rightful claim.

"I hold that if one third of the citizens of Kentucky are loyal, the State belongs to that third; that if one fourth of the citizens of Tennessee are loyal, the State belongs to that

fourth; and that just as soon as the Government can enforce their rights, it is bound to enforce them; and the whole machinery of the State Government can be set going by those who remain, who are loyal, whether one half, one fourth, one tenth, or one hundredth. The right of the Federal Government never was invalidated, and never ceased for a moment."

The committee rose and reported.

In the House, on the 14th of January, the following resolutions, offered by Mr. Wright, of Pennsylvania, were considered:

Resolved by the House of Representatives of the United States in Congress assembled: 1. That the rebellion on the part of the seceding States against the Government and laws of this Union was deliberately wicked and without reasonable cause; the compact of union being perpetual, no State has the constitutional power to forcibly secede; and that there was no grievance, real or imaginary, upon the part of the seceding States, for the redress of which the Constitution does not furnish ample remedies.

2. That the rebellion being in contravention of the Constitution and laws, it is the duty of the Government to put it down without regard to cost or the consequences that may befall those engaged in it, and all necessary constitutional means for this purpose, and this alone, should be furnished by the people; that inasmuch as the great and wicked crime invoked the power of the sword, the war should be prosecuted with all the vigor and strength and means of the Federal Government till the rebellion is subdued, and no longer.

3. That an honorable peace is desirable, but no peace while armed opposition menaces the capital and threatens the overthrow of the Union, nor that peace which would be established upon the dismembered fragments of a mighty and prosperous nation; and that man who would entertain peace upon these conditions is a traitor to his country, and unworthy the protection of its laws.

4. That the war was inaugurated solely for the suppression of the rebellion and the restoration of the Union as it was; that any or all attempts to change or divert this line of policy is a fraud upon the nation, a fraud upon the memory of the gallant men who have sacrificed their lives, and a fraud upon the living soldiers who now stand up as a wall between their loved country and its wicked invaders.

5. That the value of dollars and cents does not enter into the momentous question of the maintenance of popular liberty, or the preservation of a free government, any more than the lives and comfort of the traitors, who have conspired and leagued together for their destruction.

6. That the Union restored, the war should cease, and the seceding States be received back into the Union with all the privileges and immunities to which they were originally entitled.

Mr. Vallandigham, of Ohio, speaking in opposition to the resolutions, said: "And now, pardon me, sir, if I pause here a moment to define my position at this time upon this great question of civil war.

"Sir, I am one of that number who have opposed abolitionism, or the political development of the anti-slavery sentiment of the North and West, from the beginning. In school, at college, at the bar, in public assemblies, in the Legislature, in Congress, boy and man, as a private citizen, and in public life, in time of peace and in time of war, at all times and at every sacrifice, I have fought against it. It cost me ten years' exclusion from office and honor, at that period of life when honors are sweetest. No matter: I learned early to do right and to wait. Sir, it is but the development of the spirit of intermeddling, whose children are strife and murder. Cain troubled himself about the sacrifices of Abel, and slew him. Most of the wars, contentions, litigation, and bloodshed, from the beginning of time, have been its fruits The spirit of non-intervention is the very spirit of peace and concord. I do not believe that if slavery had never existed here we would have had no sectional controversies. This very civil war might have happened fifty, perhaps a hundred years later. Other and stronger causes of discontent and of disunion, it may be, have existed between other States and sections, and are now being developed every day into maturity. The spirit of intervention assumed the form of abolitionism because slavery was odious in name and by association to the Northern mind, and because it was that which most obviously marks the different civilizations of the two sections. The South herself, in her early and later efforts to rid herself of it, had exposed the weak and offensive parts of slavery to the world. Abolition intermeddling taught her at last to search for and defend the assumed social, economic, and political merit and values of the institution. But there never was an hour from the beginning when it did not seem to me as clear as the sun at broad noon, that the agitation in any form in the North and West of the slavery question must sooner or later end in disunion and civil war. This was the opinion and prediction for years of Whig and Democratic statesmen alike; and after the unfortunate dissolution of the Whig party in 1854, and the organization of the present Republican party upon the exclusive anti-slavery and sectional basis, the event was inevitable; because, in the then existing temper of the public mind, and after the education through the press and the pulpit, the lecture and the political canvas, for twenty years, of a generation taught to hate slavery and the South, the success of that party, possesed as it was of every engine of political, business, social, and religious influence, was certain. It was only a question of time, and short time. Such was its strength, indeed, that I do not believe that the union of the Democratic party in 1860 on any candidate, even though he had been supported also by the entire so-called conservative or anti-Lincoln vote of the country, would have availed to defeat it; and if it had, the success of the Abolition party would only have been postponed four years longer. The disease had fastened too strongly upon the system to be healed until it had run its course. The doctrine of the "irrepressible conflict" had been taught too long and accepted too widely and earnestly to die out, until it should culminate in secession and disunion, and, if coercion were resorted to, then in civil war. I believed from the first that it was the purpose of some

of the apostles of that doctrine to force a collision between the North and the South, either to bring about a separation or to find a vain but bloody pretext for abolishing slavery in the States. In any event, I knew, or thought I knew that the end was certain collision, and death to the Union.

"Believing thus, I have for years past denounced those who taught that doctrine with all the vehemence, the bitterness, if you choose —I thought it a righteous, a patriotic bitterness—of an earnest and impassioned nature. Thinking thus, I forewarned all who believed the doctrine, or followed the party which taught it, with a sincerity and depth of conviction as profound as ever penetrated the heart of man. And when, for eight years past, over and over again, I have proclaimed to the people that the success of a sectional anti-slavery party would be the beginning of disunion and civil war in America, I believed it. I did. I had read history, and studied human nature, meditated for years upon the character of our institutions and form of government, and of the people South as well as North; and I could not doubt the event. But the people did not believe me, nor those older and wiser and greater than I. They rejected the prophecy, and stoned the prophets. The candidate of the Republican party was chosen President. Secession began. Civil war was imminent. It was no petty insurrection; no temporary combination to obstruct the execution of the laws in certain States; but a revolution, systematic, deliberate, determined, and with the consent of a majority of the people of each State which seceded. Causeless it may have been; wicked it may have been; but there it was; not to be railed at, still less to be laughed at, but to be dealt with by statesmen as a fact. No display of vigor or force alone, however sudden or great, could have arrested it even at the outset. It was disunion at last. The wolf had come. But civil war had not yet followed. In my deliberate and solemn judgment, there was but one wise and masterly mode of dealing with it. Non-coercion would avert civil war, and compromise crush out both abolitionism and secession. The parent and the child would thus both perish. But a resort to force would at once precipitate war, hasten secession, extend disunion, and, while it lasted, utterly cut off all hope of compromise. I believed that war, if long enough continued, would be final, eternal disunion. I said it; I meant it; and, accordingly, to the utmost of my ability and influence, I exerted myself in behalf of the policy of non-coercion. It was adopted by Mr. Buchanan's Administration, with the almost unanimous consent of the Democratic and Constitutional Union parties in and out of Congress; and, in February, with the concurrence of a majority of the Republican party in the Senate and this House. But that party, most disastrously for the country, refused all compromise. How, indeed, could they accept any? That which the South demanded, and the Democratic and Conservative parties of the North and West were willing to grant, and which alone could avail to keep the peace and save the Union, implied a surrender of the sole vital element of the party and its platform—of the very principle, in fact, upon which it had just won the contest for the Presidency; not, indeed, by a majority of the popular vote—the majority was nearly a million against it—but under the forms of the Constitution. Sir, the crime, the "high crime" of the Republican party was not so much its refusal to compromise, as its original organization upon a basis and doctrine wholly inconsistent with the stability of the Constitution and the peace of the Union.

"But to resume: the session of Congress expired. The President elect was inaugurated; and now, if only the policy of non-coercion could be maintained, and war thus averted, time would do its work in the North and the South, and final peaceable adjustment and reunion be secured. Some time in March it was announced that the President had resolved to continue the policy of his predecessor, and even go a step farther, and evacuate Sumter and the other Federal forts and arsenals in the seceded States. His own party acquiesced; the whole country rejoiced. The policy of non-coercion had triumphed, and for once, sir, in my life, I found myself in an immense majority. No man then pretended that a Union founded in consent could be cemented by force. Nay, more, the President and the Secretary of State went farther. Said Mr. Seward, in an official diplomatic letter to Mr. Adams:

> For these reasons he [the President] would not be disposed to reject a cardinal dogma of theirs [the secessionists], namely, that the Federal Government could not reduce the seceding States to obedience by conquest, although he were disposed to question that proposition. But in fact the President willingly accepts it as true. Only an imperial or despotic Government could subjugate thoroughly disaffected and insurrectionary members of the state.

"Pardon me, sir, but I beg to know whether this conviction of the President and his Secretary is not the philosophy of the persistent and most vigorous efforts made by this Administration, and first of all through this same Secretary, the moment war broke out and ever since till the late elections, to convert the United States into an imperial or despotic Government? But Mr. Seward adds, and I agree with him:

> This Federal Republican system of ours is, of all forms of government, the very one which is most unfitted for such a labor.

"This, sir, was on the 10th of April, and yet that very day the fleet was under sail for Charleston. The policy of peace had been abandoned. Collision followed; the militia were ordered out; civil war began.

"Now, sir, on the 14th of April, I believed that coercion would bring on war, and war disunion. More than that, I believed, what you all in your hearts believe to-day, that the

South could never be conquered—never. And not that only, but I was satisfied—and you of the abolition party have now proved it to the world—that the secret but real purpose of the war was to abolish slavery in the States. In any event, I did not doubt that whatever might be the momentary impulses of those in power, and whatever pledges they might make in the midst of the fury for the Constitution, the Union, and the flag, yet the natural and inexorable logic of revolutions would, sooner or later, drive them into that policy, and with it to its final but inevitable result, the change of our present democratical form of government into an imperial despotism.

"These were my convictions on the 14th of April. Had I changed them on the 15th, when I read the President's proclamation, and become convinced that I had been wrong all my life, and that all history was a fable, and all human nature false in its development from the beginning of time, I would have changed my public conduct also. But my convictions did not change. I thought that if war was disunion on the 14th of April, it was equally disunion on the 15th, and at all times. Believing this, I could not, as an honest man, a Union man, and a patriot, lend an active support to the war; and I did not. I had rather my right arm were plucked from its socket, and cast into eternal burnings, than, with my convictions, to have thus defiled my soul with the guilt of moral perjury. Sir, I was not taught in that school which proclaims that 'all is fair in politics.' I loathe, abhor, and detest the execrable maxim. I stamp upon it. No state can endure a single generation whose public men practise it. Whoever teaches it is a corrupter of youth. What we most want in these times, and at all times, is honest and independent public men. That man who is dishonest in politics is not honest, at heart, in any thing; and sometimes moral cowardice is dishonesty. Do right; and trust to God, and Truth, and the People. Perish office, perish honors, perish life itself; but do the thing that is right, and do it like a man. I did it. Certainly, sir, I could not doubt what he must suffer who dare defy the opinions and the passions, not to say the madness, of twenty millions of people. Had I not read history? Did I not know human nature? But I appealed to Time, and right nobly hath the Avenger answered me.

"I did not support the war; and to-day I bless God that not the smell of so much as one drop of its blood is upon my garments. Sir, I censure no brave man who rushed patriotically into this war; neither will I quarrel with any one, here or elsewhere, who gave to it an honest support. Had their convictions been mine, I, too, would doubtless have done as they did. With my convictions I could not.

"But I was a Representative. War existed —by whose act no matter—not mine. The President, the Senate, the House, and the country, all said that there should be war—war for the Union; a union of consent and good will. Our Southern brethren were to be whipped back into love and fellowship at the point of the bayonet. Oh, monstrous delusion! I can comprehend a war to compel a people to accept a master; to change a form of government; to give up territory; to abolish a domestic institution—in short, a war of conquest and subjugation; but a war for Union! Was the Union thus made? Was it ever thus preserved? Sir, history will record that after nearly six thousand years of folly and wickedness in every form and administration of government, theocratic, democratic, monarchic, oligarchic, despotic, and mixed, it was reserved to American statesmanship in the nineteenth century of the Christian era to try the grand experiment, on a scale the most costly and gigantic in its proportions, of creating love by force, and developing fraternal affection by war; and history will record, too, on the same page, the utter, disastrous, and most bloody failure of the experiment.

"But to return: the country was at war; and I belonged to that school of politics which teaches that when we are at war, the Government—I do not mean the executive alone, but the Government—is entitled to demand and have, without resistance, such number of men, and such amount of money and supplies generally, as may be necessary for the war, until an appeal can be had to the people. Before that tribunal alone, in the first instance, must the question of the continuance of the war be tried. This was Mr. Calhoun's opinion, and he laid it down very broadly and strongly, in a speech on the Loan bill, in 1841. Speaking of supplies, he said:

> I hold that there is a distinction in this respect between a state of peace and war. In the latter, the right of withholding supplies ought ever to be held subordinate to the energetic and successful prosecution of the war. I go farther, and regard the withholding supplies, with a view of forcing the country into a dishonorable peace, as not only to be what it has been called, moral treason, but very little short of actual treason itself.

"Upon this principle, sir, he acted afterward in the Mexican war. Speaking of that war in 1847, he said:

> Every senator knows that I was opposed to the war; but none knows but myself the depth of that opposition. With my conception of its character and consequences, it was impossible for me to vote for it.

"And again, in 1848:

> But, after war was declared, by authority of the Government, I acquiesced in what I could not prevent, and what it was impossible for me to arrest: and I then felt it to be my duty to limit my efforts to give such direction to the war as would, as far as possible, prevent the evils and dangers with which it threatened the country and its institutions.

"Sir, I adopt all this as my own position and my defence; though, perhaps, in a civil war, I might fairly go farther in opposition. I could not, with my convictions, vote men and money for this war, and I would not, as a representative, vote against them. I meant that, without op-

position, the President might take all the men and all the money he should demand, and then to hold him to a strict accountability before the people for the results. Not believing the soldiers responsible for the war, or its purposes, or its consequences, I have never withheld my vote where their separate interests were concerned. But I have denounced from the beginning the usurpations and the infractions, one and all, of law and Constitution, by the President and those under him; their repeated and persistent arbitrary arrests, the suspension of *habeas corpus*, the violation of freedom of the mails, of the private house, of the press and of speech, and all the other multiplied wrongs and outrages upon public liberty and private right, which have made this country one of the worst despotisms on earth for the past twenty months; and I will continue to rebuke and denounce them to the end; and the people, thank God, have at last heard and heeded, and rebuked them, too. To the record and to time I appeal again for my justification."

In the House, on the 27th of January, the bill to raise additional soldiers for the service of the Government was considered.

Mr. Stevens, of Pennsylvania, proposed the following substitute for the bill:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby authorized to enroll, arm, equip, and receive into the land and naval service of the United States such number of volunteers of African descent as he may deem useful to suppress the present rebellion, for such term of service as he may prescribe, not exceeding five years. The said volunteers to be organized according to the regulations of the branch of service in which they may be enlisted, to receive the same rations, clothing, and equipments as other volunteers, and a monthly pay not to exceed that of other volunteers; to be officered by white or black persons appointed and commissioned by the President, and to be governed by the rules and articles of war and such other rules and regulations as may be prescribed by the President: *Provided*, That the President may forthwith proceed to raise as aforesaid, in the free as well as in the slave States, not less than one hundred and fifty thousand soldiers of African descent; and shall accept slaves as well as freemen; and such slaves as are received into the service of the Government, and their families, shall thenceforth be free; and the United States shall make reasonable compensation for such of them as belonged to persons who had never been disloyal during this rebellion.

Mr. Sheffield, of Rhode Island, moved, when the bill came up on the next day, to refer it to the Committee on Military Affairs.

The previous question was now demanded, the object being, on the one side, to adopt the amendment without debate, and on the other, to prevent its adoption without ample discussion. A series of manœuvres now commenced of a most exciting character, which resulted in an agreement that was thus stated:

The Speaker *pro tempore:* "The Chair then understands the proposition to be that by unanimous consent the vote ordering the main question shall be understood to be reconsidered, all incidental motions now pending dispensed with, and the bill postponed until the meeting of the House at twelve o'clock."

The House then adjourned at twenty-five minutes to six A. M.

The subject came up on the next day, when Mr. Stevens withdrew the proviso to his proposed amendment.

Mr. Maynard, of Tennessee, then moved to refer the bill and amendments proposed to the Committee on Military Affairs. The previous question was demanded and seconded.

Mr. Cox, of Ohio, said: "I think there is a radical difference between the law of last session and the present law, although that law was rather radical when it was passed. That law, as it has been interpreted by its friends, and as it may be now, simply provided that Africans might be employed in the military service. It says:

That the President be, and he is hereby authorized to receive into the service of the United States for the purpose of constructing intrenchments, performing camp service, or any other labor in the military or naval service for which they may be found competent, &c.

"Now, the present pending law, as the gentleman correctly observed, is intended to place the African soldier on a perfect equality in every regard with the white soldier, and that is the gist of our objection."

Mr. Stevens said: "I have not said so. I said the object was to put them upon an equality as to the protection which the President could afford them. I do not mean to say that they are to be put upon a social and political equality."

Mr. Maynard, of Tennessee, followed: "It is provided in this bill that any number of this kind of troops may be raised that the President may deem useful. Well, how large that number may be, of course can only be determined by the success which this volunteering meets with, and by the necessities of the service. If they are to be officered indiscriminately, either by white or by black persons—as officered by somebody they must be—we shall not only have brigadier-generals but major-generals of the African race, if under the powers conferred by this bill, the President should choose to confer that high authority upon men of that race; and when they are brought into the same field with white troops officered by white men who are outranked by such colored officers, the consequence will be that the white officers must yield military obedience to them. I need not say to the gentleman from Pennsylvania, or to the gentlemen of the House, what effect this must have, whether rightfully or wrongfully, whether in consequence of insane and wild and unreasoning prejudice or not, I will not undertake to say. I speak to the facts. I speak to things as they are. I speak to men's opinions as they have formed them, and as we cannot change them by our legislation, or by anything we can say here. I ask gentlemen

to consider what would be the practical effect of such an arrangement of our army."

Mr. Porter, of Indiana, offered the following amendment:

But no person of African descent shall be admitted as a private or officer of any regiment in which white men are in the ranks, nor shall any person of African descent, in any case, be placed in command of white soldiers.

Mr. Wickliffe, of Kentucky, opposed the bill with great vigor. He said: "What have we heard in this hall since this bill has been reported? The gentleman from Pennsylvania (Mr. Stevens), who is the leader of the Abolition party in this House, and who was the originator of this project, and who has nursed it with the fondness for a sickly and only child, one for whose fate he cannot but fear, tells us, and in his place proclaims to the South, that we, with a white population in Pennsylvania and New York alone of a million and a half more than there are whites in the whole eleven seceded States of the South, and eight millions in the fifteen States more than the whole white population of the eleven States—that with all this difference, this country cannot conquer and suppress this rebellion, unless he can employ the negro slave, and put Sambo, or some other man meaner than Sambo, in command. Great God! Is that so? Are you, gentlemen upon the other side of the House, prepared to indorse this statement of the chairman of the Committee of Ways and Means, and proclaim to the world that our States, with all their resources of population and physical power, with such resources of means for carrying on the war, with a million soldiers now in the field, still find it necessary at this time to blacken our record for the first time, by adopting into the army of the United States the African slave, and making him the equal and associate, by legislation, of the gallant soldier who may have distinguished himself in many a hard-fought battle; and that a captain Sambo and captain white somebody, and colonel Sambo and colonel white somebody must stand side by side, day after day, on terms of perfect equality?"

Mr. Dunn, of Indiana, was in favor of these troops, urging as follows: "I have another object in the employment of these men, and I am willing here to avow it. It is this: we have not only to conquer this rebel country, but we have to hold it after it is conquered. We have for a time to hold it by force of arms; and the question arises whether we shall send our men of the North there to perish in Southern swamps and sickly localities, or whether we shall make use of that population which, from their peculiar physical adaptation, can brave the malaria of that climate like alligators? If they are ignorant in the use of arms, instruct them in that use. Teach their 'hands to war, and their fingers to fight.' Are they so brutalized that they will not fight for their own liberty? Shall we receive them and educate them to arms for this purpose, or shall we send our own sons there?"

Mr. Crittenden, of Kentucky, took the floor in opposition to the bill, saying: "You propose by this bill to raise a force of one hundred and fifty thousand slaves as soldiers. You include, to be sure, and permit to be enlisted, free men of color. How, in a general view of the subject, can you approve of it? What is your reason for it? Have you any deficiency of numbers in your army? Have your own constituents shrunk from this contest? You say it is a contest for freedom, a contest for liberty; and shall we, sir, stigmatize our constituents, our brothers, the white free-born men of this land, as being so degenerate as to shrink from this contest, and so compel you to appeal to your own black men to defend the liberties of the white man?

"What a perversion of all feeling to make such an appeal! There is no want of patriotism, no want of courage upon the part of the free white men in this country. Have they shown any such want? In a war that has not lasted more than eighteen months, you have now in the field, or marching for the field, or in preparation for the field, one million of white men, who, with a few exceptions, have voluntarily become soldiers. Where has the world exhibited such an example of universal patriotism and universal devotion to country? Yet in the face of all this, gentlemen here propose to raise one hundred and fifty thousand Americans of African descent. You stigmatize them, while you invite them into the field. The bill is an indelible stigma upon their character. You employ them as soldiers to fight your battle, but give them only one half pay, and exclude them from command to a great extent. You put a stigma upon them, while you call them into the field, and while you say they are worthy to be the defenders of the liberties of this country. Your own soldiers are stigmatized by your own hands. Is this right; or is it anything else, in view of all this, but a portion of that abolition policy which would take every slave from the master? That must be the object. They are not necessary for the putting down of this rebellion. They are not worthy of being called to the aid of those who aspire to be considered free-born men.

"All nations which have held slaves have been found to reject their services for military purposes in time of war. My learned friend from Ohio (Mr. Shellabarger,) who the other day was comparing these rebels to Catiline, is well enough acquainted with his history, and can bear testimony that he, that bold conspirator, had Roman pride enough left in the midst of his vices to reject the assistance, even in his extremest hour of peril, of slaves and gladiators, although they were white slaves, men who had been born free, men who had been made captives in war, and reduced by the inhuman policy of that age to the con-

dition of slavery; they had been tainted and marked with that degradation, and that was enough; even Catiline would not be their leader, and preferred to face the perils of the battle alone. And what a spectacle is here presented! The representatives of a nation which has ever boasted of its readiness to shed the last drop of its blood in defence of the liberties of its people, are calling upon slaves to defend it and to defend them! Sir, it is a mockery—a mockery of the American people. It is a policy unlike that of any other nation. It is an insult to your army. It is a crime against the civilization of the age. It is a crime against the Constitution. It is an act of hostility against the Union. These are the sentiments with which I am compelled to regard this measure.

"But, sir, I do not care so much about the employment of these men in respect to their inefficiency as soldiers, as I do in respect to the character their employment will give to the war itself. In what will it result? In a servile war. You put one white man to command a thousand negroes at the South, and will he restrain them? Will it not result in servile war? It will be a servile war led by white men. You may get a white man who will endeavor to restrain them, who will endeavor to enforce discipline among them, but could he do it? You promise to all these negroes set free by the President's emancipation proclamation the enjoyment of actual freedom, and you will find that, though you may attempt to restrain them, whenever you attempt to put the experiment into operation, you give license to turn this civil war into a servile war. That will be the result, and that is what you are going to do?

"Mr. Speaker, I am utterly in opposition to the language used on the other side of the House, that there can be no reconciliation; that we must subjugate or exterminate the rebels; that we must employ all of the energies of the Government to drive them from the country. We are told that the rebel States are to be colonized and a new and loyal race is to be raised up. Robbers are to go in in a time of national adversity and take advantage of an abolition policy. They are to occupy the land and drive the people there out of the country. Is that a fair beginning for an honest and loyal race? What can be hoped for the virtue of a people like that? I know that one object gentlemen have in view is to abolish slavery. You want to abolish slavery, whether you call it the means of the end or the end of the means. They have verified it in this matter. It seems likely to be the end of the means. They are not willing to have it done by any other means. It is undertaking on the part of the North to domineer over the South. What right has the North to do it? The South has equal rights with the North. It is a domination more intolerable than any you have complained of."

Mr. Hutchins, of Ohio, insisted upon the right of the Government to take slaves for the army, saying: "Now, the master is entitled to the service of his apprentice by virtue of statute law; the parent is entitled to the service of his child by statute law; the master is entitled to the service of his slave by statute law. What is the gentleman's answer to that? Simply that the apprentice and the son can be taken, because they are not property, but are free citizens, and not slaves. That is no answer to the argument. The Attorney-General of the United States, in an able and elaborate opinion recently published, maintains that native-born colored persons are citizens. In this he is correct. If we can take as soldiers minor apprentices and minor sons, we have the same right to take slaves, for they are either persons or property. If they are persons, we are entitled to their services to save the Government; and the fact that they are or are not citizens does not change the right of the Government to their services as subjects, unless they owe allegiance to a foreign Government. If colored persons are property, we may use that property to put down this rebellion. The bill under consideration does not limit the use of colored persons to slaves; and a large proportion of them will not be slaves."

Mr. Sedgwick, of New York, thus explained the policy of the Government: "The policy of the Government has been rather dictated by necessity than by choice, for there is abundant evidence of the willingness of the Government to save the institution of slavery. The President, at an early day, foreseeing the course which this controversy must take, intimated to the semi-loyal border States the willingness of the Government to aid them pecuniarily in any reasonable scheme of gradual and compensated emancipation, advising action while the Federal Government was liberal in spirit and strong in its resources, and at the same time intimating that the probable exigencies of the war might render emancipation on some terms necessary throughout all the States of the republic. Acting on this suggestion, the State of Delaware, by its executive, the State of Maryland, by its executive, and the State of Missouri, by its legislative and executive authority, have brought before their people projects of emancipation on the terms and under the conditions which Congress has been, and I presume still is, willing to offer.

"The next step was the proclamation of the President of the 22d of September, announcing the purpose of the executive department of the Government to proclaim the emancipation of the slaves in all of those States remaining unrepresented in Congress after one hundred days, on the 1st of January of this year. The emancipation proclamation of the President, as commander-in-chief of the army and navy, followed. And I here desire to bear testimony to the firmness of the executive on this point, against strong remonstrances, against violent

opposition, against opposition in his cabinet, against threatenings from the army, threatenings from the traitor States, and timid counsels among his friends. That proclamation, in my judgment, is the salvation of the republic. I have no time, however, to argue it at length. I saw that it was a necessary and logical consequence of this war. Its constitutional authority, in my sober judgment, is beyond a doubt. I have no time to argue it here at length, but I affirm the war power of the President to issue this proclamation; and its necessary effect, to liberate the slaves in all the territory over which it was designed to operate, never can be successfully questioned, either by Congress or any of the judicial tribunals of the country. The law of nations clearly sanctions the emancipation of the enemy's slaves by military force and authority. It is an understood and received doctrine. It has been practised repeatedly in this country. Great Britain exercised its authority. France has exercised it in a memorable instance. In Colombia, in the South American republics, the right has been exercised both by the Spanish and American generals. This right has been affirmed by eminent statesmen in our own country, by Jefferson and by Adams."

Mr. Cox of Ohio, said the reason of the opposition to the bill was as follows: "I say that I believe the object of gentlemen in forcing this bill here is to bring about, or rather make final and forever, a dissolution of the Union. This is our justification for the extraordinary proceedings the other night, when we were determined to use all the means which the laws of this House gave, to prevent the passage of a law like this, which is aimed at the national life.

"The gentlemen from the border States here, gentlemen from Kentucky and Ohio—for there are two sides to the border—understand very well the hidden meaning and certain effect of this bill. Every man along the border will tell you that the Union is forever rendered hopeless if you pursue this policy of taking the slaves from their masters and arm them in this civil strife. It will only keep alive and aggravate this alienation of sections, which had its beginning in hate, and would have its end in vengeance. I stated, as my reason for the part I took in the proceedings of our eighteen-hours' session, that this bill was a part of the plot to drive the border Slave States out of the Union, or to place them in such hostility to the Government as to hurl our armies at their throats and strangle their political life. I have been confirmed in my belief by the statements of the eloquent members from Kentucky, as well as by the course of the discussion on the other side."

Mr. Thomas, of Massachusetts, in opposition to the bill, said: "I believe that I shall have the concurrence of every member of this House, and of the gentleman from Pennsylvania (Mr. Stevens) among the rest, when I say that this bill, in its new form, proposes to vest in the President of the United States a larger power and wider discretion than were ever reposed by Congress in the hands of one man, unless under our previous legislation on the same subject.

"I am not here, Mr. Speaker, to raise the question whether we may not wisely repose a large discretion in the executive at a time like this. It is among the necessities of our condition that a large discretion should be reposed in the executive; but it is the duty of Congress to see that no such extent of power is vested in the President, or any one else, that that power may be readily used, as all power is liable to be used, to defeat the ends for which it is given, to subvert instead of upholding the laws. And this question is not of the individual character of the officer, but of principle and policy. In what condition of our affairs do we propose to raise this new army?

"If I understood rightly the chairman of the Committee on Military Affairs, my friend from New York (Mr. Olin), we have now in the field, or rather we have upon the pay rolls of the Government, a million of white men of the Anglo-Saxon, Celtic, or German races. This, no man can doubt, is a sufficient army for the purpose of suppressing this rebellion, if this rebellion can be subdued by physical power alone. I do not say how many of those men are engaged to-day in active service in face of the enemy. There are, we are told, very large desertions from the army. There are vast numbers now on your pay rolls capable of service who are doing no service. But that must be to a considerable extent the fault of the administration of the army. It is the plain, obvious duty of the Government to see that these men who are on your pay rolls and capable of service are rendering that service. With a million of efficient men in the army and at work, and with our large and gallant navy, if it is practicable to conquer rebellion by arms, you have force adequate for the purpose, as large a force as we can hope to maintain and replenish without bankruptcy.

"We must look, Mr. Speaker, to the *financial* aspect of this question, the question of ways and means. I do not think the financial condition of this country has been truly presented, or rather, I should say, fully presented, for no gentlemen, of course, could desire to present it otherwise than truly. If I understand the facts spread by the gentlemen of the Committee of Ways and Means before the country in the speeches made on this floor, our national debt at the end of the next fiscal year will be at the least two thousand million dollars. By that debt is meant the *liquidated* debt of the country. I call the attention of the House to the fact that the unliquidated debt of this country, the debt for damages for the taking of property and the destruction of property by the military power in the prosecution of the war, upon any equitable or reason-

able rule which this Congress or any other Congress may adopt in its adjustment, may reach as high as five hundred millions more. That may be possibly too large an estimate, but gentlemen will see at once that how large it may be and whether it reaches this limit must depend on the rule which Congress shall apply to the adjustment of those claims—how widely the door is thrown open. If it is disposed to admit not only all legal claims, but all claims that are equitable in the ordinary sense of that word, and if we also include pensions, I think I do not state the case too strongly when I say it would reach five hundred millions.

"Do not fail to observe one other fact of our financial condition; and that is, that when you get the national debt of this country, liquidated and unliquidated, you do not reach the whole marrow of the thing. Your State, county, city, town, and parish debts all over this country, taken together, will make an aggregate approaching at least half of the liquidated national debt at the end of the present fiscal year; and when you combine these debts, the liquidated debt, the unliquidated debt, the liability for pensions, the State, county, city, and town debts, and consider, also, how much higher interest we are paying than that paid by any other people, the fact will stare you in the face that this nation at the end of the next fiscal year will be more heavily laden with debt than any nation in Europe.

"But to the money aspect of the question: the bill, without disturbing the present army at all, without diminution of its numbers, authorizes the President of the United States to enlist one hundred thousand, or two hundred thousand, or three hundred thousand men of African descent; and every new man you put into your army, according to the estimates of intelligent gentlemen on the floor of this House, costs you from seven hundred to a thousand dollars, and if you raise one hundred and fifty thousand men, as was proposed by the gentleman from Pennsylvania originally, you increase your expenses from one hundred to one hundred and fifty millions a year.

"Mr. Speaker, let me now turn to another feature of this bill, the term of enlistment. It provides for the enlistment of men for a period of five years. Why five years? I think there is more significance in that word 'five' in this bill than in all other words written in it. Its possible objects are not written. Do you mean to say to the country that it is your expectation, your reasonable expectation, and the basis on which you propose to make enlistments for your army, that this war is to continue for a period of five years longer? Do you mean to say to the country that on the vast scale on which the war is now prosecuted, and at the expense of treasure and life at which it is prosecuted, you expect to carry it on for five years more? If such be your expectation it is just and manly to say so. If such be not your expectation, pray add nothing to the anxiety and alarm of the people.

"Mr. Speaker, if the object of this war is restoration, that involves a state of things present or future which will soon be developed and felt. A war for restoration proceeds upon the ground that you will find in the rebel States as your army advances and protection is made possible, men who are ready to rally again under the blessed flag of the Union and to return to their allegiance to the National Government. If that feeling exists and is developed, certainly it will be developed before the lapse of five years; never, indeed, by this instrumentality, never. But if the object of this war is not restoration; if the purpose and object of this war are—as is sometimes declared in the heated and brilliant rhetoric of gentlemen on your left—subjugation, extermination, the recolonization of the whole rebel territory—then your term of enlistment is altogether too short—altogether too short.

"If, Mr. Speaker, the object be extermination, there is not one of these pages, snatched prematurely from his mother's arms or cradle, who will live to see the end. You have been waging the war two years, and yet the number of inhabitants in the rebel States today is larger than it was when the war was begun. You cannot, probably, if you would, and you would not if you could, carry on a war with a fierceness and severity that would destroy life as rapidly as it germinates. Men, in war even, will marry and women be given in marriage; children will be born to them, and their mothers will hold them to their flowing breasts as the storm sweeps by. The angel of life will triumph over the angel of death. Such is the blessed economy of God. The extermination of eight millions of people, with the use of all our power and all our resources, is a moral and physical impossibility. Of this war, if it is carried on for extermination, neither you nor I, Mr. Speaker, may hope to see its close but in one way, to us the way of deepest humiliation, the intervention of other nations to stay its ravages. Who talks of a war of extermination is simply mad."

The debate was further continued at some length in the House; the substitutes were rejected, and the bill passed in the following form:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and is hereby authorized to enroll, arm, equip, and receive into the land and naval service of the United States such number of volunteers of African descent as he may deem useful to suppress the present rebellion, for such term of service as he may prescribe, not exceeding five years. The said volunteers to be organized according to the regulations of the branch of service in which they may be enlisted, to receive the same rations, clothing, and equipments as other volunteers, and a monthly pay not to exceed that of other volunteers; to be officered by persons appointed and commissioned by the President, and to be governed by the rules and articles of war and such other rules and regulations as

may be prescribed by the President: *Provided*, That nothing herein contained, or in the rules and articles of war, shall be so construed as to authorize or permit any officer of African descent to be appointed to rank, or to exercise military or naval authority over white officers, soldiers, or men in the military or naval service of the United States; nor shall any greater pay than ten dollars per month, with the usual allowance of clothing and rations, be allowed or paid to privates or laborers of African descent which are, or may be, in the military or naval service of the United States: *Provided further*, That the slaves of loyal citizens in the States exempt by the President's proclamation of January 1, 1863, shall not be received into the armed service of the United States, nor shall there be recruiting offices opened in either of the States of Delaware, Maryland, Western Virginia, Kentucky, Tennessee, or Missouri, without the consent of the Governor of said State having been first obtained.

The vote was as follows:

YEAS—Messrs. Aldrich, Alley, Arnold, Ashley, Babbitt, Baxter, Beaman, Bingham, Samuel S. Blair, Blake, William G. Brown, Buffinton, Campbell, Casey, Chamberlain, Clark, Colfax, Frederick A. Conkling, Roscoe Conkling, Conway, Cutler, Davis, Dawes, Dunn, Edgerton, Edwards, Eliot, Ely, Fenton, Samuel C. Fessenden, Thomas A. D. Fessenden, Fisher, Frank, Gooch, Gurley, Hooper, Hutchins, Julian, Kelley, Francis W. Kellogg, Lansing, Loomis, Lovejoy, Low, McIndoe, McKean, McKnight, McPherson, Marston, Mitchell, Justin S. Morrill, Nixon, Noell, Olin, Timothy G. Phelps, Pike, Pomeroy, Porter, John H. Rice, Riddle, Edward H. Rollins, Sargeant, Sedgwick, Shanks, Sheffield, Shellarbager, Sherman, Sloan, Spaulding, Stevens, Train, Trimble, Trowbridge, Van Horn, Walker, Wall, Wallace, Washburne, Wheeler, Albert S. White, Wilson, Windom, and Worcester—83.

NAYS—Messrs. William Allen, William J. Allen, Ancona, Bailey, Biddle, Jacob B. Blair, Clements, Cobb, Cox, Cravens, Crisfield, Crittenden, Delaplaine, Granger, Grider, Hale, Hall, Harding, Harrison, Holman, Horton, Johnson, William Kellogg, Kerrigan, Law, Lazear, Leary, Mallory, May, Maynard, Menzies, Morris, Noble, Norton, Odell, Pendleton, Price, Robinson, James S. Rollins, Shiel, Stiles, Benjamin F. Thomas, Francis Thomas, Vallandigham, Vibbard, Wadsworth, Webster, Whaley, Chilton A. White, Wickliff, Wood, Woodruff, Wright, and Yeaman—54.

On the 3d of February the bill came up in the Senate, and was referred to the Committee on Military Affairs.

On the 12th of February, the Committee reported the bill back to the Senate, with a recommendation "that it do not pass, because the authority intended to be given by it is sufficiently granted in the twelfth and fifteenth sections of the act approved July 17, 1862, chapter 101." The following are the sections referred to:

SEC. 12. *And be it further enacted*, That the President be, and is hereby authorized to receive into the service of the United States, for the purpose of constructing intrenchments, or performing camp service, or any other labor, or any military or naval service for which they may be found competent, persons of African descent, and such persons shall be enrolled and organized under such regulations, not inconsistent with the Constitution and laws, as the President may prescribe.

SEC. 15. *And be it further enacted*, That all persons who have been or shall be hereafter enrolled in the service of the United States under this act shall receive the pay and rations now allowed by law to soldiers, according to their respective grades: *Provided*, That persons of African descent, who under this law shall be employed, shall receive ten dollars per month and one ration, three dollars of which monthly pay may be in clothing.

In the Senate, on the 5th of February, the bill for enrolling and drafting the militia, &c., was considered with the amendments reported by the Committee on Military Affairs.

Mr. Carlile, of Western Virginia, stated that some provisions of the bill appeared to be of doubtful propriety, and of very doubtful constitutionality. He therefore moved to strike out the second section, as proposing "to put the entire militia of the States under the control of the President, and subject to certain rules and regulations for drafting them as he may prescribe." If this motion succeeded, it was his intention also to move to strike out the fourth, seventh, and tenth sections of the bill, of which he said: "Those sections strike down everything like the rights of the States to take care of their own militia, and they take from the States really all control over them. The Constitution of the United States authorizes Congress—

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States.

"This is a general conscript law, asserting the power on the part of the Congress of the United States, without reference at all to the States of the Union, to give to the President the right to call the entire military force of the several States into the service of the United States, to provide how they shall be called in, to provide for enrolling and drafting them, and to make rules for their government, ignoring entirely the governments of the States. If this were a despotic Government, or if the people belonged to this Government, there might be some such assertion of power on the part of Congress; but, as I understand it, the Government belongs to the people, and the present war is an effort to preserve that Government. If the people do not feel interest enough in their own Government to preserve it, I doubt very much whether you can place power enough in the hands of their agents to make them do it."

Mr. Richardson, of Illinois, in opposition to the bill, said: "Mr. President, no bill has ever been introduced into Congress of such fearful import as the one now under consideration. It confers upon the President of the United States power to make all rules and regulations for the enrollment of the militia; and when they are enrolled, it places the entire militia of the United States at his absolute command.

"It is the enrollment that puts him into the service. As soon as he is enrolled, no matter what his disabilities may be, he is subject to the order of the President of the United States and the rules and articles of war. There is no exemption. I object to the bill on that account.

"But, Mr. President, I object to the bill still more on another ground. Heretofore, in our

history, Congress has assumed the responsibility of passing laws for the purpose of bringing soldiers into the field. This bill proposes to surrender that right now and forever, and to confer upon the President of the United States more power than belongs to any despot in Europe or anywhere else. I ask gentlemen to look at the second and fourth sections of this bill, and to pause before they cast their vote for either. As has been well said by the senator from Virginia, they strike down every right pertaining to the States. In some of the States we have in our militia those who do not belong to the militia in other States. In some of the States you have the negro in your militia; in others you have not. Under the operation of this bill the President of the United States has the absolute power to take every man into the service who may differ with him in political sentiment and political views. He is to make the regulations; he is to make the law. He may take, upon the other hand, that class of people whom we do not believe to be capable of fighting battles or maintaining the civil government.

"Mr. President, when I look at the measures that are proposed here, when I see the deep interest that is felt in the section of the country from which I come, I cannot forbear saying to the Senate of the United States, and to the country, if you pass this bill, if you pass the bill you had under consideration the other day to appropriate money to purchase slaves, and the bill to bring into your armies, side by side with our white race, an inferior race, the negro, I fear you will plunge the country into civil war. I ask you to consider; I ask you to reflect. I will not discuss the question of whether this feeling so deep and fearful is right or wrong. I know it exists, and as legislators it is our duty to treat of facts as they are. It is our duty to remember that our fellow citizens have passions which may dethrone reason, and sometimes cause them to act precipitately and hastily. God knows I do not wish to augment this feeling, already excited enough. I have a right to call upon the American Senate to forbear before passing acts that may involve us in further trouble, in disaster, and, it may be, in civil war. Whenever you have called on that section of the country for volunteers you have got them. Whenever you have asked for them they have come. If in other sections of the country they have not come as promptly as they have from that, is there nothing less than to give absolute, extreme, dangerous power to the President to fill up your army?"

Mr. Wilson, of Massachusetts, then explained the bill: "The Government has the power to organize the militia and to arm the militia, and, in the exercise of that power, the Congress of the United States has enacted that all persons between eighteen and forty-five, not exempted by law, shall be enrolled. Congress, at the last session, enacted that the President of the United States should make the needful rules and regulations, whenever it was necessary to make them. Now, this bill simply provides that the President shall have the power to make the needful rules and regulations for enrolling the militia of the country, and for drafting the militia. It does not take away from the States the power to appoint the officers; it does not give the President of the United States the power to appoint the officers; it does not take away from the States the power to train the militia when organized and when enrolled; it does not take away from the States the power to train the militia according to the laws and regulations prescribed by the Congress of the United States. I do not see, sir, that it trenches in any way upon the provisions of the Constitution; but it is an important provision, giving the President of the United States during this rebellion the authority to make the needful rules and regulations for the enrollment of the militia, and for the drafting of the militia.

"Objection is made to the fourth section, which provides that persons when drafted shall be considered as in the service of the United States. I think it a very important provision. When either a volunteer or a drafted militiaman is mustered into the service of the United States, he is under the rules and articles of war. Now, this section simply provides that the rules and articles of war, which apply to a person who is mustered into the service of the United States, shall apply to a man when he is drafted into the service of the United States; and after being drafted, it is provided that he may be examined and discharged for physical disability; and if found incapable of bearing arms, of course he will be discharged. The bill also provides that any person drafted may supply a substitute, and then he shall be exempted during the war. But it is important that when persons are drafted into the service of the United States, they shall be placed under the rules and articles of war just as much as though they were mustered into the service of the United States. It is a fact, it is a sad one, but it is nevertheless true, that in some localities where men were drafted, not one fifth of those men were ever mustered into the service of the United States, but absented themselves. There was no mode to reach them, and the draft was substantially broken up in that way."

Mr. Bayard, of Delaware, in reply said: "Sir, there is, in my view, a difference between the army and navy of the United States and the militia of the United States. I think the Constitution makes a difference. It gives you the power to raise and support armies, with a limitation as to the appropriations; but the militia are the forces of the States as States. The Constitution gives you power to call them forth for the service of the United States in two cases; but it does not give you the control, nor does it intend to give you the control of the militia of the States in the same manner that you have of the army and navy. You

have not the authority, in my judgment, to govern the militia of the United States. You may provide for their organization; you may provide for their enrollment, which is part of the organization; you may provide for arming them; you may provide the mode and manner in which they shall be disciplined; but you cannot execute that by your own executive; it is left to the States to do it themselves, the authorities of the States being in express terms authorized to do it. You may provide for the government of such part of them as are employed in the service of the United States. Does that include the right to place the entire control over all citizens between eighteen and forty-five in every State at the mere discretion of the President, whether they have been mustered into the service or not? Is it not an abuse of terms to say that they are in the employment of the United States?"

Mr. Nesmith, of Oregon, expressed the following views on the points under consideration: "The power which it is proposed to confer upon the President is merely a power which is to go into force antecedent to these militiamen becoming a portion of the army of the United States. It is merely provided that he shall make rules and regulations for enrolling and drafting the militia; not for the execution of the enrollment and the draft itself, that being already provided for by law. It is therefore clear to my mind that the constitutional objection which has been raised by the senator from Delaware does not apply. The language is, 'all proper rules and regulations.' I apprehend that the term 'proper,' as there used, must have reference to existing laws; and if the President should make rules and regulations for drafting the militia into the service of the United States, which were not authorized by the existing laws, the courts might intervene and discharge from service persons who were drafted into the service by means of an improper exercise of this power.

"The objection which the senator from Illinois made was that certain classes or persons of particular political opinions or of some particular complexion might be drafted or might be left out, as the President, in the exercise of his power, saw proper. I think the provisions of the section are such as to exclude any such idea. It is very explicit in the enumeration of the persons who shall be subject to the draft, and it says that in all cases it shall 'include all able-bodied male citizens between the ages of eighteen and forty-five years, except such as may be exempt therefrom by existing laws of the United States.' I do not suppose that under the provisions of the section as it stands the President could make any discrimination against persons entertaining political sentiments different from his own; neither do I suppose that he could force any alien or any person of African descent into the service under this section. It confines him strictly to those who are citizens of the United States."

Mr. Richardson, of Illinois, interrupting the senator, said: "Allow me to suggest to the senator that the Attorney-General has given an opinion that all persons who are born free in this country are citizens, no matter whether of African descent or not. I believe that is the purport of his opinion, and I presume the President accepts that as the law."

The amendment of Mr. Carlile was rejected as follows:

YEAS—Messrs. Bayard, Carlile, Davis, Hicks, Kennedy, Latham, Powell, Rice, Richardson, Saulsbury, Turpie, Wall, Willey, and Wilson of Missouri—14.

NAYS—Messrs. Anthony, Arnold, Chandler, Clark, Collamer, Cowell, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harding, Harlan, Harris, Henderson, Howard, Howe, King, Lane of Indiana, Lane of Kansas, Morrill, Nesmith, Pomeroy, Sherman, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, Wilmot, and Wilson of Massachusetts—33.

A motion from Mr. Carlile to strike out the fourth section of the bill was next considered.

Mr. Collamer, of Vermont, took the floor in opposition. He said: "The section now under consideration provides that when a man shall have been drafted into the militia according to law, he shall from that time be considered as subject to the rules and articles of war. The provision is that he 'shall, when so drafted, be deemed to be in the actual service of the United States.' It is suggested that that declaration is beyond our power. I do not propose to argue that point now, but simply to suggest that if I can find a precedent in the early practice of the country, in our better times, if you please, I shall have gone far enough. I do not want to consider it as *res integra* again. The Constitution, indeed, provides in the amendments:

ART. V. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall he be compelled in any criminal case to be a witness against himself, nor to be deprived of life, liberty, or property, without due process of law.

"That phrase 'due process of law' has often been decided by our courts to mean the ordinary course of judicial proceedings by courts and juries. In the act of 1795, regulating the drafting of the militia, it is provided that when a man who is drafted neglects or refuses to appear and do duty, he shall be subject to such and such fines described, which shall be levied upon him by a court martial. The part of the Constitution which I have read would not subject any man to the infliction of any penalty by a court martial (for that is not 'due process of law)' unless he was in the service of the United States. The act of 1795 subjected men to fine by court martial when they had been drafted, though they had not been mustered. That has been the law ever since. In the case of Martin *vs.* Mott, which the honorable senator will find in 12 Wheaton's Reports, and also in another case reported in 5 Wheaton, the

marshal had levied upon property and collected the fine assessed; the owner of the property replevied the property thus taken, which was distrained for the fine; and the whole case came to the Supreme Court of the United States. The entire question was brought before the court, and a great variety of points was started. The constitutionality of such a law was contested. The court, however, sustained the levying of a fine by a court martial in that case. They said it was a constitutional law, notwithstanding the provision of the Constitution which I have read."

Mr. Carlile, of Virginia, in reply, said: "The clauses in the Constitution authorizing the President to call forth the militia, and to provide for their organizing and disciplining, have been cited as authority for the power sought to be exercised by this bill; and the distinguished senator from Vermont, for whose learning and intellectual ability I have the highest respect, contented himself this morning, by way of sustaining the provision, by citing two precedents, decisions which he says have been made by the Supreme Court, the proper tribunal to settle constitutional questions. I desire to invite his attention to an authority which I know will be respected by him. It is none other than Chief-Justice Story, who wrote his Commentaries long after the decisions to which the senator from Vermont has referred, and who it must be presumed was perfectly familiar with those decisions, which authority directly controverts the position attempted to be established by the precedents cited, and denies the power claimed by the friends of this bill. It is a remarkable fact that in the discussions of this subject by Chief-Justice Story, he refers to the debates in the Convention which formed the Federal Constitution, and shows by reference to those debates that one of the objections urged to the clauses as they now stand in the Constitution, providing for calling forth the militia and organizing and disciplining and governing them when in the service of the United States, was that it might be construed to confer the very power which is now sought to be exercised by the fourth section of this bill. I repeat, Mr. President, and I desire to call the attention of senators to this important fact, that one of the reasons urged in the Federal Convention against the adoption of the clauses of the Constitution which are relied upon as conferring authority for this provision which is now moved to be stricken out, was, that it might be construed as a warrant for the exercise of the very power sought to be ingrafted into this bill. 2 Elliot's Debates, pages 287, 288, and 294, shows the fact that I have stated; and Justice Story, in commenting upon it, says:

> The right of governing them [the militia] was confined to the single case of their being in the actual service of the United States, in some of the cases pointed out in the Constitution. It was then, and then only, that they could be subjected by the General Government to martial law.

"This fourth section proposes to subject the men who may be drafted under the provisions of this bill to martial law, to bring them under the rules and articles of war, to deprive them of their constitutional right of being tried for criminal offences by presentments and an indictment before a jury of their peers before they have been mustered into the service, or before they have entered the service of the United States. Such a power, Justice Story says, in the passage which I have quoted, is not conferred by the Constitution or warranted by that instrument. (Story's Commentaries on the Constitution, volume 3, page 85, section 1202.) I will read it again:

> The right of governing them was confined to the single case of their being in the actual service of the United States, in some of the cases pointed out in the Constitution. It was then, and then only, that they could be subjected by the General Government to martial law.

"We know that this right of calling the militia into the service of the United States, out of their States, was resisted by Connecticut and Massachusetts; and Justice Story, in his Commentaries, refers to that resistance:

> In Connecticut and Massachusetts it was held that the Governors of the States, to whom orders were addressed by the President to call forth the militia on account of danger of invasion, were entitled to judge for themselves whether the exigency has arisen; and were not bound by the opinion or orders of the President.

"Again, Justice Story says in the same volume, page 93, section 1208:

> There is a clear distinction between calling forth the militia and their being in actual service. These are not contemporaneous acts, nor necessarily identical in their constitutional bearings. The President is not commander-in-chief of the militia except when in actual service, and not when they are merely ordered into service. They are subjected to martial law only when in actual service, and not merely when called forth, before they have obeyed the call.

"Now, Mr. President, upon the constitutional question, it seems to me the authority which I have read, laid down by Justice Story, in his Commentaries on the Constitution, should be sufficient, and is a sufficient answer to the constitutional argument made by the senator from Massachusetts, and the precedent cited by my distinguished friend from Vermont.

"We cannot shut our eyes to the fact—whether it be true or false, the fact exists—there is a prevailing opinion and impression in the country that this war is not being waged for the maintenance of the Constitution and the restoration of the Union as it was. So long as that sentiment exists, your efforts will be more or less paralyzed, and all your bills and all your authority will, if in the opinion of the people they are the exercise of unconstitutional, arbitrary power, be resisted by them. That impression will prevail in my opinion, if we look to force, and force alone, not only to suppress the rebellion, but to fill up our armies, and to strengthen the arm of this Government. Sir, force is one of the means to be used against

this rebellion; but force is not the most desirable means to be used against the people loyal to the Constitution and the Government of their country."

Mr. Doolittle thus explained the case stated by Mr. Collamer: "Mr. President, the case referred to by the honorable senator from Vermont is a case arising under the law of Pennsylvania. Congress had provided by law for the drafting of the militia, and subjecting those who did not appear to penalties to be imposed by courts martial. Congress did not provide that the courts martial should be established by the authorities of the United States. The law of Pennsylvania, however, stepped in, and provided that if persons were drafted in pursuance of this act of Congress and failed to come, they should be subjected to the penalties imposed by this act of Congress, and provided also that a court martial of the State should be organized to impose the penalty. The State court martial of Pennsylvania imposed the penalty and levied the fine. The property was seized. The property seized by virtue of this order of the court martial was replevied, and the controversy which grew out of that went up to the Supreme Court of the United States; and then this question, which my honorable friend is now discussing, was one of the precise questions which were discussed in that case. Justice Washington, who delivered the opinion of the court, laid down the rule that under the law of Congress as it then existed, a distinction was taken between a person called to go into the service and a person who was actually employed within the service. He said, further, that Congress might, by law, have declared, and perhaps it would have been better if they had declared, that the time when he went into the service might date from the time when he was drafted, or from the time when the order went to the Governor to call for the troops, or when it went to any other officer. Mr. Justice Story, who was a member of the bench of the Supreme Court at that time from New England, which was supposed to be a little disaffected to the war of 1812, in delivering a dissenting opinion, took issue with the court, and laid down this dogma, which he subsequently put into his book, in which he claimed that under the Constitution such a distinction did exist; and it is this opinion of Justice Story expressing a dissenting opinion which the Senator from Virginia has quoted.

"Having said thus much, in order to make it certain, I propose to read a little from this authority. Justice Washington, in delivering the opinion of the court, uses this language:

> The first question, then, is at what time and under what circumstances does a portion of militia, drafted, detached, and called forth by the President, enter into the service of the United States, and change their character from State to national militia? That Congress might by law have fixed the period by confining it to the draft; the order given to the chief magistrate or other militia officer of the State; to the arrival of the men at the place of rendezvous; or to any other circumstances, I can entertain no doubt. This would certainly be included in the more extensive powers of calling forth the militia, organizing, arming, disciplining, and governing them. But has Congress made any declaration on this subject, and in what manner is the will of that body, as expressed in the before-mentioned laws, to be construed?

"Then he goes on to say that under the laws of 1795 and 1814, and the other laws of Congress, Congress, in the legislation which had taken place on that subject, did not declare that they were to be considered as in the service of the United States until they were finally mustered in, and were entitled to receive their pay. There is one point further. He says:

> But, although Congress has been less explicit on this subject than they might have been, and it could be wished they had been, I am, nevertheless, of opinion that a fair construction of the different militia laws of the United States will lead to a conclusion that something more than organizing and equipping a detachment, and ordering it into service, was considered as necessary to place the militia in the service of the United States.

"And therefore he arrives at his conclusion that, inasmuch as Congress had not by its law declared when a man was drafted, he was from that moment in the service of the United States and subject to the rules and articles of war; and as Congress still left him as a part of the State militia, he was still subject to the laws governing the State militia, and therefore a militia court martial of the State could impose a legal, valid fine upon him for refusing to obey the call. The court, therefore, sustained the proceeding of the court martial. Justice Story, in giving a dissenting opinion, in which he as a dissentient judge arrives at the conclusion that the law of Pennsylvania is unconstitutional and void, uses the same language which he subsequently put into his Commentaries, and that is the language which the senator from Virginia has read."

Mr. Carlile, of Virginia, still further in explanation said: "Mr. President, I did not interrupt the senator from Ohio; but on this subject of conscription I have not expressed myself as he seems to think. On the question of giving up this contest I agree with him; the people of this country never will give up their Government; but I desire to call the attention of the senator from Wisconsin (Mr. Doolittle) to the authority which he presumed he found decided in the case of Houston *vs.* Moore. If the senator will turn a little further to the history of that case, he will find that what he read as the opinion of the court is the mere *dictum* of Mr. Justice Washington, who delivered the opinion of the court, which was not concurred in by any of the other judges so far as the case shows. On the contrary, Mr. Justice Washington says:

> The other judges are of opinion that the judgment ought to be affirmed;—

"That is, the judgment of the court below—

> but they do not concur in all respects in the reasons which influence my opinion.

"Mr. Justice Johnson delivered a separate opinion on that occasion, to which I desire to call the attention of the honorable senator from Ohio, who seems to be under the impression that in opposition to the action of the States and without State concurrence in your action of conscription, you can still enforce it. If Mr. Justice Johnson be authority, the senator is mistaken in that as a question of constitutional law. In the very same case, Mr. Justice Johnson said:

They [Congress] may command or request; and in the case before us, they obviously confined themselves to the latter mode. Indeed, extensive as their power over the militia is, the United States are obviously intended to be made in some measure dependent upon the States for the aid of this species of force. For, if the States will not officer or train their men, there is no power given to Congress to supply the deficiency.

"In the conclusion of his opinion, going on to show still that what the senator from Wisconsin thought was the opinion of the court was nothing but the *dictum* of Mr. Justice Washington, Mr. Justice Johnson said:

In this case it will be observed that there is no point whatever decided, except that the fine was constitutionally imposed upon the plaintiff in error. The course of reasoning by which the judges have reached this conclusion is various, coinciding in but one thing, namely, that there is no error in the judgment of the State court of Pennsylvania.

"In the opinion as rendered by Justice Story, the weight of authority is decidedly with him so far as this case is concerned, as is stated by him in his Commentaries, from which I read; for Justice Story expressly tells us that in his views he has the concurrence of one of his brethren, and not one of them concurred with Justice Washington in the opinion referred to by the senator from Wisconsin."

The motion to strike out was rejected. Yeas, 13; nays, 28.

On the 16th, the subject came up again in the Senate.

Mr. Wilson, of Massachusetts, urged the passage of the bill, stating these reasons: "We are now engaged in a gigantic struggle for the preservation of the life of the nation, menaced by the foulest and most wicked rebellion recorded in the annals of mankind. The young men of the republic for more than twenty months have been thronging to the field to uphold the cause of their perilled country. They left their homes in the pride and bloom, and filled with the high hopes of young manhood. Those noble regiments of volunteers that left their homes full of lusty life, and in all the pride of strength and assured confidence, are now thinned and wasted by the diseases of the camp and the storms of battle. The old regiments hardly average now more than four hundred men in the field fit for the stern duties of war. Many who rallied at the call of their country, and who have followed its flag with unswerving devotion, now sleep in bloody graves, or linger in hospitals, or, bending beneath disease and wounds, can no longer fill the ranks of our legions in camp or on the battle field. If we mean to maintain the supremacy of the Constitution and the laws, if we mean to preserve the unity of the republic, if we mean that America shall live and have a position and name among the nations, we must fill the broken and thinned ranks of our wasted battalions.

"The issue is now clearly presented to the country for the acceptance or rejection of the American people: an inglorious peace with a dismembered Union and a broken nation, on the one hand, or war fought out until the rebellion is crushed beneath its iron heel. Patriotism, as well as freedom, humanity, and religion, accepts the bloody issues of war rather than peace purchased with the dismemberment of the republic and the death of the nation.

"If we accept peace, disunion, death, then we may speedily summon home again our armies; if we accept war, until the flag of the republic waves over every foot of our united country, then we must see to it that the ranks of our armies, broken by toil, disease, and death, are filled again with the health and vigor of life. To fill the thinned ranks of our battalions, we must again call upon the people. The immense numbers already summoned to the field, the scarcity and high rewards of labor, press upon all of us the conviction that the ranks of our wasted regiments cannot be filled again by the old system of volunteering. If volunteers will not respond to the call of the country, then we must resort to the involuntary system. If we summon the militia, we must have new regiments and new officers—raw soldiers and untrained officers—enormous expenses and impotent forces. The nation needs not new regiments nor more officers; it needs new bayonets in the war-wasted ranks of the veteran regiments. In the ranks of these battle-scarred regiments one new recruit is worth more than three in new regiments under untried officers; and the chances of comfort, health, and life are far greater in the old than in new regiments.

"Volunteers we cannot obtain, and everything forbids that we should resort to the temporary expedient of calling out the militia. Such a call would waste resources and absorb the energies, and increase but little the military forces of the country. The needs of the nation demand that we should rely not only upon volunteering, nor upon calling forth the militia, but that we should fill the regiments now in the field, worn and wasted by disease and death, by enrolling and drafting the population of the country under the constitutional authority 'to raise and support armies.' The Constitution of the United States confers upon Congress the absolute and complete power 'to raise and support armies,' qualified only by the provision that appropriations for that purpose shall be for not more than two years.

"Sir, this grant to Congress of power 'to raise and support armies' carries with it the

right to do it by voluntary enlistment or by compulsory process. If men cannot be raised by voluntary enlistment, then the Government must raise men by involuntary means, or the power to raise and support armies for the public defence is a nullity."

Numerous amendments were made to the bill.

Mr. Cowan, of Pennsylvania, moved to make the period of service for the conscripts one year. This was rejected by the following vote:

YEAS—Messrs. Collamer, Cowan, Davis, Dixon, Foot, Grimes, Harris, Henderson, Hicks, and Trumbull—10.

NAYS—Messrs. Anthony, Arnold, Chandler, Clark, Doolittle, Fessenden, Foster, Harding, Harlan, Howard, Howe, King, Lane of Indiana, Lane of Kansas, Latham, McDougall, Morrill, Nesmith, Pomeroy, Rice, Sherman, Sumner, Ten Eyck, Wade, Wilkinson, and Wilson of Massachusetts—26.

The bill was then ordered to be engrossed for a third reading, and read the third time and passed. The vote is not given in the official report.

On the 23d of February, the bill was considered in the House.

Mr. Olin, of New York, who had charge of the bill in the House, thus stated the course he proposed to pursue: "I propose to move to commit the bill to the Committee on Military Affairs, and on that motion to permit discussion upon the merits of the bill for a reasonable length of time; then, after such discussion, if I can obtain the floor, I propose to withdraw that motion, and to ask the House to vote upon the bill as reported from the Senate.

"My reasons for adopting this course are simply these: the bill, in some of its details, I consider more or less imperfect; but all these details are of minor consequence when compared with the great importance of the measure itself; and so far as these details are concerned, if any of them are objectionable, they can very easily be remedied by a supplementary bill. These defects or imperfections are, in my judgment, of infinitely less importance than that this measure, or one substantially like this, should be secured and passed into law by the present Congress. I am, therefore, not willing to hazard the loss of a bill which I deem so important by opening it to the various propositions which may be made by way of amendment to this bill. The Committee on Military Affairs have carefully considered this measure. It has been a measure of vital interest from the commencement of the session to the present hour. Our attention has not been diverted from this measure since the commencement of the session.

"Now, although the committee would, if the time permitted, alter some of its minor provisions, yet I think as a whole they agree with me in the propriety of asking this House to pass this bill without amendment, and thus to secure with certainty the measure, and clothe the Government with power to exercise this necessary authority under the present situation of our public affairs. I intend, if there shall be time during the present session, to introduce a bill into the House, open for discussion and amendment, to allow us to perfect, if it is thought we can perfect, some of the details of this bill. I mean that the House shall have an opportunity to do so if this bill shall become a law.

Mr. Olin then noticed the chief objections to the bill thus: "Some objections are made to this measure. First, that it does not ask the coöperation of the States, and invite the instrumentality of State organizations in raising these troops conceded to be necessary at this time. My first answer is, there is no time to employ such instrumentality. Many of our State Legislatures would not and could not perfect such measures within the next twelve months. In the mean time untold disasters would very likely befall our arms by reason of such delay. All concede the present is the critical period of the war, and that the present exigency demands imperiously that whatever of vigor, whatever of authority, whatever of power the National Government has as a Government, should be exerted at this time.

"My second answer is, that this 'power to raise and support armies,' expressly given by the Constitution to Congress, should be exercised by Congress, and not petitioned for as a boon from the State Governments. This idea of calling upon the Governors of the States to furnish troops had its origin in that accursed doctrine of State rights, State sovereignty, which has been chiefly instrumental in bringing upon the republic our present calamity. It is high time the Federal Government exerted every power clearly and expressly granted to it. And if the Government cannot exercise those powers, the sooner we know it the better, and let us resolve again into that Confederacy which existed before the formation of the Federal Constitution. I am unwilling to rely upon State instrumentality for the exercise of this sovereign power. I wish now that the Government, as a Government, should be felt in the exercise of its rightful authority. This is not the time to abdicate any of the sovereign powers granted in the Federal Constitution, or to withhold their exercise."

Mr. Holman, of Indiana, said: "I wish to ask the gentleman from New York, whether I understood him to say that he should not give opportunity to offer amendments to the bill?"

Mr. Olin replied: "The gentleman certainly could not have misunderstood me if he had listened to my remarks. I stated that I was unwilling to hazard the passage of this bill by putting amendments to it, and thereby sending it back to the Senate at this late hour of the session.

"I stated further that I intended, if the House would give us the liberty to do so, to bring in a bill speedily, and thereby afford

an opportunity to perfect or modify the bill, as the House thought proper."

Mr. Holman further said: "There is no intention, or at least wish, to fillibuster upon this bill, and there is no gentleman, I presume, opposed to its details who cares to discuss it, unless an opportunity to offer amendments is afforded. For what can debate amount to without an opportunity to amend? It is not for the mere purpose of expressing opinions hostile to the measure that discussion is desired, but for the purpose of perfecting the bill, so that, shorn of its objectionable features, it may pass with some degree of unanimity through this house. It is important that a well-digested militia bill should be passed by Congress, curing the defects in the existing law."

Mr. Wickliffe, of Kentucky, moved to amend the motion to refer by instructing the committee to report back the bill with the following provision:

That it shall be the duty of the commander of troops at any post, in any State, on the days of election, by the citizens of such State, held for the purpose of electing State officers, or officers of the United States, or Representatives to Congress, or electors for the President and Vice President, to remove and keep his troops at least one mile from the place of voting during said election.

Mr. Cox, of Ohio, moved to amend by adopting the following proviso:

Provided, That no one shall be enrolled under this act except able-bodied white male citizens of the United States.

An extended discussion ensued, involving the general administration of public affairs rather than the points of the bill, which were only incidentally mentioned. Mr. Biddle, of Pennsylvania, urged objections to the bill as follows: "This is part of a series of measures, which, to my mind, seem materially to alter the construction of the Government under which we live. The bill to transfer to the President, without limitation of time or place, our power over the writ of *habeas corpus*, the bill of indemnity which, to use the words of the Senate's amendment, secures for all wrongs or trespasses committed by any officer of the Government full immunity if he pleads in the courts of justice the order of the President, and which also deprives State courts of their jurisdiction in such cases; the bank bill, which puts the purse strings in the same hand with the sword—these bills, to my mind, couple themselves with this bill, and they seem to me, taken together, to change the whole framework of this Government, and instead of the constitutional Government which was originally so carefully devised for this country, they leave us a system which does not materially differ, according to any definition I can frame, from the despotism of France or of Russia.

"This particular bill, to sum it up in a word, for I shall not continue at any length these general objections, turns the militia of the United States into a regular army. That is its leading feature. I do not intend to animadvert upon small particulars, such as, for instance, that while the executive departments of the Government are exempted from the draft, members of Congress are made subject to it. I allude to that merely as one of those straws which shows which way the wind blows in these times. But the two sections to which I hoped to offer amendments successfully are the fifth and seventh sections of this bill.

"Look at these provisions: a provost-marshal in every congressional district, to 'inquire into and report all treasonable practices,' arresting summarily under this act, or under no act, but under some order or proclamation, any one who may be obnoxious to him or his superiors. Five of these functionaries will reign at once in Philadelphia—twenty-five in Pennsylvania; a proportional number in all the other States. Why, Athens had but thirty imposed on her by military power, and such was their rule that, in Grecian history, the year of the thirty tyrants was known as 'the year of anarchy.'

"These two sections, Mr. Speaker, cover the whole country with a network of military authority. For the first time this new character in civil society, the provost-marshal, is recognized by law, and without those limitations on his authority which are necessary for the protection of the citizen from those extraordinary abuses of power of which we have already seen so many examples. I do not speculate on what will be the construction of the authority of these officers. I have no occasion to speculate on it. I presume that we may fairly 'judge the future by the past.'

"In order, Mr. Speaker, to exhibit the more clearly the aim of the course of argument which I am pursuing, I will state to the House the general purport of the amendments which it is the object of my remarks to recommend to its favor. At the end of the seventh section, which gives vague powers to provost-marshals to inquire into the vague offence of treasonable practices, I propose to add a proviso, that nothing in this act contained shall authorize the arrest or trial by military authority of any person who is not in the military service of the United States, nor drafted into the same under the provisions of this act; nor shall the said provost-marshal, or any other officer of the United States interfere with the lawful exercise of the elective franchise in any State or Territory wherein the execution of the laws of the United States is not obstructed by force of arms."

Mr. Wright, of Pennsylvania, also objected to it as interfering with the personal liberty of the citizen, thus: "There is, then, the great question involved in the bill of depriving the citizen of his personal liberty without a trial by jury, or even without the ordinary forms of law; and that citizen may be the most loyal man in the land. You put at defiance the constitutional safeguards which have been wisely placed around him. This House cannot have forgotten the

bad feeling which grew up all over the country in regard to arrests made, not in accordance with, but in opposition to, the law; and in my judgment it now behooves this legislative body to act with caution in regard to all authority conferred for the arrest and imprisonment of citizens of the United States. The provisions of the last section of the bill, to which I have already referred, put it in the power of the provost-marshal to arrest and imprison citizens of the United States on his own motion. That is wrong. It ought not to be so. If there is to be any charge of disloyalty against any citizen of the Government, there are other ways in which it may be fairly tried and decided, and that, too, according to constitutional law. I do not think that when gentlemen come to reflect on the vast power which this bill confers upon any one of the provost-marshals created under it to go into any one of the sovereign States of the Union, and arrest on his own motion, and imprison under his own construction of what may be 'treasonable practices,' they will be willing to retain such power in the bill.

"This is one of the insuperable objections I see to the bill. I am willing, and I say it with candor, to send every man in the loyal States into the field, if necessary. I am willing to devote every cent of the nation's money, and every drop of blood to put down this rebellion. But, sir, you must not put the life and liberty of the citizen under the whim and caprice of every upstart officer who may take upon himself under this bill to judge as to what is treason and what is not treason."

Mr. Sargeant, of California, thus urged the importance of the bill: "The practical question arises, will this bill increase the efficiency of the national forces? Will it place more men in the field, and enable the Government to carry on the war upon sounder and surer principles? It must be admitted that the successful raising of armies by the rebels has been accomplished by the conscription principle. By no other could they have kept full half a million men in arms—so large a proportion of their available population. As we must fight, we must begin to fight upon effective principles. We must gird up the loins of the nation for a conclusive struggle. The enemy have made their last effort. It is now with them a question of endurance. If they can keep us at bay until our present enlisted men are discharged with the expiration of their short terms of enlistment, and their allies in the North can defeat the refilling of our armies, they have gained their purposes, and the Union is dissolved. It matters little upon what pretence this or a kindred bill is opposed, the effect is the same. Some such measure is imperative, and no one can be devised which a fault-finding ingenuity cannot fill an hour in condemning. One gentleman objects because the patronage of Governors of States in the appointment of officers is abridged, while it has full scope under the volunteer system. Yet gentlemen know that a curse of that system is that militia appointments have gone more by favor than fitness, and the Government is compelled to pay thousands of officers who curse the army by their inefficiency. Another thinks the Constitution gives no power to Congress to summon the people to the army unless they volunteer to come; as if the founders of this Government erected this beautiful fabric of liberty and national glory, and provided no means to secure its safety. The Constitution confers the right to summon every man, whether from the plough, the workshop, or the pulpit, to press back invasion or crush insurrection; and gives to Congress the power to pass laws to see that that summons is effectual. Else we are secured by a rope of sand, and are dissolved into chaos at the first jar of war."

Mr. White, of Ohio, opposed the bill as being unconstitutional. He said: "Mr. Speaker, if there was anything of which our fathers were jealous, and against the dangers of which they sought to provide, it was the power of an overshadowing standing army. The writers and commentators on the Constitution, contemporaneous with its adoption, have written on the subject and elucidated the meaning, the intent, and the spirit of that instrument. The power is clearly given to raise and support armies. How are they to be raised and supported? I admit the power of the General Government, independent of the States, to get all the men into the army that it can by voluntary enlistments. But when it goes beyond that, you have to resort to the militia of the States and call them into the service of the United States as such. You have no power to force soldiers into the service of the United States in any other way than through and by means of the militia organizations established under the laws of the States.

"After granting the power to raise and support armies, the Constitution further provides that Congress shall have power—

> To provide for calling forth the militia to execute the laws of the Union, to suppress insurrection, and repel invasions.

"There is no other conceivable purpose for which a military force could be used than those here enumerated. And in order to make the militia when called into the service efficient, the further power is given Congress—

> To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

"These are plain, practical provisions incorporated into the Constitution in order to establish that uniformity in the organization, arming, and discipline of the militia of the different States necessary to make them efficient when brought into the service of the United States, so that when placed under the governing power of Congress and fused into one mass, they

should have arms of the same caliber adapted to the use of the same kind of fixed ammunition, and they should be subject to the same organization, discipline, and drill. Here we have not only the power given to raise and support armies, but the mode, means, and purposes by and for which they are raised is clearly defined and prescribed; and I maintain that every other mode and power is excluded. The great point to be attained by the framers of the Constitution was to provide for every exigency that might arise, and at the same time to guard against the dangers of a large standing army, the bane of republics, and always dangerous to liberty. Another point to be attained was to provide against undue encroachments on the rights and sovereignty of the States by the General Government. It was thought, and so argued in the Convention that formed the Constitution, that these provisions effected all these objects; that every power was granted necessary to make the militia thoroughly efficient and effective; the President is made their commander-in-chief when called into the service of the United States, and Congress is vested with exclusive power to organize, arm, discipline, and govern them; reserving to the States the power, equally exclusive, of appointing the officers, and training according to the discipline prescribed by Congress.

"This bill takes away from the States the right to appoint the officers, while it subjects the entire militia of every State in the Union to be brought into the service at the pleasure of the President, giving him the power to appoint every officer from second lieutenant up to major-general, thus breaking down that barrier erected by the founders of the Government to prevent Federal encroachment upon the rights of the States, the very object for which this provision, reserving to the States the exclusive right to appoint these officers, was incorporated in the Constitution. A proposition was made in the Constitutional Convention to strike this clause out of the Constitution. It was voted down. A proposition was offered giving the General Government the appointment of all officers above the rank of colonel, and that proposition was also voted down. It was claimed by the members of that body that the militia of the States, officered by the State authorities, would always be a sure check against the encroachments of Federal authority upon the vested rights of the States."

Mr. Mallory, of Kentucky, asserted the following as the reasons for the passage of the bill: "Mr. Speaker, why is this measure called for at this time? The answer, sir, is one which must be very galling to the pride of the Administration and its supporters. It is a complete confession of incompetency to manage the stupendous war in which it finds itself involved—a most humiliating and reluctant acknowledgement that its measures have been mistakes, its policy a blunder. We were told by the gentleman from Pennsylvania (Mr. Stevens), the other day, that no more volunteers could be had from the North. We have seen that no reliance can be placed on the negro troops. We know that desertions from the army in great numbers are of daily occurrence. Indeed, this evil has become so extended and alarming that especial provision is made to cure it in this very bill by the agency of these provost-marshals. The expiration of the terms of service of thousands of volunteers is rapidly approaching, and it is known that among them an almost insuperable objection to reënlisting exists, and is increasing.

"These, Mr. Speaker, are the reasons why the Administration now comes to Congress and asks for this enormous power. We are told that this measure will remove all the difficulties that surround us, and enable the Government to carry on the war with renewed vigor to a successful termination. Sir, if this were all true, I could not support the bill. Believing, as I do, that its provisions are subversive of the Constitution, and that its passage would establish a precedent dangerous to the liberties of the people—if not directly destructive of those liberties—I could not, in view of my oath to support the Constitution of the United States, give the bill the sanction of my vote. But I do not believe that this bill would remove the difficulties in the way of the Government. I believe that it would increase and multiply them. Mr. Speaker, let us examine into the cause of this dead lock of the Government. Let us inquire why it is that no more volunteers can be obtained; why it is that our soldiers are so much dissatisfied; why desertions are daily occurring, and why those whose terms of service expire will not reënlist? Sir, I charge that the cause of all this is to be found in the measures of policy of the President and the party in power. It is to be found in the fact now patent, that the whole policy of the President and his party, in the conduct of the war, has been changed; that this change has been both in the object of the war and in the means used for conducting it."

Mr. Dunn, of Indiana, thus urged the necessity for the adoption of the measure: "The necessity is upon us to pass a bill of this character. We have many regiments in the field greatly reduced in numbers, some to four hundred rank and file, some to three hundred, some to two, and a gentleman behind me remarks, some to one hundred. These reductions have not all been caused by the casualties of war, but by various circumstances combined. It is due to the gallant men remaining in these regiments that their numbers should be promptly filled up. This cannot be done by voluntary enlistment, on account of the influence of just such speeches as are made here and elsewhere denouncing the war. Many make a clamor against the war as an excuse for not volunteering. Moreover, a draft is the cheapest, fairest, and best mode of raising troops. It is to be regretted this mode was not adopted at first.

Then all would have shared alike in the perils and glories of the war. Every family would have been represented in the field, and every soldier would have had sympathy and support from his friends at home. The passage of this bill will give evidence to the rebels that the nation is summoning all its energies to the conflict, and it will be proof to foreign nations that we are preparing to meet promptly any intermeddling in our domestic strife. The Government has a right in war to command the services of its citizens, whom it protects in war as well as in peace. We, as legislators, must not shrink from the discharge of our high responsibility. This Congress will be memorable in the annals of our country and the history of the world. 'The fiery trials through which we are passing will light us down in honor or dishonor to the latest generation.' If we cannot 'escape history,' let us make our record right, and display that patriotism, wisdom, and energy which history cannot fail to commend."

Mr. Wickliffe, of Kentucky, next took the floor in opposition to the bill, saying: "We have in this country, under our Constitution and system of government, but two classes of military men—one the regular army, and the other the militia. Volunteer soldiers are militia. You have a regular army, and then you have a volunteer army, which is composed of the militia. This bill proposes to give you an army of conscripts; and I should like to know what then becomes of the militia which belongs to the several States of this Union.

"Now, sir, let us see what power this Government has over the militia of the States. Here is the power granted to Congress by the Constitution:

> To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States.

"I do not care how they are brought into the service of the United States, whether they volunteer or are drafted; when you have got the soldier, you must treat him as a militiaman under the Constitution. But the clause goes on thus:

> Reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

"When you call the militia into the service, who is to appoint their officers, under the Constitution? Why, sir, such was the feeling upon this question, that in 1812 some of the States —Massachusetts, I know, was one—took the ground that they had not only the right to organize their militia and officer them, but that the Government of the United States had no right to march them outside the limits of the State for the defence of this Union in the contest then waging with Great Britain.

"Now, I beg the advocates of this bill to look at its provisions. The provost-marshals are to enroll the militia in every State and district, all the able-bodied men between the ages of eighteen and forty-five. These men are subject to be called from their homes, unorganized even into companies. They are to be taken by the order of the President and driven to the army like cattle or mules to market. I ask you whether you are prepared to say to the people, to the fathers and mothers, the wives and relatives of the men whom you thus enroll, that you will take them in this way from their homes, without even giving them the poor privilege of electing their company officers."

Mr. Thomas, of Massachusetts: "The gentleman from Kentucky has adverted just now to the power to organize the militia. I ask the gentleman from Kentucky what limitation he finds in the Constitution on the power 'to raise and support armies?' and whether there is anything in the Constitution to require that an army raised by the Government of the United States shall be raised by voluntary enlistment, as distinguished from the conscription? What is the limitation of that power to call out the citizens in defence of the Government, and against a foreign enemy?"

Mr. Wickliffe: "I answer that question by saying that the power of Congress to raise an army, a regular army, is unlimited."

Mr. Thomas, of Massachusetts: "What limitation has the regular army?"

Mr. Wickliffe: "None in number."

Mr. Thomas, of Massachusetts: "What limitation in quality?"

Mr. Wickliffe: "None in quality. The laws, however, have prescribed the qualifications for a man in the army as well as in the militia."

Mr. Thomas, of Massachusetts: "I understand that a practice has been observed by the Government heretofore in regard to enlisting men in the army; but does that interfere with the constitutional power of the National Government to raise armies?"

Mr. Wickliffe: "Sir, the contemporaneous exposition of the Constitution ought to have some weight with a jurist of such eminence as the gentleman from Massachusetts. The interpretation of the powers of the Government under that Constitution as adopted, explained, and acted upon since 1789 down to the present day, is not to be disregarded by those who have any regard for the men that have passed before us, and who are presumed to have understood the intention and purpose of that instrument which they themselves made or assisted in making. Refer to the first legislation under Washington's Administration, and see what he thought and what Congress thought was the meaning of the clause in the Constitution in regard to organizing the army of the United States.

"Has Congress, ever since the adoption of the Constitution, left it to the executive to settle what should be the strength of the military force of the United States? And is Congress now prepared, when authorizing the raising of an army, to surrender the right of fixing the number of that army, and to leave it to the dis-

cretion of the executive to make it a million or half a million, a thousand or a hundred men? This bill gives him the right to force into his service every militia man in the twenty-three States and Territories."

Mr. Thomas, of Massachusetts: "I understand, if the question is addressed to me, that the law already existing fixes the number of persons who may be called into the army of the United States, and that this bill simply provides for the mode of putting men into the army."

Mr. Wickliffe: "Then, for the public safety, obey the Constitution, and let that be inserted in the bill. Let Congress retain some power over the army. Say that the number to be raised shall not exceed any number now authorized by law. Do not leave it open to the discretion of the President. Do not leave it open to misconceptions. When this Congress at the called session authorized the acceptance of five hundred thousand volunteers, the Government claimed, under the provisions of another law, a right to accept an additional half million. This I thought, and still think, was a great error. Let this law fix the number of men to be taken. Let it say that in calling these men into service, the army shall not exceed that now allowed by law. Then we will understand what army we have and what army we must pay. But as this bill now stands, there is no restriction as to numbers. The President is authorized, without limit as to number, by a bill which passed this House, to enroll the whole three million negroes that may be caught in the South, and the slaves of citizens of other States; and I suppose the gentleman from Massachusetts will not agree that they shall constitute a part of the white army heretofore organized.

"This bill, Mr. Speaker, is drawn and intended to leave it to the discretion of the President to call on all the citizens of the United States, at his will or pleasure, for two years, or for three years, or during the war, without any restriction as to numbers, place them under military law in the army, and to place the whole population left in the States under martial law, denying to them the freeman's writ, the *habeas corpus*. It is a surrender by Congress of the sovereignty of the States and the liberty of the citizen. Besides that, it puts under his exclusive control every militiaman in every State, leaving none for its own self-defence. Under this law, your provost-marshals may go to the State of New York, the State of Pennsylvania, or the State of Kentucky, and enroll every man in those States between the ages of eighteen and forty-five, leaving the States themselves without any militia for defence against invasion or insurrection. The moment they are enrolled, this bill deposes the State authority over its own militia."

Mr. Stevens, of Pennsylvania, followed in support of the bill: "This bill is objected to for various reasons. One of them is that it is unconstitutional, inasmuch as the militia of the nation are to be officered by the Governors of the States. Sir, it is enough to say that this bill provides for no calling out of the militia. This bill establishes what is called a national force. Now the militia of a State are under the regulation of the authorities of that State, and they have a right to say how they shall be disciplined, and how they shall be armed, and when they are called as militia into the service of the United States, they shall be officered by the Governors of the States.

"This, therefore, being in no sense of the word a militia force, but a national force, as declared by this bill, none of the provissions of the Constitution referred to should stand in its way, because the provision of the Constitution is that Congress shall raise armies. This is a mode of raising armies. The provision for calling out the militia for certain purposes is an entirely distinct and separate provision of power. I have said now all I desire upon that point.

"Now, sir, I say that this bill, in its main features, is a beneficent, a benevolent bill. At present we know that there are no exemptions when men are called into service, except those that refer to the ability of the party to serve. That operates very harshly upon many men, who are obliged to leave at their homes widowed mothers and aged fathers who are dependent on them for support. They are drafted, and they are obliged to go, leaving their relatives in this condition. All these cases are provided for by this bill, and I have seen enough in the late draft in Pennsylvania to know that its provisions will afford great relief to a large class of persons. This bill exempts from military duty the only son of a widow dependent upon him for support. That is a beneficent provision, which does not now exist in the law. This bill also provides that the only son of aged and infirm parents, who are dependent upon his labor for their support, shall be exempt—a most benevolent provision. It also provides that where there are two or more sons of such parents, and they are drafted, the father, or if he be dead, the mother, may elect which of the sons shall be exempt. It exempts also the brother of a family of children under twelve years of age, and who are dependent upon him for support. This embraces a very large number of very worthy people, while there is no law now in existence that affords them relief. If this bill had no other beneficent feature in it than this, that would be enough to commend it to my favorable consideration, and I should vote for it. I will not enumerate the other beneficent provisions of the bill. I leave that to others.

"There are two amendments which I desire to have made in this bill, and which I shall offer under the privilege which has been granted for amendments, in case no other gentleman offers them. The bill provides that a person

drafted may be exempt from service either by furnishing a substitute or by paying a sum of money not exceeding $300. Now I think it very necessary that the amount to be paid shall be fixed by law. I know that in my district, at the last draft, men who, from conscientious scruples, could not and would not go, who would rather become martyrs than serve, were so imposed upon by substitute brokers, that some of them were compelled to pay as high as $1,500 for substitutes. I am informed that some of these substitute brokers in my own and adjacent counties cleared as high as $10,000 each by trafficking in this business of hiring substitutes for their neighbors. It is wrong that men who are entitled to exemption at all should be subjected to these impositions and these extortions. I do not know whether the sum fixed upon is high enough or not. I suppose it is, but it is very important that some limitation should be fixed.

"But there is a portion of this provision which I do not and cannot assent to. By this law, every man, whether he has any conscientious scruples or not, who chooses to raise $300, and pay it into the Treasury, may refuse to serve his country. I do not recognize the propriety of conferring such a right. There are in all countries exemptions for conscience, sake, and it is right that there should be. In my own county, a very large number of our best citizens, our most loyal men, are conscientiously opposed to bearing arms. They are willing to pay their taxes. They would be willing to pay this amount to procure substitutes, but I do not believe that they should be forced to violate their conscientious and religious scruples, which have existed from their birth, and which have descended to them from their ancestors."

Mr. Thomas, of Massachusetts, was in favor of the passage of the bill, saying: "Now, sir, a word or two as to the necessity of this bill. We have been asked over and over again what is the necessity for it, and what has caused that necessity. Well, sir, I think I could give some reasons for its necessity. I do not think that you can at this moment obtain volunteers to fill up your army. The clamor of this House, and the clamor of the Democratic party out of the House, have so frightened a timid Senate that it has not dared to pass the bill which this House sent to it, which would have supplied the deficiency and given us half a million of recruits. We must, therefore, do without that bill, and the passage of this bill is now the only remedy that I see for the evil. There are reasons why we cannot procure volunteers. Had we been united in wishing honestly to put down this rebellion, had the Whigs, the Republicans, and the Democrats of the Free States acted with an honest instead of a pretended desire to crush this rebellion, and united in urging on the people the necessity, propriety, and duty of sustaining the Government, there would have been no more necessity for this bill now than there was when the first call was made.

"But, sir, it is a fact not to be disputed, that for the last six or nine months a whole party, a strong party, has deliberately entered into a combination to discourage, to prevent, and, as far as in it lay, to prohibit the volunteering of the people of the country as soldiers in our army. Members of that party have gone from house to house, from town to town, and from city to city, urging their brethren not to enlist in the armies of the nation, and giving them all sorts of reasons for that advice. One of these reasons is that it was an abolition war; that it was 'a war for the nigger,' as the slang phrase is.

"Mr. Speaker, this is a terrible bill; terrible in the powers it confers upon the executive, terrible in the duty and burden it imposes upon the citizen. I meet the suggestion by one as obvious and cogent, and that is that the exigency is a terrible one, and calls for all the powers with which the Government is invested. Some of the features of the bill my judgment condemns, unhesitatingly condemns.

"The period for which the service is required is unreasonably long. I think the enrollment should not include judges of the State courts, or ministers of the gospel of peace, or members of Congress of either branch, though the inclusion of members of Congress would be, I think, simply void. I earnestly object, also, to the provision of the bill for the arrest of civilians by the military power; but I understand that gentlemen upon my right will consent to an amendment which will strike that feature from the bill. But excepting these objections, I think the bill is within the scope of the Constitution, and necessary.

"I do not rest the power of Congress to pass this bill upon the provisions of the Constitution in relation to the militia. I put it upon the simple and clear provision which gives to Congress the 'power to raise and support armies,' and upon the absence of any provision of the Constitution which limits or restricts that power. In the nature of things, there can be no such limitation. The powers of Congress, within the scope of the Constitution, are supreme, and strike directly to the subject and hold him in its firm, its iron grasp. I repeat what at an early day I asserted upon this floor, that there is not a human being within the territory of the United States, black or white, bond or free, whom this Government is not capable of taking in its right hand and using for its military service whenever the defence of the country requires, and of this Congress alone must judge. The question of use is a question of policy only.

"Having the power to raise and support armies, and the exigency existing in which the use of that power is necessary, the question arises whether the powers given to Congress with respect to the militia, qualify and restrain the power to raise and support armies. Very

clearly not, Mr. Speaker. They are distinct, independent powers. The militia is a branch of service well understood in the mother country and our own, to be called forth 'to execute the laws, to suppress insurrections, and repel invasions.' It was not designed for permanent service, but to meet special exigencies, and for brief periods of time.

"Now, the gentleman from Kentucky (Mr. Wickliffe) says that the army is made up, and has been made up, by volunteer enlistments, and that you never have 'conscripted' men into the army. Doubtless such has heretofore been the practice. But the exigency never before arose when it was necessary to conscript men into an army. The exigency does not confer new powers, but invokes them into service. At this moment the question whether we shall use this power, is not one of policy, not what is best. It is in effect a question to this nation of life or death. We literally have no choice. Gentlemen upon my right (the Republican side of the House) know that it is my conviction that the vaunted panaceas for our troubles have failed, utterly failed. I expected them to fail. I attempted in vain to satisfy the House that it was leaning upon reeds shaken by the wind. My earnest, repeated suggestions were of course unheeded. But the results are too palpable to be overlooked or mistaken, and reason is slowly reascending the steps of its throne. Pray God it may not be too late.

"The policy inaugurated on the 1st of December, 1861, has been fruitless of good. It has changed the ostensible, if not real issue of the war. That policy and the want of persistent vigor in our military counsels render any further reliance upon voluntary enlistments futile. The nostrums have all failed. Confiscation, emancipation by Congress, emancipation by the proclamation of the President, compensated emancipation, arbitrary arrests, paper made legal tender, negro armies, will not do the mighty work. Nothing will save us now but victories in the field and on the sea; and then the proffer of the olive branch, with the most liberal terms of reconciliation and reunion. We can get armies in no other way but by measures substantially those in the bill before us, unless the Administration will retrace its steps, and return to the way of the Constitution—for us the strait and narrow way which leads unto life. At any rate, the war on paper is at an end. The people have, for a time, been deluded by it. That delusion exists no longer. If you are to suppress this rebellion, all instrumentalities will fail you but the power of your own right arm. Mr. Speaker, the measures and policy heretofore pursued have not been merely fruitless of good; they have been fruitful of evil. They have made, or largely contributed to make, a united South; they have made for you a divided North; they have alienated from the Administration the confidence and affection of large portions of the people; they have paralyzed your arm, and divided your counsels. Gentlemen flatter themselves this alienation and disaffection are the work of Democrats; that the people have been misled and deceived by their wiles. Sir, the people of this country read, and keep their eyes open, and comprehend, and the plain fact is, you cannot unite them upon the policy you now pursue. They do not believe in destroying the Union and the Constitution in the hope of building up better by force of arms. You may unite them on the issue of maintaining the Union and the Government at every price and cost; but upon no other.

"Having distracted the public mind, having alienated to a great degree the affection and confidence of the country, what is left to you? To resort to those constitutional powers vested in you for the preservation of the Government which you have in trust, and which you must use or be false to that trust. Gentlemen say the people will not bear this measure. I will not believe it. I believe the people of this country are ready to do and to endure everything for the preservation of their unity, their national life, and, through that unity and that national life, all that makes life precious to men. They will submit to it. In view of the infinite interests at stake in this great controversy; in the solemn conviction that there is to-day no hope of peace except in disintegration; that as a nation we must conquer in arms or perish, they will meet and respond to this imperative call of duty. Such is my hope and trust.

"But, Mr. Speaker, suppose they hesitate; suppose they do not submit; you can but try; you have no other hope; the negro will not save you, paper money will not save you, your infractions of personal liberty will not save you. If persisted in in the peaceful and loyal States, they will ruin you. Go firmly to the people, and present to them the issue. They will understand the terrible exigency in which the country is placed, and they will be true to that country if you show clearly to their comprehension the length and breadth and height and depth of that exigency. Mr. Speaker, the issue must be met at all hazards. If the people will not support you, if they will not do this highest act of duty, the days of this republic are numbered, and the end is nigh. Satisfy them that you mean to be true to the Constitution and the Union, and they will be true to you.

"The issue, I repeat, must be met. You die without this measure; you can do no more with it, except you die as cowards die many times. I go, therefore, for appealing from these panaceas and makeshifts and paper bullets, to this highest, most solemn and imperative duty of the citizen to protect the life of the state, and I believe that appeal will be answered."

Mr. Crittenden of Kentucky, followed, and stated his views at much length: "The measure, it seems to me, is but the natural result of the course of policy which this Congress has pursued from the commencement, or very near the commencement of this war.

"When this war first broke out it was a national war, with a single national object; and upon that one purpose and object all hearts were united. That object was the reëstablishment of this great republic—our republic. Upon that great object, I repeat, we were all united. There was no division; and in order to satisfy the country more effectually of the fact of our unity, but little more than eighteen months ago a resolution offered by me was passed, almost unanimously, declaring that this was our sole object. We then declared that this was our only object. We pledged ourselves that no interference should be made in any of the institutions of the States, having a special reference to the institution of slavery.

"Mr. Speaker, had the pledges then solemnly made by this Congress been adhered to, how different would be the condition of the country to-day! There was then but one sentiment pervading the whole people of the country. The people then flocked to your standard by hundreds of thousands, filling the ranks of such an army as the world never saw. There was then but one sentiment in the people of the country. No coercion was then talked of. What has produced the change that now presents itself? What, as my friend from Massachusetts says, has united the South in one solid iron phalanx? What has crushed out, and destroyed to a great extent, if not wholly, the confidence and enthusiasm that swelled up in the heart of the people of the nation? What has done all this! It is our departing from our faith. It is our departing from that object which we declared to be the only just and patriotic one. What else has done it? Have you not departed from the policy of that faith? Have you not, in a manner considered perfidious, violated pledges which you gave the country more than eighteen months ago? Was there any discontent expressed at that time? I heard of none. The hearts of the loyal people North and South were fired with a common purpose to preserve the integrity and honor of the republic. Every man felt himself under every honorable obligation to step forward, and abandon his private affairs, and look after the welfare of the Union. That was the undivided, pervading, patriotic sentiment of the whole body of the people. Nowhere in the North or Northwest was heard a murmur of discontent; and the same confidence and patriotic feeling was as strong among the Union men of the border States as it was anywhere in the North and West. It was everywhere the same. We were willing to suffer to the last extremity to preserve the Government. That was the feeling of the people then; we all know it.

"What has brought this mighty change? What has done it, Mr. Speaker? Do not we all know? Can there be any doubt on the subject? It has been our infidelity to the pledges made to the people. It has been because of the reckless course of the dominant power. It is because of the impolicy of which Congress has been guilty. Is it not time to learn that the course we have pursued and are pursuing has produced a state of division and dissension even in the remaining States? Yes, sir, the policy that has been recently pursued has been the fruitful source of these disastrous dissensions. It has been our departure from our policy of not attacking the institution of slavery, and fighting only for the Government, for the Union, and the Constitution.

"What have we seen at this session? We have passed bills changing the rules and articles of war in order that slavery might be encroached upon. We deprive the loyal people of the South of all protection by the army for their property. You have passed a law taking the slaves from any of the citizens of the country. You have passed a law for organizing an army of three hundred thousand negroes. This you know is against the deep-rooted prejudices of at least one half our people. Such a bill would have been rejected with one common voice eighteen months ago. Even the mention of the subject created profound indignation. You have done this and more. You have passed laws, in the opinion of the people, which violate the Constitution. You have scorned the friends of the Government. You have turned away from us the hearts of the people by these measures. We have sown deep the seeds of future disasters to the Government. I implore the House to pause before it sanctions any more measures of that kind.

"Mr. Speaker, can we carry on the war more successfully by transcending the Constitution than we can by obeying it? I have always said that the Constitution was our bulwark; that it was the best defence; that our strongest defence was to keep within the clearly defined powers of that instrument. But what have we done? We have assumed powers not delegated by the Constitution. We have acted, not according to the provisions of the Constition, but according to the sentiment which actuated us at the moment. We seem to have been controlled by the petty spirit of party, rather than by the spirit of patriotism and a determination to obey the Constitution and the laws. You have lost the heart of the people, and you have lost it by the dogmas you have inaugurated and established rather than follow the Constitution.

"The gentleman from Pennsylvania (Mr. Stevens) said the other day that we have every man in the field that we can get voluntarily. Why is that? Because the object is clearly proclaimed of abolishing slavery throughout the United States. You have done this while you have had an accidental majority here. Hence it is that the people have changed. This is the only time when that party ever had a majority in the House—I mean a majority of Abolitionists. With this accidental power, what has it done? It has declared emancipation by law. It has declared by law for the raising of negro armies. It has declared emancipation and con-

fiscation by law. By these means, I say, you have lost the hearts of the people. Why do not the people have the same enthusiasm in the war that they had at first? Then they put a million of men into the field. The country is still in peril, in more peril than at first, and why is not an army of two million men now put into the field? It is only because of the bad policy by which you have established the dogmas of the Abolitionists, of emancipation of slavery throughout the country. It is that which has induced them to lose confidence in you. It is not for the country, it is not for the white man, it is for the negro this war is to be waged; and for that war I am not. The logical conclusion from the impolitic course we have pursued is, that we have lost the hearts of the people.

"You say that this bill is framed on the idea that the people will no longer volunteer—that the people will no longer stand a draft. Why not? Because the people will not do one thing or another; they will neither volunteer nor stand a draft, and you are obliged by law to coerce them. That is the condition in which we are placed; and this bill is nothing more than the logical conclusion of what we have previously done. We have created a necessity for it. The people are no longer with us, and therefore we must force the people by coercive and penal laws, by new jurisdictions, provost-marshals scattered through the land, and by a new sort of military judicature to which the people have not been accustomed. And knowing that you have an unwilling people to deal with, you make that law as coercive as possible, and accompany it with every sort of inquisitorial and compulsory power, judicial and executive, in order to insure obedience, willing or unwilling, to that law. Is not that our condition fairly considered?

"There is but one sort of consistency which deserves the respect of honest men, and that is to let your acts be consistent with your convictions at the time you are called upon to vote. It is not what we did yesterday that we are to consider alone. We have lived through a time of trial and of trouble. Have we learned nothing? Up to this time I fear we have learned very little. Our lessons have been very severe, and the fear of more dangerous lessons hereafter ought to instruct us. The life of the country is attacked, and that life is upon your hands, and its preservation depends in a great measure upon your wisdom, upon your solemn deliberations, and your solemn consideration of all the mighty questions upon us.

"If we want to get back the Union, how must we do it? We must change our policy. This will not answer your purpose. You must get back what you have lost. You have lost the heart of the people, and the confidence of the people. The people's affections are turned away from us; and will they bear more exactions and burdens laid upon them? No, sir; you are mistaken in the remedy. Your only remedy is to regain the confidence and heart of the people, to substitute for the distrust which now exists confidence that your object is a national one, and not a mere public one; not the abolition of slavery, but the salvation of the country. Get that back, and you do not want this bill; fail to get it back, and this bill will be just as inoperative as if there was not a word written upon it.

"You say a draft will not do; that a draft will not be submitted to. I know nothing about that. Will, then, this more exacting provision be submitted to? In a country like ours, laws which do not carry along with them the assent of the people are but blank paper. Have you not cause to fear that unless you win back the hearts of the people, and their confidence, this bill will do no good? You are mistaking the disease altogether. The disease of the public heart is loss of confidence in us, members of Congress. It is the Abolition element here which has destroyed everything; that has clouded the great ideas of nationality—the pride of the American heart.

"That is the disease of the public heart, and you should endeavor to administer measures which will reclaim it, and that will heal discontent. And yet in the last moments of our existence you are endeavoring to consummate a policy which the people have condemned, and to put the people beyond the means of redress. The remedy, and the sole remedy, is by reversion, by retracing our steps, and making this again a national war. Then you will not want this bill, nor will you want a draft. You will have volunteers enough. I do not speak rashly, because you had volunteers enough, and more than you knew what to do with, when you stood upon that ground. But you chose to change that ground. Political Abolitionists thought the time had come for them to introduce the sword and the spear into the public arena, and to make use of this war to carry out the ends which they have long cherished—the abolition of slavery.

"These, Mr. Speaker, are my views of the discouragements which now exist in the country, and these are my views of the remedy, and the only remedy, which can be efficacious. This bill would have done well enough at the time the resolution I offered here passed. It would have passed, not with all the provisions which now accompany it, but the principle would have been adopted, and the whole power of the nation would have been placed in the hands of the the Government to be used, if necessary, for the defence of the country. But the disease assumed another shape. The political body has become infected with poison, and the mind of the people, poisoned with distrust of us, disapproves of our measures. There is a disease, and there is no mortal remedy for it but one. We must administer that remedy to ourselves; we must change our steps. We must no longer be Democrats, no longer be Abolitionists; but we must, if we would save our country and save

ourselves, be patriots merely, and not hesitate or falter about undoing what we have already done, whenever we discover that its operation and effect has been different from what we anticipated. Have not your anticipations failed in regard to the measures you have heretofore adopted? Have not your acts been such as to make the people believe that whatever may have been the principles upon which this war was begun, it is now used for the overthrow of slavery. As candid men, is not that the object of the war?

"There is a little tweedledum and tweedledee about this matter. One says the war is not to overthrow slavery—it is to save the Union. Another says, if you do not destroy slavery, the Union is worth nothing. The argument here is exactly the argument of the Jesuit—fix your mind and attention upon one object which you think a lawful one, and then all the means are lawful. One object is the abolition of slavery; but that is not lawful. No, says one, but the salvation of the Union is constitutional. Direct your attention to that, and you may abolish slavery. This is the doctrine which makes the end justify the means. One says that abolition is his object, and that he goes for it because abolition is necessary for the salvation of the Union. Have we found it so? Has it conduced in any way to save the Union? Will your three hundred thousand black men tend to save the Union? Have you brought them out as soldiers? We know better. They are no soldiers, and you cannot during this war make soldiers of them. I put out of sight the question as to their capacity as a military people, or what they may become by a course of education; but you cannot in two, three, or ten years, make efficient soldiers of them.

"Again: will your white soldiers serve with them? The whole country suspects that this is an Abolition movement. You do not know what to do with the runaway negroes which infest you, and are calling on you for the bread which they left behind when they left their homes and families. You do not know what to do with them. You can have some color for feeding them or for setting them free, but when you hold out the pretence that you mean to make soldiers of them, it is all a delusion. It is a pretence for abolitionism. It is a pretence for placing negroes on an equality with your own white soldiers. It will either raise to an equality with white soldiers those whom they regard as an inferior race, or else it will level them down to an equality with negroes. That is the whole effect of it.

"I do not know that I differ with my honorable friend from Massachusetts (Mr. Thomas) as to the principles which he advocates, that this Government has a right to the employment of all the force it can command in this exigency and peril. I will not say that this bill, so far as regards the enrollment of the men liable to military duty in the country, and subjecting them to be called out for military service, does not come within the power given to Congress to raise and support armies. I will not contest that question with him here, at any rate. But I do not think that the Constitution intended at all, as my friend from Massachusetts seems to think, that Congress should have the power of enlisting negroes. They were regarded as property, and it was not intended that a man's property should be taken from him. They fall within another category. The gentleman says they may be employed if it be necessary to save the republic. He postpones the employment of negro soldiers until the last. I differ with him in this. I believe that that time has not only not come, but that it never can come. It never can be expedient in this country to raise an army of negroes so long as we remain of the proud free race to which we belong. Instead of being a source of power, the negro in our army would be a source of weakness and discontent, and his presence would drive from the field men a thousand times more capable of defending the country than he himself can be made. The principle for which the gentleman contends, therefore, can never apply here; nor does he apply it. I want to show that it has no application. A negro army is a weakness to your country. It unnerves the white man's hand. It unnerves the white man's heart. White men will not fight by the side of negroes."

Mr. Vallandigham, of Ohio, offered the following amendment:

Strike out of section twenty-five, in line ten, after the word "law," the words, "such persons shall be subject to summary arrest by the provost-marshal, and shall be delivered to the civil authorities," and insert instead thereof as follows:

Every person so offending shall be subject to arrest upon warrant issued from some civil officer or court of competent jurisdiction, upon oath or affirmation specifying the offence, and upon trial and conviction.

It was rejected. Yeas, 57; nays, 101.

Mr. Cox, of Ohio, moved to amend, by inserting the word "white" in the first line after the word "able bodied." It was rejected. Yeas, 52; nays, 85.

Some amendments were made to the bill, and it was passed by the following vote:

YEAS—Messrs. Aldrich, Alley, Arnold, Ashley, Babbitt, Bailey, Baker, Baxter, Beaman, Bingham, Jacob B. Blair, Samuel S. Blair, Blake, William G. Brown, Buffinton, Calvert, Campbell, Casey, Chamberlain, Clark, Colfax, Frederick A. Conkling, Roscoe Conkling, Crisfield, Cutler, Davis, Dawes, Delano, Diven, Dunn, Edgerton, Edwards, Eliot, Ely, Fenton, Samuel C. Fessenden, Thomas A. D. Fessenden, Fisher, Flanders, Franchot, Frank, Gooch, Goodwin, Granger, Gurley, Hahn, Haight, Hale, Harrison, Hickman, Hooper, Horton, Hutchins, Julian, Kelley, Francis W. Kellogg, William Kellogg, Killinger, Lansing, Leary, Lehman, Loomis, Lovejoy, Low, McIndoe, McKean, McKnight, McPherson, Marston, Maynard, Mitchell, Moorhead, Anson P. Morrill, Justin S. Morrill, Nixon, Olin, Patton, Timothy G. Phelps, Pike, Pomeroy, Porter, Alexander H. Rice, John H. Rice, Riddle, Edward H. Rollins, Sargeant, Sedgwick, Segar, Shanks, Sheffield, Shellabarger, Sherman, Sloan, Spaulding, Stevens, Stratton, Benjamin F. Thomas, Francis Thomas, Train,

Trimble, Trowbridge, Vandever, Van Horn, Verree, Walker, Wall, Wallace, Walton, Washburne, Webster, Wheeler, Albert S. White, Wilson, Windom, and Worcester—115.

NAYS—Messrs. William Allen, William J. Allen, Ancona, Biddle, Clements, Conway, Corning, Cox, Cravens, Crittenden, Delaplaine, Dunlap, English, Fouke, Grider, Hall, Harding, Holman, Johnson, Kerrigan, Knapp, Law, Lazear, Mallory, May, Menzies, Morris, Noble, Norton, Nugen, Pendleton, Perry, Price, Robinson, James S. Rollins, Shiel, John B. Steele, William G. Steele, Stiles, Vallandigham, Voorhees, Wadsworth, Ward, Whaley, Chilton A. White, Wickliffe, Wood, Woodruff, and Yeaman—49.

The bill, with amendments, was returned to the Senate, and came up for consideration on the 28th of February.

A debate ensued on the policy of the Administration and its measures, &c., in which Messrs. Bayard, Wilson, Turpie, Hicks, and Kennedy and others addressed the Senate.

The several amendments of the House were then taken up, and voted upon separately. The last one was as follows:

SEC. 38. *And be it further enacted*, That all persons who in time of war or of rebellion against the supreme authority of the United States, shall be found lurking or acting as spies, in or about any of the fortifications, posts, quarters, or encampments of any of the armies of the United States, or elsewhere, shall be triable by a general court martial or military commission, and shall, upon conviction, suffer death.

The vote upon it was as follows, which is about the same as the vote on the other amendments:

YEAS—Messrs. Anthony, Arnold, Chandler, Clark, Collamer, Cowan, Davis, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Harding, Harlan, Harris, Henderson, Hicks, Howard, Howe, King, Lane of Indiana, Lane of Kansas, Latham, McDougall, Morrill, Pomeroy, Sherman, Sumner, Ten Eyck, Wade, Wilkinson, Willey, Wilmot, and Wilson, of Massachusetts—35.

NAYS—Messrs. Bayard, Carlile, Kennedy, Powell, Saulsbury, and Wall—6.

The votes of the Senate approving each of the amendments of the House, terminated the action of the two Houses on the bill. This was so declared by the President *pro tem.*

Subsequently, on the 2d of March, the bill to promote the efficiency of the corps of engineers, &c., being under consideration in the Senate, Mr. Trumbull, of Illinois, offered the following amendment:

And be it further enacted, That so much of the thirteenth section of the act for enrolling and calling out the national forces, and for other purposes, passed at the third session of the Thirty-seventh Congress, as authorizes the Secretary of War to receive from a person drafted under the provisions of said act a sum not exceeding $300 for the procuration of a substitute, and discharge of the person paying the money from further liability under that draft, be, and the same is hereby repealed.

Mr. Trumbull thus explained his reason for offering the amendment: "Mr. President, I have offered this amendment in view of the fact that an objection is made in many quarters to that provision of the act for enrolling and calling out the national forces which allows money to be substituted for blood. The bill provides, as will be recollected by senators, that any person, by paying to the Secretary of War a sum not exceeding $300, may discharge himself from the draft."

The amendment, after debate, was rejected by the following vote:

YEAS—Messrs. Grimes, Harlan, Howe, Lane of Indiana, Powell, Saulsbury, Ten Eyck, Trumbull, Wilkinson, and Wilson of Missouri—10.

NAYS—Messrs. Arnold, Chandler, Clark, Collamer, Cowan, Davis, Dixon, Fessenden, Foot, Foster, Harris, Henderson, Hicks, Howard, Kennedy, King, Lane of Kansas, Morrill, Nesmith, Pomeroy, Sherman, Sumner, Turpie, Willey, and Wilson of Massachusetts—25.

Mr. Davis, of Kentucky, offered the following amendment:

And be it further enacted, That no negro, free or slave, shall be enrolled in the military, marine, or naval service of the United States.

It was rejected by the following vote:

YEAS—Messrs. Davis, Henderson, Hicks, Kennedy, Nesmith, Powell, Richardson, Saulsbury, Turpie, Wall, Willey, and Wilson of Missouri—12.

NAYS—Messrs. Chandler, Clark, Collamer, Cowan, Doolittle, Fessenden, Foot, Foster, Grimes, Harding, Harlan, Harris, Howard, Howe, Lane of Indiana, Lane of Kansas, Morrill, Pomeroy, Sumner, Ten Eyck, Trumbull, Wilkinson, and Wilson of Massachusetts—23.

Mr. Powell, of Kentucky, offered the following amendment:

Provided, That no person of African descent shall be commissioned or hold an office in the army of the United States.

It was adopted by the following vote:

YEAS—Messrs. Cowan, Davis, Harding, Harris, Henderson, Hicks, Howe, Kennedy, Lane of Indiana, Nesmith, Powell, Richardson, Saulsbury, Ten Eyck, Turpie, Wall, Willey, and Wilson of Missouri—18.

NAYS—Messrs. Chandler, Clark, Doolittle, Fessenden, Foot, Foster, Grimes, Harlan, Howard, King, Lane of Kansas, Morrill, Pomeroy, Sumner, Trumbull, Wilkinson, and Wilson of Massachusetts—17.

In the Senate, on the 18th of February, the bill to provide a national currency was considered.

Mr. Collamer, of Vermont, took the floor in opposition to the bill, and expressed his views at much length, saying: "What are its great purposes and objects, as stated by those who framed, recommended, and support it? It is said to be to institute a great national paper currency through the medium of banks, to be organized under this act, who are to take United States stocks and deposit them in the Treasury, and take ninety per cent. of them in notes to circulate as money, with which to do banking business, and that they shall have twenty-five per cent. more than this circulating part as a permanent capital to work upon. They are to pay two per cent. on their circulation to the United States Government annually, or one per cent. every six months, and the United States are to pay them six per cent. per annum on the bonds in gold. The United States further agree that they will take all this money in circulation, receive it for and pay it out on all public dues, and declare it to be in the act a national currency. Besides that, the United States agree that they will guarantee to the billholders the payment of these

bills at the Treasury. If the banks do not redeem them in currency when asked for their redemption, they may be protested and presented at the Treasury, and the Treasury is to pay them, and to pay them in full, whether the stocks left upon deposit are able to meet them or not. Besides this investment, the property put into these associations is itself to be clear of taxation.

"Now, Mr. President, it is to be further understood, and is an integral part of the very system, without which it is good for nothing, that the circulation of the existing banks of the country is to be withdrawn. Measures are to be taken with those banks that shall induce or compel them to take home their circulation and put it out no more, so that this shall be a national currency. Unless this latter part of the scheme is secured, its great professed object of making a uniform national currency throughout the United States is not and cannot be effected. It therefore implies all this, and we must understand that if we enter upon this proposition and entertain this plan, we are to take measures in order to perfect it to do the other thing; that is, to destroy, put out of existence, the circulation of the present State banks.

"The Supreme Court, in the case of McCullough *vs.* Maryland, decided that the United States had the right to make a United States Bank, with branches in different States, and they said the States could not tax that United States Bank. Why? Because the exercise of that power in the extreme would destroy it, and therefore you would make it out that the Congress had a power to establish a bank; but after all, it was subject to the power of the States to put it down. In the case of Kentucky, the Supreme Court decided that the long-continued usage in this country in States to make banks was constitutional, and that a State had a right to make a bank of issue. There were other questions in that case which it is not necessary now to bring in here. It was decided that a State had a right, not to make a bank to issue the State paper, but a bank to issue paper currency.

"Now, sir, if a State has that right, it has that right certainly independent of the consent of Congress. Does it hold it at the will of Congress? Certainly not. The United States, in making a United States Bank, held it independent of State action, and it was so decided. If the State has this right, and has it independent of the consent of Congress, it cannot have that right if the United States can tax it out of existence. Hence, I say the United States has no more power to tax a State institution out of existence than a State has to tax a United States institution out of existence. I should like to see that answered. I have sometimes proposed that question, but I have never received any answer to it. In most of the States, the State of New York, for instance, almost all their banks are founded upon their own State stocks. It is a part of their financial system to make their stocks valuable, and to enable them to make internal improvements. All these State banks are more or less connected with and ramified in with the business of their several States. Can they be taxed out of existence by the United States? Why, sir, you might just as well tell me that the United States, under the power of taxation, could go on and extinguish all the schools in New England by taxing its schools, its colleges, and its academies, and their books and their buildings and the salaries of the professors, and in that way destroy them under the very general principle of the power of universal taxation. I shall not dwell any longer upon that point. I have stated my view upon it.

"But, Mr. President, there is another principle involved in this measure, and I am looking at it now in its great national aspects, as a national principle, without regard to the time. I say it is to establish corporations in all the States and Territories, entirely independent of any power of visitation by those States or Territories. This, to say the least of it, is an extremely questionable power. What may be the number of these institutions? As the capital is to be $300,000,000, that will make three thousand banks of $100,000 each; and the bill provides that they may be made $50,000 banks, which will make six thousand $50,000 banks. I believe we have now, in what are called the loyal States, between thirteen and fourteen hundred banks altogether; and this bill proposes to make at least three thousand, or perhaps six thousand of these bank corporations, established all over the States.

"That is not all. It is proposed that there shall be no other banks but these; the whole banking capital is to be put into these banks, and the whole of that property is removed from all State taxation. I ask gentlemen to reflect on what will be the effect in their different States of closing up the present banks, and taking the capital belonging to the stockholders, putting it into the banks under this bill, and removing the whole of it from all the forms of State taxation—State, county, city, and town. Many of our States derive their school fund from what they obtain from these State banks. I believe it is so in New Hampshire. They have their school fund in that way.

"The next point to which I desire to call attention is the propriety of our undertaking as a nation to say that we will be responsible for the ultimate redemption of these bills by the securities that are deposited. I am aware that the honorable senator who is the parent of the bill here thinks he has got in it something very valuable, in the provision about the liability of individual stockholders, and requiring twenty-five per cent. of the amount of their circulation to be kept on hand. All these things, to my mind, are hardly worth the paper on which they are written; they are good for nothing at all. How can you follow the re-

sponsibility of stockholders? The very stocks are assignable; they are personal property. They are bought and sold in the market every day for more or less, according to their worth. Although one of these banks may start with some very responsible men when it first sets up, the moment it becomes at all doubtful or troublesome it quickly passes off into the hands of men who have no responsibility. You can never pursue it in that way. As to the provision that they shall retain twenty-five per cent. on their circulation on hand, that is their own money; it is not United States money. The fact is just this: whenever your bonds that you hold for your security to redeem these bills depreciate essentially, the bank will wind up, and they will do it without any sort of disparagement or any dishonesty. The stockholders will say at once to themselves, 'We have noticed the fall of these stocks; we know that they are very much down; we will not redeem any more of these bills; we will leave them to be redeemed by the Government; we gave them $100,000 and deposited it with them in bonds; they only allowed us $90,000; that is all we have had of them; we leave these notes in their hands to redeem; we will let them redeem them; we gave them a great deal more than they ever gave us, and let them redeem them.' When would that occur? Why, sir, in great national calamities such as those under which we already suffer by the unfortunate proceedings of this war, we know that public stocks rise and fall with the prosperity or decline of the nation.

"Again, I will take the very reverse of this state of things. Suppose we should close this unfortunate controversy and return to peace. The moment you are at peace every man wants all the money he has got to go into business. He has lent it to the United States, taken this, that, or the other sort of stock, in order to have it earn something while this public controversy and difficulty was going on. The moment that is ended he wants his money to go into business again in our cities and towns—importing and the like. He immediately cashes these bonds, and a very large portion of these bonds will at once be thrown on the market at a discount the moment you are at peace. In either of these cases, whether from public calamity or from peace, there comes a deterioration upon the value of these bonds; these banks are wound up, the bills are protested and presented to the Treasury here in bundles for payment. What will you do? It is said in the bill that they are to be paid here. You may take the stocks the bank left as security and go and sell them in the market, and thus get money to pay them. If they have deteriorated so much that the banks do not want to pay their bills, it will be a pretty hard bargain for us to pay them with those bonds. We should have to sell at as much discount as they. Besides, we do not get rid of anything in that way. We have to anticipate our bonds. They run twenty years. We have got to pay these notes when they are presented; and if we sell our bonds at a discount in the market to get some money to redeem them with, we have got to meet that bond in the end, have we not? We do not get rid of it at all; but we are compelled to get the money about twenty years before it is due. I do not see the policy, the expediency, or the profit of such a bargain.

"The next aspect to which I will call attention is this: we once had, or twice had, a United States Bank. The history of the last one is within the recollection of most of those who hear me. That bank had a capital of $35,000,000. The proposition now is to make United States banks with a capital of $300,000,000. The United States took $7,000,000 of that stock. They paid nothing in, but put in their stock for it on time. They had directors of their own appointed to keep watch of that bank. They had the right to borrow money at that bank. The bank was bound to loan it to them at a certain rate and limitation. They went on with that bank during the whole period of its existence. They took their dividends from year to year by extinguishing the payment of interest on their bonds; and at the close of the whole they received back their stock and ten per cent. upon it of accumulated profits that had not been divided. Everybody concerned in it was paid; the stock was paid back; and the United States made that money.

Now, sir, why did that institution go down; or rather, why was it not renewed and enlarged and adapted to the condition of the country? It was because it was said to be a dangerous political engine in the hands of whatever political party existed at the time; that it would be used as a great machine in the different States by the favor which the Government would give it, or the control which they would exercise over it; and it was dangerous, as it was said then, and I think it was demonstrable.

"Mr. President, look at the proposition now before us in this aspect. It provides that the Secretary of the Treasury shall nominate the Comptroller of the Currency. He can be appointed by the President only on the nomination of the Secretary of the Treasury; and he is given any number (not limited at all) of clerks and agents. There are established, if you please, three thousand of these banks under this bill, of $100,000 each, scattered through all the country. They can be visited by agents appointed here under this bill, and inspected from time to time and reported upon. The Secretary is authorized to make such of them as he thinks proper depositories of the public revenue, and he is to distribute this stock, one half of the $300,000,000 to the different States, according to their representative population, and the other half according to the banking resources of the country; there is no

limitation upon him whatever. If the old United States Bank furnished well-grounded apprehensions of its dangerous political tendency as a political agency, permit me to ask gentlemen to reflect for a moment on what you have got here, with $300,000,000 of capital, with three thousand banks subject to inspection, and to be troubled, just as much as the head of the Treasury Department pleases, if they do not support his views; or to receive favors by way of being made depositories for the public dues; and the Secretary having the power to appoint agents and clerks *ad libitum.* I do not wish to enlarge upon this point at all, but I say this: if a Secretary of the Treasury can be furnished with these powers and chooses to use them, he must be a very bungling politician if he cannot make himself President any day.

"Then, putting it in plain English, you propose to hire these people to go into these associations, take these bonds, and deposit them. They are to pay two per cent. on their circulation, and you pay them six on their bonds. I will call it four per cent.; though it is more, as the gentleman knows, because the two per cent. they pay in currency, and the six per cent. we pay in gold. The amount of it is this: we say to them, 'If you will do this to the amount of $300,000,000, and put out notes to the extent of ninety per cent. of the bonds, we will pay you $12,000,000 in gold every year for doing it.' You may talk about its being in the form of bonds, but that does not alter it at all. We are to enter into that arrangement with them. If they take their money, buy these bonds, put them on deposit, issue paper to the extent of ninety per cent. of those bonds and circulate it, and pay two per cent. on that circulation, we pay them six on the bonds; that is, we pay them four per cent. on the bonds, if they will do us this great service! There is all there is about it. You may discuss it as you please, and use a great many financial expressions and schemes; but that is the English of it; that is the simple common sense of it. Instead of circulating that amount of our own currency upon our own responsibility and paying nothing, we are to hire them to circulate that amount of our currency, and pay them $12,000,000 a year in gold for doing it; and we are to be responsible after all. That is all there is of it. Yankee as I am, I am unable to perceive how it is possible that that can be a good trade for us, or how any shrewd man would ever think of entering into an agreement of that kind.

"It is said, however, that it is a fair tax in proportion to our other war taxes. Let us look at this for a moment. My neighbor here has $100,000 saved, we will say, and having retired from business, he lives by loaning out that money, and he realizes six per cent. a year on it. How much do we tax him? One hundred and eighty dollars, three per cent. on what he gets. I am going now upon the ground that he has got $6,000 income in some other way. We tax him three per cent. on his *gain;* and that is $180, although he has used $100,000. Here are three other neighbors of mine—I will not include myself, because that would make the supposition too improbable—who have $100,000, and they bank with it according to the law of their State. What do they make? Perhaps they make eight per cent. If they do make $8,000 on the $100,000, they have to pay a tax of three per cent. on that now, and it goes into the Treasury. But what is the proposition here? The Government says to them, "You have got $100,000 invested in banking; you will therefore probably have about $150,000 of circulation; we will tax you on the $150,000 one per cent. every six months, or two per cent. a year." How much will that be? Three thousand dollars. "For the use of your $100,000 in banking you shall pay $3,000 a year." The other man, for the use of his $100,000, pays but $180 a year. Do you call that fair and equal taxation? The one pays $180, while the other, on the same amount of capital, pays $3,000. It is perfectly monstrous.

"But, in the next place, I think it a mere matter of figures and capable of mathematical certainty about this problem of whether banks will be set up in my part of the country under this bill, even if the existing banks are all destroyed. To illustrate it, I will take the plain case of a $100,000 bank, because that is the ordinary size of a country bank in my part of the country, and it is in round numbers, easy of calculation. You are to take $100,000, go and buy bonds with it, leave them there, and take out $90,000 of circulating notes. As to exchange, that is to be the same all over the country, and that is to be no item in the profit of a bank hereafter.

"Now let us see how it will work. In the first place, I believe I am borne out by examination of experienced men in saying that you cannot operate a country bank, or any bank of the amount of $100,000, with less than $2,500 per year. Pay your cashier, open your office, warm it, light it, take care of it, pay your expresses, and do all your business, and it cannot be done for less than $2,500, and that is putting it very low. Now, a $100,000 bank, under this bill, will, in the first place, get from the Government of the United States $4,000 a year interest, after paying the tax. We understand that. They lend the $90,000 which they receive and they get six per cent. interest on that. That interest would amount to $5,400. There is all they can make without stealing. It is all that can be made. What does it cost? It costs $2,500 to operate the bank, the ordinary expenses, and they lose the use of $22,500 for that year, because they are to keep on hand twenty-five per cent. on their circulation. They have kept that on hand, and of course the use of it is lost. That is over $1,300. That expense and loss makes $3,800. The interest from the Government

and the interest on the $90,000 amounts to $9,400. Deducting the one from the other, it leaves $5,600. Now, what did it make that on? On the $100,000 put in, and the $22,500 which was kept on hand. The investment was $122,500, and the profit is $5,600; that is, about four per cent. That is all that can be made under it. They are to run the risk in their loans of all the loanings of $90,000, and getting it out and in, and cannot make five per cent., if all works smoothly and there are no losses at all. I say that is not a matter of speculation; that is a matter of certainty. Those figures which I have given in this instance cannot lie."

Mr. Sherman, of Ohio, followed in defence of the bill. "That bankers can make a reasonable profit under this bill I have no doubt. They have the benefit of four per cent. on the bonds deposited by them. They have the benefit of interest on the notes given them for circulation. They have the benefit of exchange; not the rates of exchange formerly paid, but that incidental exchange which every bank charges in drawing a draft, probably a quarter or a half of one per cent. They have the profits they can make from deposits. They have other profits from the ordinary incidents of banking. I have no doubt from all these various profits they will make what banks in ordinary times under specie payments could make, that is, seven or eight per cent. a year.

"But, sir, the principal point made by the honorable senator, and one most likely to influence the judgment of senators, is this: he asks what benefit the United States derives from this arrangement, and he endeavors by argument to show that the United States derives no benefit. I would put to him this simple proposition: there are now $167,000,000 of local bank circulation in the country. Suppose we can induce through their interests—I do not propose to do it by any arbitrary mode—the retirement of $100,000,000 of this circulation, taking the smallest sum that will probably be used in the course of a year; suppose we can induce the banks to withdraw $100,000,000 of their circulation, is it no benefit to the United States? Now, the United States gets no benefit whatever from their circulation. The United States cannot receive it in their ordinary business transactions. It fills the channels of circulation to the exclusion of the greenbacks. Suppose we can induce the banks to withdraw $100,000,000 of their circulation, and invest that much money in our bonds, and receive United States circulation, does not the honorable senator see that we should derive a great advantage from it? That is the object of this bill. The object is, by appealing to the patriotism and the interest of the people and the banks, to induce the banks to withdraw their local circulation and convert it into a national circulation. If it fails, as a matter of course it does no harm. But suppose it succeeds, does not the United States derive a benefit from it? Certainly; because at once a demand is created for the purchase of $100,000,000 of United States bonds. We are anxious to sell these bonds. They are now below the par of gold. The creation of a demand for $100,000,000 will, as I showed yesterday, by the well-known and recognized laws of trade, probably create a demand for $500,000,000. There is the benefit, there is the advantage we seek to derive. We shall make a market at once for the sale of $100,000,000 worth of our bonds, and the additional market which is always created by making a demand for a particular commodity, which is equivalent at least to five times the amount of the real demand. The Government of the United States is willing to borrow money from the honorable senator at six per cent. and pay the interest in gold coin. Any person who desires to loan money to the United States may receive six per cent. interest on it, and we are very glad to sell our bonds at that rate in this time of war; but to those who avail themselves of the privileges of this law we only pay four per cent., so that we save one third of the interest on the amount of our bonds used for banking; and more than that, we get a circulation which by the laws of the United States may be used in the collection of our dues; and in the ordinary operations of our Government these banking agencies may be made useful and beneficial as depositories. There is the answer. The benefit derived to the Government is by making a market for its bonds, by having fiscal agencies throughout the United States, so that it may the more readily collect its debts, and by saving one third of the interest on the payment of its bonds, and by securing to the people of the country a uniform national currency which can be passed from hand to hand in all parts of the country without loss by exchange, or deterioration, or alteration.

"But the honorable senator says that the power granted by this bill would render the Secretary of the Treasury a very dangerous person, or a very powerful person; probably that is the meaning. He says that this bill would create a dangerous political power. According to all experience, if you invest in any particular person the power to appoint men to office, or the power to manage banks or control a scheme of this kind, it rather weakens him. Sir, it will be a dangerous power in one sense; not to the American people, but it will be dangerous to the individual who exercises the power. Any man in this country who is clothed with the power of appointing men to office or selecting certain persons to have certain privileges, loses more than he makes, by the well-known law that he disappoints more than he benefits. And if you confer upon the Secretary of War or the Secretary of the Treasury the power to appoint twenty clerks, as we did the other day, there are five hundred applicants at once; and you disappoint four hundred and eighty, and make them enemies, for the sake of gaining twenty

friends. No, sir, the administration of patronage, the power to select depositories, all the power conferred by this bill, the power of visitation, all these are powers which tend rather to decrease the influence of the Secretary of the Treasury, because they are more likely to make him enemies than friends."

Mr. Howard, of Michigan, urged the following grounds for his opposition to the bill: "Sir, I am opposed to the scheme of the bill, because it ignores the great principle which I think is the only sound principle, that a paper circulation shall be convertible at the will of the holder into specie. I oppose it because it is likely to wage a very unnecessary and, I fear, dangerous war upon the State institutions; and I oppose it because I deplore the contest which will probably arise out of it in our local politics."

Mr. Wilson, of Massachusetts, briefly said: "Mr. President, I do not believe the banks are warring on the Government. They have proved in the past that they are not hostile to the Government. I do not believe the Government means to be hostile to them. I believe that this is a system which will absorb the existing banking system, and will be for the credit of the Government now, and for the interests of the people afterward, including the banks."

Mr. Doolittle, of Wisconsin, approved of the bill. He said: "As an original question, under the Constitution, I would maintain that the States have no constitutional power to issue paper money in any form, or to incorporate any company to do so; I would maintain, further, that under the Constitution, gold and silver coin is the only constitutional currency; but the truth is that the whole history of the country, and I am constrained to say the decision of the Supreme Court, has gone the other way.

"I say the practical effect is, that the history of the Government and the decision of the court have given rise to about fifteen hundred or two thousand banks created under the authority of the States; and they have issued their money, so that at the beginning of this war practically all the money we had in this country was the paper money of these two thousand State banks; and they very soon suspended, and all the practical currency we had was the irredeemable paper money of the State banks. That is the real truth; and in that state of things and under the necessity which grew out of it, I felt constrained, for one, to vote for the issue of notes by the Government of the United States.

"I maintain, sir, that in that state of the currency, our only circulation, in fact, being the irredeemable paper money of bank corporations created by the States, it was impossible for this Government to go on with this war on gold and silver. We must go on with the war on paper money as a practical fact; and if we must wage the war with paper money, we have got to take the control of that paper money into our own hands, or the Government will be destroyed; and the practical question is the mode of arriving at the control. This Government must dominate and master and control the currency of this country in this exigency.

"I maintain, again, that it is not possible for us to return to gold and silver at this present time, and go on with this war, because the State banks are continually issuing their paper money. Such is the state of things that it is an impossibility, and we must look the issue squarely in the face.

"As I have said, I believe it is a necessity of this Government, in some mode, to take control of the paper currency of the country. In some way we have got to restrain the issues. I will not say the paper that has already been issued by the banks; but the new issues of the State banks, the issues which the banks have made since the Government has commenced issuing its legal-tender notes. While we are creating and issuing paper money, we cannot allow the banks still to continue to flood the channels of circulation. By that course we are destroying ourselves. We must restrain them, at least to the limit at which they stood when we began, and not allow them to flood all the channels of circulation.

"Mr. President, the only possible way in which we can do this is by inaugurating some better system. It is claimed and maintained that the system proposed to be inaugurated here is a better system. Sir, I have listened to the arguments on both sides, and I confess that at times in my own mind I have been shaken somewhat by the arguments I have heard against this system: but no better system seems to be proposed: Those who oppose this system do not come forward with another; and as, in my judgment, it is necessary to have some system, upon the whole I have been constrained to say that I shall favor this system, because I do not see that a better system is proposed to meet the exigency."

After further brief debate, the vote was taken on the bill as follows:

YEAS—Messrs. Anthony, Arnold, Chandler, Clark, Doolittle, Fessenden, Foster, Harding, Harlan, Harris, Howard, Howe, Lane of Kansas, Morrill, Nesmith, Pomeroy, Sherman, Sumner, Ten Eyck, Wade, Wilkinson, Wilmot, and Wilson of Massachusetts—23.

NAYS—Messrs. Carlile, Collamer, Cowan, Davis, Dixon, Foot, Grimes, Henderson, Hicks, Kennedy, King, Latham, McDougall, Powell, Rice, Richardson, Saulsbury, Trumbull, Turpie, Wall, and Wilson of Missouri—21.

The bill came up in the House on the 19th of February. Mr. Spaulding, of New York, thus stated some of the advantages of the measure: "The additional advantages held out by the bill to induce rich men, men of accumulated capital, to join the Government in maintaining this national currency, are:

"1. The national character given to the bills to circulate at par in all parts of the United States.

"2. It is made receivable at par for all in-

ternal taxes and all other dues to the Government, except customs, and payable to the army and navy and all other creditors of the Government.

"3. The banking associations are to be exempt from all State and United States taxation, and only pay two per cent. per annum for engraving, paper, and printing their circulating notes, and which is to include all the other expenses of the Currency Bureau at Washington.

"On a full review of this proposed plan of a national currency, it will be seen that it is based on public and private faith; that it proposes to combine the interest of the nation with the rich individuals belonging to it. Men of surplus capital only can profitably engage in the business of banking. If speculators and adventurers, without positive capital, attempt to bank under this bill, they will fail. Money-lenders, and not money borrowers, can successfully organize and manage banking associations under the provisions of this act."

Mr. Harrison, of Ohio, urged the following objections to the bill: "As long, Mr. Speaker, as our domestic troubles continue, the business of the country must be done with an unredeemed paper circulation; and the alternative is presented of a circulation of Treasury notes issued directly by the Government, or bank notes issued by institutions organized under Federal grant. The former, it seems to me, is to be preferred, and for obvious reasons. It is an expedient resorted to in an emergency, justified by an emergency, and made acceptable to the country by reason of the emergency. The evils and inconveniences arising from it can be borne, because there is no other way by which we can help ourselves along in our present straits. There has been and there will necessarily be an expansion of credits—a rise of values, or, rather, of prices—a good deal of speculation—but then the ordinarily disastrous consequences of this state of things will be measurably averted by the temporary character of the cause which produced it. When the necessity for the expedient ceases, the expedient will be abandoned, and business will resume its ordinary courses. On the other hand, the other alternative inaugurates an expedient into a policy, and fastens permanently upon the country evils otherwise of a temporary character."

The debate was further continued, and the bill finally passed by the following vote:

YEAS—Messrs. Aldrich, Alley, Ashley, Babbitt, Beaman, Bingham, Jacob B. Blair, Blake, Buffinton, Calvert, Campbell, Casey, Chamberlain, Clements, Colfax, Conway, Covode, Cutler, Davis, Delano, Dunn, Edgerton, Eliot, Ely, Fenton, Samuel C. Fessenden, Thomas A. D. Fessenden, Fisher, Frank, Goodwin, Granger, Hahn, Haight, Hickman, Hooper, Hutchins, Julian, Kelley, Francis W. Kellogg, William Kellogg, Lansing, Leary, Lovejoy, Low, McIndoe, McKean, McPherson, Marston, Maynard, Moorhead, Anson P. Morrill, Noell, Olin, Patton, Timothy G. Phelps, Potter, Alexander H. Rice, John H. Rice, Sargeant, Sedgwick, Segar, Shanks, Shellabarger, Sherman, Sloan, Spaulding, Stevens, Trimble, Trowbridge, Van Horn, Van Wyck, Verree, Wall, Wallace, Washburne, Albert S. White, Windom, and Worcester—78.

NAYS—Messrs. William Allen, Ancona, Bailey, Baker, Baxter, Biddle, Cobb, Frederick A. Conkling, Roscoe Conkling, Cox, Cravens, Crittenden, Dawes, Edwards, English, Gooch, Grider, Gurley, Hall, Harding, Harrison, Holman, Horton, Johnson, Kerrigan, Knapp, Law, Lazear, Loomis, Mallory, May, Menzies, Justin S. Morrill, Morris, Nixon, Noble, Norton, Nugen, Odell, Pendleton, Perry, Pike, Pomeroy, Porter, Price, Robinson, James S. Rollins, Sheffield, Shiel, John B. Steele, William G. Steele, Stiles, Stratton, Benjamin F. Thomas, Francis Thomas, Vallandigham, Wadsworth, Wheeler, Whaley, Chilton A. White, Wickliffe, Wilson, Woodruff, and Wright—64.

The following is the bill as passed:

An Act to provide a National Currency, secured by a pledge of United States Stocks, and to provide for the circulation and redemption thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be established in the Treasury Department a separate bureau, which shall be charged with the execution of this and all other laws that may be passed by Congress respecting the issue and regulation of a national currency secured by United States bonds. The chief officer of the said bureau shall be denominated the Comptroller of the Currency, and shall be under the general direction of the Secretary of the Treasury. He shall be appointed by the President, on the nomination of the Secretary of the Treasury, by and with the advice and consent of the Senate, and shall hold his office for the term of five years, unless sooner removed by the President, by and with the advice and consent of the Senate. He shall receive an annual salary of five thousand dollars. He shall have a competent deputy, appointed by the Secretary, whose salary shall be two thousand five hundred dollars, and who shall possess the power and perform the duties attached by law to the office of comptroller during a vacancy in such office, and during his absence or inability. He shall employ, from time to time, the necessary clerks to discharge such duties as he shall direct, which clerks shall be appointed and classified by the Secretary of the Treasury in the manner now provided by law. Within fifteen days from the time of notice of his appointment, the Comptroller shall take and subscribe the oath of office prescribed by the Constitution and laws of the United States; and he shall give to the United States a bond in the penalty of one hundred thousand dollars, with not less than two responsible freeholders as sureties, to be approved by the Secretary of the Treasury, conditioned for the faithful discharge of the duties of his office. The Deputy Comptroller so appointed shall also take the oath of office prescribed by the Constitution and laws of the United States, and shall give a like bond in the penalty of fifty thousand dollars. The Comptroller and Deputy Comptroller shall not, either directly or indirectly, be interested in any association issuing national currency under the provisions of this act.

SEC. 2. *And be it further enacted,* That the Comptroller of the Currency, with the approval of the Secretary of the Treasury, shall devise a seal, with suitable inscriptions, for his office, a description of which, with a certificate of approval by the Secretary of the Treasury, shall be filed in the office of the Secretary of State with an impression thereof, which shall thereupon become the seal of office of the Comptroller of the Currency, and the same may be renewed when necessary. Every certificate, assignment, and conveyance executed by the Comptroller, in pursuance of any authority conferred on him by law, and sealed with his seal of office, shall be received in evidence in all places and courts whatsoever; and all copies of papers in the office of the Comptroller, certified by him and authenticated by the said seal, shall in all cases be evidence equally and in like manner as the original. An

impression of such seal directly on the paper shall be as valid as if made on wax or wafer.

Sec. 3. *And be it further enacted,* That there shall be assigned to the Comptroller of the Currency by the Secretary of the Treasury suitable rooms in the Treasury building for conducting the business of the Currency Bureau, in which shall be safe and secure fireproof vaults in which it shall be the duty of the Comptroller to deposit and safely keep all the plates and other valuable things belonging to his department; and the Comptroller shall from time to time furnish the necessary furniture, stationery, fuel, lights, and other proper conveniences for the transaction of the said business.

Sec. 4. *And be it further enacted,* That the term "United States Bonds," as used in this act, shall be construed to mean all coupon and registered bonds now issued or that may hereafter be issued on the faith of the United States by the Secretary of the Treasury in pursuance of law.

Sec. 5. *And be it further enacted,* That associations for carrying on the business of banking may be formed by any number of persons not less in any case than five.

Sec. 6. *And be it further enacted,* That persons uniting to form such an association shall, under their hands and seals, make a certificate which shall specify—

First. The name assumed by such association.

Second. The place where its operations of discount and deposit are to be carried on; designating the State, Territory, or district, and also the particular city, town, or village.

Third. The amount of its capital stock, and the number of shares into which the same shall be divided; which capital stock shall not be less than fifty thousand dollars; and in cities whose population is over ten thousand persons, the capital stock shall not be less than one hundred thousand dollars.

Fourth. The names and places of residence of the shareholders, and the number of shares held by each of them.

Fifth. The time when such association shall commence.

Sixth. A declaration that said certificate is made to enable such persons to avail themselves of the advantages of this act.

The said certificate shall be acknowledged before a judge of some court of record or a notary public, and the acknowledgment thereof certified under the seal of such court or notary, and shall be transmitted, together with a copy of the articles of association which shall have been adopted, to the Comptroller of the Currency, who shall record and carefully preserve the same in his office. Copies of such certificate, duly certified by the Comptroller, and authenticated by his seal of office, shall be legal and sufficient evidence in all courts and places within the United States, or the jurisdiction of the Government thereof, of the existence of such association, and of every other matter or thing which could be proved by the production of the original certificate.

Sec. 7. *And be it further enacted,* That at least thirty per centum of the capital stock of such association shall be paid in at the time of the commencement of its banking business, and the remainder of the capital stock of such association shall be paid in instalments of at least ten per centum each on the whole amount to which the association shall be limited, as frequently as one instalment at the end of each succeeding two months from the time of the commencement of its banking operations, until the whole of the capital stock shall be paid in.

Sec. 8. *And be it further enacted,* That if any shareholder or his assignee shall fail to pay any instalment on the stock when the same is required by the foregoing section to be paid, the directors of such association may sell the stock held by such delinquent shareholder at public auction, having given three weeks' previous notice thereof in a newspaper published and of general circulation in the city where the association is located, if the same be located in a city, and if not so located, then in a newspaper printed or of general circulation in the county where the same is located, to any person who will pay the highest price therefor, and not less than the amount then due thereon, with the expenses of advertisement and sale; and the excess, if any, shall be paid to the delinquent shareholder. If no bidder can be found who will pay for such stock the amount due thereon to the association, and the costs of advertisement and sale, the amount previously paid shall be forfeited to the association, and such stock may subsequently be sold as the directors may order.

Sec. 9. *And be it further enacted,* That whenever a certificate shall have been transmitted to the Comptroller of the Currency, as provided in this act, and the association transmitting the same shall notify the Comptroller that at least thirty per centum of its capital stock has been paid in as aforesaid, and that such association has complied with all the provisions of this act required to be complied with before such association shall be authorized to commence the business of banking, and that such association is desirous of commencing such business, the Comptroller shall immediately proceed, in such manner as he shall by general rules prescribe, to examine the condition of such association, to ascertain especially the amount of money paid in on account of its capital stock; the name and place of residence of each of the directors of such association, and the amount of the capital stock of which each is the *bona fide* owner, and generally whether such association has complied with all the requirements of this act to entitle it to engage in the business of banking; and shall cause to be made, and testified by the oaths of a majority of the directors and by the president or cashier of such association, a statement of all the facts necessary to enable the Comptroller to determine whether such association is lawfully entitled to commence the business of banking under this act.

Sec. 10. *And be it further enacted,* That if, upon a careful examination of the facts so reported, and of any other facts which may come to the knowledge of the Comptroller, whether by means of a special commission appointed by him for the purpose of inquiring into the condition of such association, or otherwise, it shall appear that such association is lawfully entitled to commence the business of banking, the Comptroller shall give to such association a certificate under his hand and official seal, showing that such association has complied with all the provisions of this act required to be complied with before being entitled to commence the business of banking under it, and that such association is authorized to commence said business accordingly; and it shall be the duty of such association to cause said certificate to be published in some newspaper published in the city or county where such association is located, for at least sixty days next after the issuing thereof: *Provided,* That if no newspaper is published in such city or county, such certificate shall be published as the Comptroller of the Currency shall direct.

Sec. 11. *And be it further enacted,* That every association formed pursuant to the provisions of this act may make and use a common seal, and shall have succession by the name designated in its articles of association and for the period limited therein, not, however, exceeding twenty years from the passage of this act; by such name may make contracts, sue and be sued, complain and defend in any court of law or equity as fully as natural persons, and may make by-laws, approved by the Comptroller of the Currency, not inconsistent with the laws of the United States or the provisions of this act, for the election of directors, the management of its property, the regulation of its affairs, and for the transfer of its stock; and shall have power to carry on the business of banking by obtaining and issuing circulating notes in accordance with the provisions of this act; by discounting bills, notes, and other evidences of debt; by receiving deposits; by buying and selling gold and silver bullion, foreign coins, and bills of exchange; by loaning money on real and personal security, in the manner specified in

their articles of association, for the purposes authorized by this act, and by exercising such incidental powers as shall be necessary to carry on such business; to choose one of their number as president of such association, and to appoint a cashier and such other officers and agents as their business may require; and to remove such president, cashier, officers, and agents at pleasure, and appoint others in their place; and their usual business shall be transacted in banking offices located at the places specified respectively in its certificate of association, and not elsewhere.

Sec. 12. *And be it further enacted,* That the shares of associations formed under this act shall be deemed personal property, and shall be transferable on the books of the association in such manner as may be prescribed in the by-laws or articles of association; and every person becoming a shareholder by such transfer shall, in proportion to his shares, succeed to all the rights and liabilities of the prior holder of such shares; and no change shall be made in the articles of association by which the rights, remedies, or security of the existing creditors of the association shall be impaired. For all debts contracted by such association for the circulation, deposits, or otherwise, each shareholder shall be liable to the amount, at their par value, of the shares held by him, in addition to the amount invested in such shares.

Sec. 13. *And be it further enacted,* That it shall be lawful for any association formed under this act, by its articles of association, to provide for an increase of its capital from time to time as may be deemed expedient, subject to the limitations of this act; but no such increase shall be valid until the increased capital shall be paid in, and notice thereof shall have been transmitted to the Comptroller of the Currency, and his certificate obtained, specifying the amount of such increase of capital stock, and that the same has been duly paid to such association.

Sec. 14. *And be it further enacted,* That it shall be lawful for any such association to purchase, hold, and convey real estate as follows:

First. Such as shall be necessary for its immediate accommodation in the transaction of its business.

Second. Such as shall be mortgaged to it in good faith by way of security for loans made by such association, or for moneys due thereto.

Third. Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

Fourth. Such as it shall purchase at sales under judgments, decrees, or mortgages held by such association.

Such association shall not purchase or hold real estate in any other case or for any other purpose than as specified in this section.

Sec. 15. *And be it further enacted,* That every association, after having complied with the provisions of this act preliminary to the commencement of banking business under its provisions, shall transfer and deliver to the Treasurer of the United States any United States bonds bearing interest to an amount not less than one third of the capital stock paid in, which bonds shall be deposited with the Treasurer of the United States, and by him safely kept in his office until the same shall be otherwise disposed of, in pursuance of the provisions of this act.

Sec. 16. *And be it further enacted,* That upon the making of any such transfer and delivery, the association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations, in blank, registered and countersigned as hereinafter provided, equal in amount to ninety per centum of the current market value of the United States bonds so transferred and delivered, but not exceeding the par value thereof, if bearing interest at the rate of six per centum, or of equivalent United States bonds bearing a less rate of interest; and at no time shall the total amount of such notes, issued to any such association, exceed the amount at such time actually paid in of its capital stock.

Sec. 17. *And be it further enacted,* That the entire amount of circulating notes to be issued under this act shall not exceed three hundred millions of dollars. One hundred and fifty millions of which sum shall be apportioned to associations in the States, in the District of Columbia, and in the Territories, according to representative population, and the remainder shall be apportioned by the Secretary of the Treasury among associations formed in the several States, in the District of Columbia, and in the Territories, having due regard to the existing banking capital, resources, and business of such States, District, and Territories.

Sec. 18. *And be it further enacted,* That, in order to furnish suitable notes for circulation, the Comptroller of the Currency is hereby authorized and required, under the direction of the Secretary of the Treasury, to cause plates to be engraved in the best manner, to guard against counterfeiting and fraudulent alterations, and to have printed therefrom, and numbered, such quantity of circulating notes, in blank, of the denominations of five dollars, ten dollars, twenty dollars, fifty dollars, one hundred dollars, five hundred dollars, and one thousand dollars, as may be required to supply, under this act, the associations entitled to receive the same; which notes shall express upon their face that they are secured by United States bonds, deposited with the Treasurer of the United States, and issued under the provisions of this act, which statement shall be attested by the written or engraved signatures of the Treasurer and Register, and by the imprint of the seal of the Treasury; and shall also express upon their face the promise of the association receiving the same, to pay on demand, attested by the signatures of the president, or vice-president, and cashier; and the said notes shall bear such devices and such other statements, and shall be in such form, as the Secretary of the Treasury shall, by regulation, direct.

Sec. 19. *And be it further enacted,* That the plates and special dies to be procured by the Comptroller of the Currency for the printing of such circulating notes as shall remain under his control and direction, and the expenses necessarily incurred in executing the provisions of this act respecting the procuring of such notes, shall be audited and paid as contingent expenses of the Treasury Department; and for the purpose of reimbursing the same, and all other expenses incurred under this act, and in lieu of all taxes upon the circulation authorized by this act, or upon the bonds deposited for the security of the same, such association organized under this act shall semi-annually, on the first days of January and July, after its organization, pay to the Comptroller of the Currency, in lawful money of the United States, one per centum on the amount of circulating notes received by such association, and in default thereof, the Treasurer of the United States is hereby authorized to reserve and retain one per centum on the amount of said bonds so deposited, at each semi-annual payment of interest thereon; and all sums so reserved and retained shall be paid into the Treasury under the direction of the Secretary; and every bank, banking association, or organization, not organized under the provisions of this act, issuing notes calculated or intended to circulate as money, shall, on the first day of July next, and regularly on the first days of January and July thereafter, make and deliver to the Comptroller of the Currency a true and accurate return of the gross amount of notes issued by it, whether in circulation, or in its vaults, or on deposit elsewhere, and in default of any such return, the bank, banking association, or corporation so failing to make return, shall pay to the United States a penalty of two per centum upon its entire capital stock, to be recovered, for the use of the United States, in any court of competent jurisdiction.

Sec. 20. *And be it further enacted,* That after any such association shall have caused its promise to pay such notes on demand to be signed by the president or vice-president and cashier thereof, in such manner as to make them obligatory promissory notes, payable on demand, at its place of business, such association is hereby authorized to issue and circulate the same as

money; and the same shall be received at par in all parts of the United States in payment of taxes, excises, public lands, and all other dues to the United States, except for duties on imports, and also for all salaries and other debts and demands owing by the United States to individuals, corporations, and associations within the United States, except interest on public debt; and no such association shall issue post notes, or any other notes to circulate as money, than such as are authorized by the foregoing provisions of this act.

Sec. 21. *And be it further enacted,* That all transfers of United States bonds which shall be made by any association as security for circulating notes under the provisions of this act, shall be made to the Treasurer of the United States, with a memorandum written or printed on the certificate of such bonds, and signed by the cashier, or some other officer of the association making the deposit, stating that it is held in trust for the association on whose behalf such transfer is made, and as security for the redemption and payment of the circulating notes delivered to such association; and no transfer of any such bonds by the Treasurer shall be deemed valid, or of binding force and effect, unless sanctioned by the order or request of the Comptroller of the Currency upon the Treasurer. It shall be the duty of the Comptroller of the Currency to keep in his office a book in which shall be entered the name of every association from whose account such transfer of bonds is made by the Treasurer, and the name of the party to whom such transfer is made, unless such transfer is made in blank, in which case the fact shall be stated in said book, and in either case the par value of the bonds so transferred shall be entered therein; and it shall be the duty of the Comptroller, immediately upon countersigning and entering the same, to advise by mail the association from whose account such transfer was made, the kind of bonds and the amount thereof so transferred.

Sec. 22. *And be it further enacted,* That it shall be the duty of the Comptroller of the Currency to countersign and enter in the book, in the manner aforesaid, every transfer or assignment of any bonds held by the Treasurer presented for his signature; and the Comptroller shall have at all times during office hours access to the books of the Treasurer for the purpose of ascertaining the correctness of the transfer or assignment presented to him to countersign; and the Treasurer shall have the like access to the book above mentioned kept by the Comptroller during office hours to ascertain the correctness of the entries in the same.

Sec. 23. *And be it further enacted,* That it shall be the duty of either the president or cashier of every banking association having stocks deposited in the office of the Treasurer of the United States, once or more in each fiscal year, and at such time or times during the ordinary business hours as said officer or officers may select, to examine and compare the bonds so pledged with the books of said Department, and, if found correct, to execute to the said Treasurer a certificate setting forth the different kinds and the amounts thereof, and that the same are in the possession and custody of the Treasurer at the date of such certificate. Such examination may be made by an agent of such association, duly appointed in writing for that purpose, whose certificate before mentioned shall be of like force and validity as if executed by such president or cashier.

Sec. 24. *And be it further enacted,* That every association issuing circulating notes under the provisions of this act shall make a quarterly report to the Comptroller of the Currency, commencing on the first day of the quarter of the year next succeeding the organization of such association, and continuing on the first days of each succeeding quarter in every year thereafter, which report shall be verified by the oath or affirmation of the president and cashier; and all wilful false swearing in respect to such report shall be perjury and subject to the punishment prescribed by law for such offence. The report hereby required shall be in the form prescribed by the Comptroller, and shall contain a true statement of the condition of the association making such report before the transaction of any business on the morning of the day specified next preceding the date of such report, in respect of the following items and particulars, to wit: loans and discounts, overdrafts due from banks, amount due from the directors of the association, real estate, specie, cash items, stocks, bonds, and promissory notes, bills of solvent banks, bills of suspended banks, loss and expense account, capital, circulation, profits, amount due to banks, amount due to individuals and corporations other than banks, amount due the Treasurer of the United States, amount due to depositors on demand, amount due not included under either of the above heads. And it shall be the duty of the Comptroller to publish full abstracts of such reports together in two newspapers, to be designated by him for that purpose, one in the city of Washington and the other in the city of New York, exhibiting the items of capital, circulation, and deposits, specie and cash items, public securities and private securities; and the separate report of each association shall be published in a newspaper published in the place where such association is established, or, if there be no newspaper at such place, then in a newspaper published at the capital of the State, at the expense of the association making such report. In addition to the quarterly reports required by this section, every association located and doing business in the cities of Boston, Providence, New York, Philadelphia, Baltimore, Cincinnati, Chicago, St. Louis, and New Orleans, shall publish or cause to be published, on the morning of the first Tuesday in each month, in a newspaper printed in the city in which the association making such report is located, to be designated by the Comptroller of the Currency, a statement, under the oath of the president or cashier, showing the condition of the association making such statement, on the morning of the day next preceding the date of such statement, in respect to the following items and particulars, to wit: average amount of loans and discounts, specie, deposits, and circulation.

Sec. 25. *And be it further enacted,* That if any such association shall at any time fail to redeem, in the lawful money of the United States, any of its circulating notes, when payment thereof shall be lawfully demanded, during the usual hours of business, at the office of such association, the holder may cause the same to be protested, in one package, by a notary public, unless the president or cashier of the association shall offer to waive demand and notice of the protest, and shall, in pursuance of such offer, make, sign, and deliver to the party making such demand an admission in writing, stating the time of the demand, the amount demanded, and the fact of the non-payment thereof; and such notary public, on making such protest, or upon receiving such admission, shall forthwith forward such admission or notice of protest to the Comptroller of the Currency; and after such default it shall not be lawful for the association suffering the same to pay out any of its notes, discount any notes or bills, or otherwise prosecute the business of banking, except to receive and safely keep money belonging to it, and to deliver special deposits: *Provided, however,* That if satisfactory proof be produced to such notary public that the payment of any such notes is restrained by order of any court of competent jurisdiction, such notary public shall not protest the same; and when the holders of such notes shall cause more than one note or package to be protested on the same day, he shall not receive pay for more than one protest.

Sec. 26. *And be it further enacted,* That on receiving notice that any such association has failed to redeem any of its circulating notes, as specified in the next preceding section, the Comptroller of the Currency, with the concurrence of the Secretary of the Treasury, may appoint a special agent (of whose appointment immediate notice shall be given to such association), who shall immediately proceed to ascertain whether such association has refused to pay its circulating notes, in the lawful money of the United States,

when demanded as aforesaid, and report to the Comptroller the facts so ascertained; and if, from such protests or the reports so made, the Comptroller shall be satisfied that such association has refused to pay its circulating notes as aforesaid, and is in default, he shall, within thirty days after he shall have received notice of such failure, declare the United States bonds and securities pledged by such association forfeited to the United States, and the same shall thereupon be forfeited accordingly, and thereupon the Comptroller shall immediately give notice, in such manner as the Secretary of the Treasury shall, by general rules or otherwise, direct, to the holders of the circulating notes of such association to present them for payment at the Treasury of the United States; and the same shall be paid as presented, whereupon said Comptroller may, in his discretion, cancel an equal amount of the bonds pledged by such association, equal at current market rates, not exceeding par, to the notes paid; and it shall be lawful for the Secretary of the Treasury, from time to time, to make such regulations respecting the disposition to be made of such circulating notes after presentation thereof for payment as aforesaid, and respecting the perpetuation of the evidence of the payment thereof, as may seem to him proper; but all such notes, on being paid, shall be cancelled; and for any deficiency in the proceeds of the bonds pledged by such association, when disposed of as hereinafter specified, to reimburse to the United States the amount so expended in paying the circulating notes of such association, the United States shall have a first and paramount lien upon all the assets of such association, and such deficiency shall be made good out of such assets in preference to any and all other claims whatsoever, except the necessary costs and expenses of administering the same.

Sec. 27. *And be it further enacted*, That, whenever the Comptroller shall become satisfied, as in the last preceding section specified, that any such association has refused to pay its circulating notes as therein mentioned, he may, instead of cancelling the United States bonds pledged by such association, as provided in the next preceding section, cause so much of them as may be necessary to redeem the outstanding circulating notes of such association to be sold at public auction in the city of New York, after giving thirty days' notice of such sale to such association.

Sec. 28. *And be it further enacted*, That the Comptroller of the Currency may, if he shall be of opinion that the interests of the United States will be best promoted thereby, sell at private sale any of the stock so transferred to him by such association, and receive therefor either money or the circulating notes of such failing association: *Provided*, That no such bonds shall be sold by private sale for less than the par, nor less than the market value thereof at the time of sale. *And provided further*, That no sales of any such stock, either public or private, shall be complete until the transfer thereof shall have been made with the formalities prescribed in this act.

Sec. 29. *And be it further enacted*, That on becoming satisfied, as specified in this act, that any such association has refused to pay its circulating notes as therein mentioned, and is in default, the Comptroller of the Currency may forthwith appoint a receiver, and require of him such bond and security as he shall deem proper, who, under the direction of the Comptroller, shall take possession of the books, records, and assets of every description of such association, collect all debts, dues, and claims belonging to such association, and, upon the order of a court of record of competent jurisdiction, may sell or compound all bad or doubtful debts, and, on a like order, sell all the real and personal property of such association, on such terms as the court shall direct; and such receiver shall pay over all moneys so made to the Treasurer of the United States, and also make report to the Comptroller of the Currency of all his acts and proceedings. The Comptroller shall thereupon cause notice to be given, by advertisement in such newspapers as he may direct, for three consecutive months, calling on all persons who may have claims against such association to present the same, and to make legal proof thereof; and from time to time the Comptroller, after full provision shall have been first made for refunding to the United States any such deficiency in redeeming the notes of such association as is mentioned in this act, shall make a ratable dividend of the moneys so paid over to him by such receiver on all such claims as may have been so proved or adjudicated in a court of competent jurisdiction, and from time to time, as the proceeds of the assets of such association shall be paid over to him, he shall make further dividends, as aforesaid, on all claims previously proved or adjudicated; and the remainder of such proceeds, if any, shall be paid over to the shareholders of such association, or their legal representatives, in proportion to the stock by them respectively held: *Provided, however*, That if any such association, against which proceedings have been so instituted on account of any alleged refusal to redeem its circulating notes as aforesaid, shall deny having failed to do so, such association may at any time within ten days after such association shall have been notified of the appointment of an agent, as provided in this act, apply to the nearest circuit, or district, or territorial court of the United States, to enjoin further proceedings in the premises; and such court, after citing the Comptroller of the Currency to show cause why further proceedings should not be enjoined, and after the decision of the court or finding of a jury that such association has not refused to redeem its circulating notes, when legally presented, in the lawful money of the United States, shall make an order enjoining the Comptroller, and any receiver acting under his direction, from all further proceedings on account of such alleged refusal.

Sec. 30. *And be it further enacted*, That the bonds transferred to the Treasurer of the United States, as hereinbefore provided, by any banking association for the security of its circulating notes, shall be held exclusively for that purpose, until such notes shall be redeemed, except as provided in this act; but the Comptroller of the Currency may give to any such banking association powers of attorney to receive and appropriate to its own use the interest on the bonds which shall have been so transferred to the Treasurer by it; but such powers shall become inoperative whenever such banking association shall fail to redeem its circulating notes as aforesaid; and said Comptroller may direct the return of any of said bonds to the banking association which transferred the same, upon the surrender to him and the cancellation of a proportionate amount of such circulating notes: *Provided*, That ninety per centum of the current market value of the remaining bonds which shall have been transferred by the banking association offering to surrender such circulating notes shall be equal to the amount of all the circulating notes retained by such banking association: *And provided further*, That there shall have been no failure by such association to redeem its circulating notes, and that there shall have been no other violation by such association of any of the provisions of this act for the security of the creditors of such association; nor shall the Treasurer be required to surrender such bonds in fractional sums of less than one thousand dollars; and if, at any time after said bonds shall be deposited with the Treasurer of the United States, as aforesaid, the market or cash value shall be reduced, the Comptroller of the Currency is hereby authorized to demand and receive the amount of such depreciation in other United States bonds at cash value, or in money, from the association receiving said bills, to be deposited with the Treasurer of the United States, as long as such depreciation continues.

Sec. 31. *And be it further enacted*, That whenever the price of any of the bonds pledged as aforesaid for the redemption of the circulating notes of any such banking association shall be, at the stock exchange in the city of New York, for four consecutive weeks, at a rate less than that at which they shall have been estimated when so pledged, and such depreciation shall not have been made good by a deposit of other bonds

or money, it shall be the duty of the Comptroller of the Currency to notify the Treasurer of the United States of such fact, and the payment of interest upon such depreciated bonds shall be suspended, and such interest shall be retained by said Treasurer until the same, when added to the current market value of the bonds so pledged, to be ascertained as before provided, shall be equal to the amount for which such bonds were pledged: *Provided*, That it shall be the duty of the Comptroller of the Currency, at the expiration of every period of three months, to cause the whole of the sums so retained, and then remaining in the Treasury of the United States, to be invested in United States bonds, in the name of the Comptroller of the Currency, in trust for the respective associations by which the bonds on which such interest shall have accrued shall have been pledged; and whenever the price of such depreciated bonds at the stock exchange in New York shall rise to the price at which they were pledged, and so remain for four consecutive weeks, such investment shall be assigned to such association; and all accruing interest on such pledged bonds shall thereafter be paid to such association on demand thereof.

Sec. 32. *And be it further enacted*, That it shall be the duty of the Comptroller of the Currency to receive wornout or mutilated circulating notes issued by any such banking association, and to deliver in place thereof to such association other blank circulating notes to an equal amount; and such wornout or mutilated circulating notes, after a memorandum shall have been entered in the proper books, in accordance with such regulations as may be established by the Comptroller, as well as all circulatiug notes which shall have been paid or surrendered to be cancelled, shall be burned to ashes in the presence of three persons, one to be appointed by the Secretary of the Treasury, one by the Comptroller of the Currency, and one by the Treasurer of the United States, under such regulations as the Secretary of the Treasury may prescribe; and in case such notes shall have been delivered to the Comptroller by an officer or agent of such association, then in the presence also of such officer or agent; and a certificate of such burning, signed by the parties so appointed, shall be made in the books of the Comptroller, and a duplicate thereof given to such officer or agent.

Sec. 33. *And be it further enacted*, That it shall be unlawful for any officer acting under the provisions of this act to countersign or deliver to any such association, or to any other company or person, any circulating notes contemplated by this act, except as hereinbefore provided, and in accordance with the true intent and meaning of this act; and any officer who shall violate the provisions of this section shall be deemed guilty of a high misdemeanor, and on conviction thereof shall be punished by fine not exceeding double the amount so countersigned and delivered, and imprisonment not exceeding fifteen years, at the discretion of the court in which he shall be tried.

Sec. 34. *And be it further enacted*, That all fees for protesting the notes issued by any such banking association shall be paid by the person procuring the protest to be made, and such banking association shall be liable therefor; but no part of the stock pledged by such banking association, as aforesaid, shall be applied to the payment of such fees; and all expenses of any preliminary or other examinations into the condition of any association shall be paid by such association; and all expenses of any receivership shall be paid out of the assets of such association before distribution of the proceeds thereof.

Sec. 35. *And be it further enacted*, That the stockholders, collectively, of any such association shall at no time be liable to such association, either as principal debtors or sureties, or both, to an amount greater than three fifths of the capital stock actually paid in and remaining undiminished by losses or otherwise; nor shall the directors be so liable, except to such an amount and in such manner as shall be prescribed by the by-laws of such association, adopted by its stockholders to regulate such liabilities.

Sec. 36. *And be it further enacted*, That the capital stock of any association formed under this act shall be divided into shares of one hundred dollars each, and shall be assignable on the books of the association in such manner as its by-laws shall prescribe; but no shareholder in any association under this act shall have power to sell or transfer any share held in his own right, so long as he shall be liable, either as principal debtor, surety, or otherwise, to the association for any debt which shall have become due and remain unpaid, nor in any case shall such shareholder be entitled to receive any dividend, interest or profit on such shares so long as such liabilities shall continue, but all such dividends, interests, and profits shall be retained by the association, and applied to the discharge of such liabilities; and no stock shall be transferred without the consent of a majority of the directors while the holder thereof is thus indebted to the association.

Sec. 37. *And be it further enacted*, That no banking association shall take, as security for any loan or discount, a lien upon any part of its capital stock; but the same security, both in kind and amount, shall be required of shareholders as of other persons; and no such banking association shall be the purchaser or holder of any portion of its capital stock, or of the capital stock of any other incorporated company, unless such purchase shall be necessary to prevent loss upon a debt previously contracted in good faith, on security which, at the time, was deemed adequate to insure the payment of such debt, independent of any lien upon such stock, or in case of forfeiture of such stock for the non-payment of instalments due thereon, and stock so purchased or acquired shall in no case be held by such association so purchasing for a longer period of time than six months, if the same can, within that time, be sold for what the stock cost.

Sec. 38. *And be it further enacted*, That in all elections of directors, and in deciding all questions at meetings of shareholders, each shareholder shall be entitled to one vote on each share of stock held by him; shareholders may vote by proxies duly authorized in writing; but no officer, clerk, teller or bookkeeper of such association shall act as proxy; and no stockholder whose liability is past due and unpaid shall be allowed to vote.

Sec. 39. *And be it further enacted*, That the affairs of every such association shall be managed by not less than five nor more than nine directors, one of whom shall be president of the association; every director shall, during his whole term of service, be a citizen of the United States and a resident of the State in which such association is located. At least three fourths of the directors shall have resided in the State in which such association is located one year next preceding their election as directors; and each director shall own in his own right, at least one per centum of the capital stock of such association not exceeding two hundred thousand dollars, and the half of one per centum of its capital if over two hundred thousand dollars. Each director shall take an oath that he will, so far as the duty devolves on him, diligently and honestly administer the affairs of such association, and will not knowingly violate, or willingly permit to be violated, any of the provisions of this act, and that he is the *bona fide* owner, in his own right, of the shares of stock standing in his name on the books of the association, and that the same is not hypothecated, or in any way pledged, as security for any loan obtained or debt owing to the association of which he is a director, which oath, subscribed by himself, and certified by the officer before whom it is taken, shall be immediately transmitted to the Comptroller of the Currency, and by him filed and preserved in his office.

Sec. 40. *And be it further enacted*, That the directors of any such association first elected shall hold their places until their successors shall be elected and qualified. All subsequent elections shall be held annually, on such day in the month of January as the stockholders of said association may prescribe; and the directors so elected shall hold their places for one year,

and until their successors are elected and qualified. But any director removing from the State, or ceasing to be the owner of the requisite amount of stock, shall thereby vacate his place. Any vacancy in the board shall be filled by appointment by the remaining directors. The director so appointed shall hold his place until the next annual election; and if, from any cause, an election of directors shall not be made at the time appointed, the association shall not for that cause be dissolved, but an election may be held on any subsequent day, thirty days' notice thereof having been given in a newspaper printed, or of general circulation, in the city, town, or county in which the association is located, and if no newspaper is published in such city, town, or county, such notice shall be published in a newspaper in the county adjoining.

Sec. 41. *And be it further enacted*, That every such association shall at all times have on hand, in lawful money of the United States, an amount equal to at least twenty-five per centum of the aggregate amount of its outstanding notes of circulation and its deposits, and whenever the amount of its outstanding notes of circulation and its deposits shall exceed the above-named proportion for the space of twelve days, or whenever such lawful money of the United States shall at any time fall below the amount of twenty-five per centum of its circulation and deposits, such association shall not increase its liabilities by making any new loans or discounts otherwise than by discounting or purchasing bills of exchange, payable at sight, nor make any dividend of its profits, until the required proportion between the aggregate amount of its outstanding notes of circulation and its deposits and lawful money of the United States shall be restored: *Provided, however*, That clearing-house certificates, representing specie or lawful money specially deposited for the purpose of any clearing-house association, shall be deemed to be lawful money in the possession of any association belonging to such clearing house holding and owning such certificates, and considered to be a part of the lawful money which such association is required to have, under the foregoing provisions of this section: *Provided further*, That any balance due to any association organized under this act in other places from any association in the cities of Boston, Providence, New York, Philadelphia, Baltimore, Cincinnati, Chicago, St. Louis, and New Orleans, in good credit, subject to be drawn for at sight, and available to redeem their circulating notes and deposits, may be deemed to be a part of the lawful money which such association in other places than the cities of Boston, Providence, New York, Philadelphia, Baltimore, Cincinnati, Chicago, St. Louis, and New Orleans, are required to have by the foregoing provisions of this section, to the extent of three-fifths of the said amount of twenty-five per centum required. And it shall be competent for the Comptroller of the Currency to notify any such association whose lawful money reserve as aforesaid, shall fall below said proportion of twenty-five per centum, to make good such reserve; and if such association shall fail for thirty days thereafter so to make good its reserve of lawful money of the United States, the Comptroller may, with the concurrence of the Secretary of the Treasury, appoint a receiver to wind up the business of such association, as provided in this act.

Sec. 42. *And be it further enacted*, That no association shall at any time be indebted, or in any way liable, to an amount exceeding the amount of its capital stock at such time actually paid in, and remaining undiminished by losses or otherwise, except on the following accounts, that is to say:

First. On account of its notes of circulation.

Second. On account of moneys deposited with, or collected by, such association.

Third. On account of bills of exchange or drafts drawn against money actually on deposit to the credit of such association, or due thereto.

Fourth. On account of liabilities to its stockholders, for money paid in on capital stock, and dividends thereon, and reserved profits.

Sec. 43. *And be it further enacted*, That no association shall, either directly or indirectly, pledge or hypothecate any of its notes of circulation for the purpose of procuring money to be paid in on its capital stock, or to be used in its banking operations or otherwise.

Sec. 44. *And be it further enacted*, That no association, or any member thereof, shall, during the time it shall continue its banking operations, withdraw, or permit to be withdrawn, either in form of dividends, loans to stockholders for a longer time than six months, or in any other manner, any portion of its capital; and if losses shall at any time have been sustained by any such association equal to or exceeding its undivided profits then on hand, no dividend shall be made; and no dividend shall ever be made by any association, while it shall continue its banking operations, to an amount greater than its net profits then on hand, deducting therefrom its losses and bad debts; and all debts due to any association, on which interest is past due and unpaid for a period of six months, unless the same shall be well secured, and shall be in process of collection, shall be considered bad debts within the meaning of this act.

Sec. 45. *And be it further enacted*, That the directors of every association shall semi-annually in the months of May and November, declare a dividend of so much of the profits of such association as they shall judge expedient; and on each dividend day the cashier shall make, and verify by his oath, a full, clear, and accurate statement of the condition of the association as it shall be on that day after declaring the dividend; which statement shall contain—

First. The amount of the capital stock annually paid in and then remaining as the capital stock of such association.

Secondly. The amount of the circulating notes of such association then in circulation.

Thirdly. The greatest amount in circulation at any time since the making of the last previous statement, as shall be exhibited by the weekly statements of the cashier, specifying the times when the same occurred.

Fourthly. The amount of balances and debts of every kind due to other banks and banking associations.

Fifthly. The amount due to depositors.

Sixthly. The total amount of debts and liabilities of every description, and the greatest amount since the making of the last previous statement, specifying the time when the same accrued.

Seventhly. The total amount of dividend declared on the day of making the statement.

Eighthly. The amount of lawful money of the United States belonging to the association and in its possession at the time of making the statement.

Ninthly. The amount subject to be drawn at sight in lawful money of the United States then remaining on deposit with any associations, banks, or bankers, specifying the amounts so on deposit in the cities of Boston, Providence, New York, Philadelphia, Baltimore, Cincinnati, Chicago, St. Louis, and New Orleans.

Tenthly. The amount then on hand of bills or notes issued by other banks and banking associations.

Eleventhly. The amount of balances due from other banks, bankers, and banking associations, excluding deposits subject to be drawn at sight as aforesaid.

Twelfthly. The amount on hand of bills, bonds, stocks, notes, and other evidences of debts, discounted or purchased by the association, specifying particularly the amount of suspended debt, the amount considered bad, the amount considered doubtful, and the amount in suit or judgment.

Thirteenthly. The value of the real and personal property held for the convenience of the association, specifying the amount of each.

Fourteenthly. The amount of real estate taken in payment of debts due to the association.

Fifteenthly. The amount of the undivided profits of the association.

Sixteenthly. The total amount of the liability to the association by the directors thereof collectively, specifying the gross amount of such liabilities as princi-

pal debtors, and the gross amount of indorsers or sureties.

The statement thus made shall forthwith be transmitted to the Comptroller of the Currency.

Sec. 46. *And be it futher enacted*, That every association may take, reserve, receive, and charge on any loan or discount made, or upon any note, bill of exchange, or other evidence of debt, such rate of interest or discount as is for the time the established rate of interest for delay in the payment of money in the absence of contract between the parties, by the laws of the several States in which the associations are respectively located, and no more: *Provided, however*, That interest may be reserved or taken in advance at the time of making the loan or discount, according to the usual rules of banking; and the knowingly taking, reserving, or charging of a rate of interest greater than that allowed by this section shall be held and adjudged a forfeiture of the debt or demand on which the same is taken, reserved, or charged; but the purchase, discount, or sale of a bill of exchange drawn on actually existing values, and payable at another place than the place of such purchase, discount, or sale, at the current discount or premium, shall not be considered as taking, reserving, or charging interest.

Sec. 47. *And be it further enacted*, That the total liabilities of any person, or of any company or firm (including in the liabilities of a company or firm the liabilities of the several members thereof), to any association, including liabilities as acceptor of *bona fide* bills of exchange, payable out of the State where the association is located, shall at no time exceed one third; exclusive of liabilities as acceptor, one fifth; and exclusive of liabilities on such bills of exchange, one tenth part of the amount of the capital stock of such association actually paid in.

Sec. 48. *And be it further enacted*, That no association shall, at any time, pay out on loans or discounts, or in purchasing drafts or bills of exchange, or in payment of deposits, nor shall it in any other mode put in circulation the notes of any bank or banking association, which notes shall not at any such time be receivable, at par, on deposit, and in payment of debts by the association so paying out or circulating such notes; nor shall it knowingly pay out or put in circulation any notes issued by any bank or banking association which at the time of such paying out or putting in circulation is not redeeming its circulating notes in lawful money of the United States.

Sec. 49. *And be it further enacted*, That all transfer of the notes, bonds, bills of exchange, and other evidences of debt owing to any association, or of deposits to its credit; all assignments of mortgages, sureties on real estate, or of judgments or decrees in its favor; all deposits of money, bullion, or other valuable thing for its use, or for the use of any of its shareholders or creditors; and all payments of money to either, made after the commission of an act of insolvency, or in contemplation thereof, with a view to prevent the application of its assets in the manner prescribed by this act, or with a view to the preference of one creditor to another, except in payment of its circulating notes, shall be utterly null and void.

Sec. 50. *And be it further enacted*, That if the directors of any association shall knowingly violate, or knowingly permit any of the officers, agents, or servants of the association to violate, any of the provisions of this act, all the rights, privileges, and franchises of the association derived from this act shall be thereby forfeited; such violation shall, however, be determined and adjudged by a proper circuit, district, or territorial court of the United States, before the association shall be declared dissolved; and in case of such violation, every director who participated in or assented to the same shall be held liable in his personal and individual capacity for all damages which the association, its shareholders, or any other person shall have sustained in consequence of such violation.

Sec. 51. *And be it further enacted*, That the Comptroller of the Currency, with the approbation of the Secretary of the Treasury, as often as it shall be deemed necessary or proper, shall appoint a suitable person or persons to make an examination of the affairs of every banking association, which person shall not be a director or other officer in any association whose affairs he shall be appointed to examine, and who shall have power to make a thorough examination into all the affairs of the association, and, in doing so, to examine any of the officers and agents thereof on oath, and shall make a full and detailed report of the condition of the association to the Comptroller; and the association shall not be subject to any other visitorial powers than such as are anthorized by this act, except such as are vested in the several courts of law and chancery. And every person appointed to make such examination shall receive for his services at the rate of five dollars for each day by him employed in such examination, and two dollars for every twenty-five miles he shall necessarily travel in the performance of his duty, which shall be paid by the association by him examined.

Sec. 52. *And be it further enacted*, That every president, director, cashier, teller, clerk, or agent of any association, who shall embezzle, abstract, or wilfully misapply any of the moneys, funds, or credits of the association, or shall, without authority from the directors, issue or put in circulation any of the notes of the association, or shall, without such authority, issue or put forth any certificate of deposit, draw any order or bill of exchange, make any acceptance, assign any note, bond, draft, bill of exchange, mortgage, judgment, or decree, or shall make any false entry in any book, report, or statement of the association, with intent, in either case, to injure or defraud any other company, body politic or corporate, or any individual person, or to deceive any officer or agent appointed to examine the affairs of any such association, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment not less than five nor more than ten years.

Sec. 53. *And be it further enacted*, That the president and cashier of every such association shall cause to be kept at all times a full and correct list of the names and residences of all the shareholders in the association in the office where its business is transacted; and such list shall be subject to the inspection of all the shareholders and creditors of the association during business hours of each day in which business may be legally transacted; and a copy of such list, verified by the oath of such president or cashier, shall, at the beginning of every year, be transmitted to the Comptroller of the Currency, commencing on the first day of the first quarter after the organization of the association.

Sec. 54. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized, whenever, in his judgment, the public interest will be promoted thereby, to employ any of such associations doing business under this act as depositories of the public moneys, except receipts from customs.

Sec. 55. *And be it further enacted*, That all suits and proceedings arising out of the provisions of this act, in which the United States or its officers or agents shall be parties, shall be conducted by the district attorneys of the several districts, under the direction and supervision of the Solicitor of the Treasury.

Sec. 56. *And be it further enacted*, That every person who shall mutilate, cut, deface, disfigure, or perforate with holes, or shall unite or cement together, or do any other thing to any bank bill, draft, note, or other evidence of debt issued by any such association, or shall cause or procure the same to be done, with intent to render such bank bill, draft, note, or other evidence of debt, unfit to be reissued by said association, shall upon conviction, forfeit fifty dollars to the association who shall be injured thereby, to be recovered by action in any court having jurisdiction.

Sec. 57. *And be it further enacted*, That if any person shall falsely make, forge, or counterfeit, or cause or procure to be made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting any note in imitation of, or purporting to be

in imitation of, the circulating notes issued under the provisions of this act, or shall pass, utter, or publish, or attempt to pass, utter, or publish any false, forged, or counterfeited note, purporting to be issued by any association doing a banking business under the provisions of this act, knowing the same to be falsely made, forged, or counterfeited, or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering any such circulating notes issued as aforesaid, or shall pass, utter, or publish, or attempt to pass, utter, or publish as true, any falsely altered or spurious circulating note, issued or purporting to have been issued as aforesaid, knowing the same to be falsely altered or spurious, every such person shall be deemed and adjudged guilty of felony, and being thereof convicted by due course of law, shall be sentenced to be imprisoned and kept at hard labor for a period not less than five years nor more than fifteen years, and to be fined in a sum not exceeding one thousand dollars.

Sec. 58. *And be it further enacted*, That if any person shall make or engrave, or cause or procure to be made or engraved, or shall have in his custody or possession any engraved plate or block after the similitude of any plate from which any circulating notes issued as aforesaid shall have been printed, with intent to use such plate or block, or cause or suffer the same to be used in forging or counterfeiting any of the notes issued as aforesaid, or shall have in his custody or possession any blank note or notes engraved and printed after the similitude of any notes issued as aforesaid, with the intent to use such blanks, or cause or suffer the same to be used in forging or counterfeiting any of the notes issued as aforesaid, or shall have in his custody or possession any paper adapted to the making of such notes, and similar to the paper upon which any such notes shall have been issued, with intent to use such paper, or cause or suffer the same to be used in forging or counterfeiting any of the notes issued as aforesaid, every such person, being thereof convicted by due course of law, shall be sentenced to be imprisoned and kept to hard labor for a term not less than five nor more than fifteen years, and fined in a sum not exceeding one thousand dollars.

Sec. 59. *And be it further enacted*, That suits, actions, and proceedings by and against any association under this act may be had in any circuit, district, or territorial court of the United States held within the district in which such association may be established.

Sec. 60. *And be it further enacted*, That it shall be the duty of the Comptroller of the Currency to report annually to Congress, at the commencement of its session—

First. A summary of the state and condition of every association from whom reports have been received the preceding year, at the several dates to which such reports refer, with an abstract of the whole amount of banking capital returned by them, of the whole amount of their debts and liabilities, the amount of circulating notes outstanding, and the total amount of means and resources, specifying the amount of specie held by them at the times of their several returns, and such other information in relation to said associations as, in his judgment, may be useful.

Second. A statement of the associations whose business has been closed during the year, with the amount of their circulation redeemed, and the amount outstanding.

Third. To suggest any amendment to the laws relative to banking by which the system may be improved, and the security of the billholders and depositors may be increased.

Fourth. To report the names and compensation of the clerks employed by him, and the whole amount of the expenses of the banking department during the year; and such report shall be made by or before the first day of December in each year, and the usual number of copies for the use of the Senate and House, and one thousand copies for the use of the Department, shall be printed by the public printer, and in readiness for distribution on the first meeting of Congress.

Sec. 61. *And be it further enacted*, That any banking association or corporation lawfully in existence as a bank of circulation on the first day of January, anno Domini eighteen hundred and sixty-three, organized in any State, either under a special act of incorporation or a general banking law, may, at any time within—— years after the passage of this act, become an association under the provisions of this act; that in such case the certificate of association provided for by this act shall be signed by the directors of such banking association or corporation, and in addition to the specifications required by this act, shall specify that such directors are authorized by the owners of two thirds of the capital stock of such banking association or corporation to make such certificate of association; and such certificate of association shall thereafter have the same effect, and the same proceedings shall be had thereon, as is provided for as to other associations organized under this act. And such association or corporation thereafter shall have the same powers and privileges, and shall be subject to the same duties, responsibilities, and rules, in all respects, as is [are] prescribed in this act for other associations organized under it, and shall be held and regarded as an association under this act.

Sec. 62. *And be it further enacted*, That any bank or banking association, authorized by any State law to engage in the business of banking, and duly organized under such State law at the time of the passage of this act, and which shall be the holder and owner of United States bonds to the amount of fifty per centum of its capital stock, may transfer and deliver to the Treasurer of the United States such bonds, or any part thereof, in the manner provided by this act; and upon making such transfer and delivery, such bank or banking association shall be entitled to receive from the Comptroller of the Currency, circulating notes, as herein provided, equal in amount to eighty per centum of the amount of the bonds so transferred and delivered.

Sec. 63. *And be it further enacted*, That upon the failure of any such State bank or banking association to redeem any of its circulating notes issued under the provisions of the preceding section, the Comptroller of the Currency shall, when satisfied that such default has been made, and within thirty days after notice of such default, proceed to declare the bonds transferred and delivered to the Treasurer forfeited to the United States, and the same shall thereupon be forfeited accordingly. And thereupon the circulating notes which have been issued by such bank or banking association shall be redeemed and paid at the Treasury of the United States, in the same manner as other circulating notes issued under the provisions of this act are redeemed and paid.

Sec. 64. *And be it further enacted*, That the bonds forfeited, as provided in the last preceding section, may be cancelled to an amount equal to the circulating notes redeemed and paid, or such bonds may be sold, under the direction of the Secretary of the Treasury, and after retaining out of the proceeds a sum sufficient to pay the whole amount of circulating notes, for the redemption of which such bonds are held, the surplus, if any remains, shall be paid to the bank or banking association from which such bonds were received.

Sec. 65. *And be it further enacted*, That Congress reserves the right, at any time, to amend, alter, or repeal this act.

Approved, *February* 25, 1863.

In the House, on the 9th of December, a bill to admit the State of West Virginia was considered. Mr. Conway, of Kansas, opposed the bill as unconstitutional. His reasons were thus briefly stated: "This bill is not so much for the admission of a new State as it is for the division of an old one. Nevertheless, I would have no objection to that, were it presented

under proper conditions. But the Constitution of the United States requires that no State shall be divided unless the assent of its Legislature be first obtained.

"I do not regard this proposed division of Virginia as having received that assent from the Legislature of the State which the Constitution requires. Here, however, is a question; and the question turns on whether the State of Virginia of which a Mr. Pierpont is Governor, is the lawful State or not. I do not believe that it is.

"This Pierpont State is an institution of very recent origin. It started into existence about two years ago, and is a spontaneous production of the soil. A number of individuals met at Wheeling, and, without any legal authority whatever, arranged a plan for a government. Several persons have since been holding themselves out as officials of this organization, including Pierpont, the Governor; but to what extent it executes the actual functions of a government does not satisfactorily appear.

"It is true, the President of the United States has recognized this as the actual State of Virginia; and acting upon his sanction, the Senate has admitted its senators into that body. But this is of no binding force upon us. On the contrary, if the President and Senate are wrong in so grave a matter, it is the more important that the House of Representatives should be right. The argument in favor of the validity of the Wheeling government is that the original State of Virginia fell into treason and became null and void, and caused a vacuum which could only be filled in this way. Now this is entirely unsatisfactory to me; for, in the first place, I do not see how a State can fall into treason; and secondly, if it should, what right Mr. Pierpont would have to assume the office of Governor over any other individual who might wish it. Where did the law come from which gave him his warrant? From a mob or a mass meeting? Neither mobs nor mass meetings make laws under our system. It seems to me that this presents a question of the utmost magnitude, as touching other matters than the one immediately under consideration. Eleven States have placed themselves in the same situation as Virginia; and in order to proceed toward them justly and properly, it is necessary to adopt correct legal principles at the outset. I have serious reason to believe that it is the intention of the President to encourage the formation of State organizations in all the seceded States. A policy seems about to be inaugurated, looking to an assumption of State powers by a few individuals, wherever a military or other encampment can be effected in any of the rebellious districts. The utter and flagrant unconstitutionality of this scheme—I may say, its radically revolutionary character—ought to expose it to the reprobation of every loyal citizen and every member of this House. It aims at an utter subversion of our constitutional system."

Mr. Brown, of West Virginia, followed, for the purpose of showing the legitimacy of the Wheeling government: "Let us see how the fact was in Virginia, and we shall see how, upon the soundest principles of political philosophy, the government at Wheeling can be vindicated. The government at Richmond, and all the officers under the old government of Virginia, transferred themselves and attempted to transfer their people to a foreign organization. I need hardly detail the particulars of that act, as they must be fresh in the memory of every gentleman. They know that the functionaries at Richmond, immediately after they passed the ordinance of secession, which they were bound to submit to the people, did not wait for the people to act upon their so-called ordinance, but immediately entered into a treaty with the government at Montgomery, and the whole military and civil powers of the State were transferred, so far as they could transfer them, to that government.

"The loyal people of Virginia immediately, finding that their rulers, those to whom the legislative and executive powers had been intrusted, had betrayed them, and had ceased to be capable of exercising their prerogative, called, in all the loyal counties where they had permission to do so, mass meetings, which sent to Wheeling five hundred of as loyal and good men as live in any portion of the United States, not for immediate action, but for the purpose of consulting upon the emergency of the times.

"That convention merely organized and proposed a plan by which regular elections were to be held to fill the vacancies caused by the withdrawal of all disloyal representatives. A day was fixed and elections held, not within the boundaries of the proposed new State, but held throughout Virginia wherever loyal men chose to hold them, from one end of the commonwealth to the other, and the body thus elected assumed the legislative functions of the people."

Mr. Brown then proceeded to state that, in addition to the counties composing West Virginia, those of Fairfax and Alexandria were represented in this Legislature, so elected, but more than one half the counties of the original Virginia, were not at all represented, saying: "It is sufficient for me to say that they were invited to coöperate, and if they stayed away, it was their fault, not ours. They were invited to act, and, if they were loyal men, they ought to have acted with us. If they were disloyal, they should have no voice in the Legislature of Virginia, or in this body.".

He then read the following act adopted by this Legislature:

1. *Be it enacted by the General Assembly*, That the consent of the Legislature of Virginia be, and the same is hereby given to the formation and erection of the State of West Virginia within the jurisdiction of this State, to include the counties of Hancock, Brooke, Ohio, Marshall, Wetzel, Marion, Monongalia, Preston, Taylor, Tyler, Pleasants, Ritchie, Doddridge, Harri-

son, Wood, Jackson, Wirt, Roane, Calhoun, Gilmer, Barbour, Tucker, Lewis, Braxton, Upshur, Randolph, Mason, Putnam, Kanawha, Clay, Nicholas, Cabell, Wayne, Boone, Logan, Wyoming, Mercer, McDowell, Webster, Pocahontas, Fayette, Raleigh, Greenbrier, Monroe, Pendleton, Hardy, Hampshire, and Morgan, according to the boundaries and under the provisions set forth in the constitution for the said State of West Virginia and the schedule thereto annexed, proposed by the convention which assembled at Wheeling on the 26th day of November, 1861.

2. *Be it further enacted*, That the consent of the Legislature of Virginia be, and the same is hereby given that the counties of Berkeley, Jefferson, and Frederick shall be included in and form part of the State of West Virginia, whenever the voters of said counties shall ratify and assent to said constitution, at an election held for the purpose at such time and under such regulations as the commissioners named in the said schedule may prescribe.

3. *Be it further enacted*, That this act shall be transmitted by the executive to the senators and representatives of this commonwealth in Congress, together with a certified original of the said constitution and schedule, and the said senators and representatives are hereby requested to use their endeavors to obtain the consent of Congress to the admission of the State of West Virginia into the Union.

4. This act shall be in force from and after its passage.

Mr. Colfax, of Indiana, urged that West Virginia was entitled to admission as a State, for the following reasons: "Two things are required by the Constitution of the United States for the admission of this new State: first, the assent of the Legislature of the State out of which it is to be formed; and secondly, the assent of Congress. The decision then turns to a great extent upon the question whether the Governor now acting as the Governor of Virginia, and residing at Wheeling, and the Legislature to which he communicates his messages, are really the Governor and Legislature of the loyal people of Virginia. I think they are, and that the history of events in Virginia will prove that fact.

"When, in February, 1861, the traitorous authorities of Virginia attempted to take that State out of the Union, the people of Western Virginia nobly resisted that conspiracy; and instead of joining with their fellow citizens in other parts of the State, they called together a convention elected by the loyalists of that region, and some other counties not included within the boundaries of the new State, and determined to stand, at every hazard and through every persecution, by the Union as it was. That convention, speaking the voice of all loyal Virginians, called all the members elect of the Legislature—chosen as they were on the day prescribed by their State constitution—who would take the oath of fealty to the Union, to meet at Wheeling; and thus a loyal Legislature, chosen in accordance with the constitution and laws of Virginia, assembled and was organized. This machinery of the State government had been abandoned by Governor Letcher and by the Legislature which participated with him in his treason. It having thus lapsed, the loyal people of Western Virginia took possession of this machinery, in order that all the State might not be driven into this wicked rebellion.

"The next question is, has this loyal Legislature been recognized? There are facts enough in the action of the various branches of this Government to prove to us that they have, one and all, fully, and in various ways, recognized this as the only true and rightful government of Virginia."

Mr. Yeaman, of Kentucky, said: "Mr. Speaker, I do not desire to debate the question, but prefer to avail myself of the kindness of the gentleman from Indiana to ask him a question. I understand the theory on which Virginia is now represented in this House and in the other wing of the Capitol to be this: that the ordinance of secession was null and void, and did not take the State out of the Union; that the government at Wheeling is not merely the *de facto* government, but is the legal government of the people of the State of Virginia, as she heretofore existed in the Union, and that if those disloyal people east of the mountains do not choose to avail themselves of that government, it is their own fault. Now, the question is, if Virginia is already in the Union, and is represented on this floor, and in the other end of the capitol, what need is there for another act to let her in again? If it is intended to divide the State, what fact takes her case out of the constitutional prohibition that no State shall be divided, and no new State shall be erected in the jurisdiction of another State, without the consent of the Legislature of that State?"

Mr. Colfax replied: "I will answer the gentleman from Kentucky with great pleasure. This is not Virginia that is being admitted into the Union. It is West Virginia, a different State. It does not embrace the whole territorial limits of Virginia, and I am glad to say that it does not even embrace all the loyal people of Virginia. It embraces only forty-eight counties. But there are people left in the old State of Virginia, in the Accomac district, along the Baltimore and Ohio railroad, and fronting Washington City, that are loyal. The loyal people thus remaining are not many, to be sure, as far as we know now; but I trust that in time they will be enough, with the power of the Government aiding them, to leaven the whole mass. These people, loyal as they are, are left with old Virginia; but what we propose to admit by this bill is a different State. It is West Virginia."

Mr. Crittenden, of Kentucky, opposed the measure, saying: "Sir, can any argument make stronger the case than the mere statement of the question? The Constitution says you shall make no new State within the jurisdiction of another State without its consent. You are asked to make Western Virginia into a State. The Constitution requires that the State of which the new State has formed a part shall give her consent. Where is there room for doubt? If the Constitution

which we have sworn to support is to be the rule of our action, I ask you, in all calmness and all sobriety of feeling, is not the rule plain?

"There was a Virginia once by that simple name—a great name at one period of our history, and one of the original formers of the Constitution. She made it. She never was admitted into the Union; she formed it; she is a part of the original creation and being. Does she ask to be admitted? No. But a part of that State wishes now to be formed into a new State, and to be admitted into the Union as an independent State. Is not that so? Is there any ingenuity or any technicality which can change the face of the facts?

"You say that old Virginia no longer exists, and therefore can give no consent. Is there one man here who can be misled and blinded by such hypercriticism? We know the fact to be otherwise. We know that at this time old Virginia is in a state of rebellion, which we are endeavoring, by all the means in our power, to put an end to; a rebellion which once put an end to, will restore her to her constitutional place in the Union just as she existed before. You cannot admit a new State out of her boundaries without her consent, says the Constitution. That is the limit of your power, and that is enough to settle the question. You are appealed to and your power is invoked now to make this a new State. It seems to me that you cannot do it. I do not presume to argue with you on this question, because it seems to me that the very statement of it is an argument stronger than anything that I can urge. We have heard a great deal of imagination and of sympathy. That does not make constitutions. That does not sustain empires. It is not out of such stuff as that that the great, the majestic pillars have been reared that support the mighty fabric of this republic. This question is to return to you. Remember that! Look to the future. Is there a man here who does not contemplate the restoration of this Union, and the restoration of all these States to it? If Virginia were to-morrow to lay down the arms of her rebellion and to ask to be admitted into our councils, to be part of us, as she is by the Constitution to-day, to be actually what she is constitutionally, what could you say to her if you had created a new State out of her territory? What could you say to her? Do you believe that with the pride which ought to belong to one of the States of this Union, the State would agree to come back, not as she was, not with the boundaries she had, but cut up and divided and made into different States, to come back with circumscribed and diminished power as a State? Can you expect such a thing?"

Mr. Blair, of Virginia, now rose to say: "I take it, from the gentleman's argument, that he is not aware that the Legislature of Virginia has given its consent to the formation of this new State. It is probable, however, that he does not recognize the government at Wheeling as the government of Virginia. If that Legislature be the Legislature of the State, and it has given its consent, then the whole people of Virginia have given their consent, and the constitutional requirement is fully met."

Mr. Crittenden, of Kentucky, in reply said: "This is one of the arguments to which I had a general allusion when I spoke of the strange arguments and fancies which had been employed upon this question. The gentleman's argument supposes that the government at Wheeling is the government of Virginia. Does he not know that the contrary is the fact? Do we not all, in point of fact, know the contrary? Do we not know that the Legislature of the old State of Virginia is sitting, for aught I know, at this very moment, in the city of Richmond, and has never discontinued its sessions there?

"What does it amount to but that here is an application to make a new State at the instance of the parties desiring to be made a new State, and nobody else consenting, and nobody else left to consent to it."

Mr. Blair, of Virginia, further said: "I would remind the gentleman from Kentucky, that there were counties besides those embraced within the boundaries of the proposed new State, represented in the Legislature of Virginia, that gave this consent. It was not composed exclusively of counties included in the new State; and if it was the Legislature of the State, it spoke the voice of the people of the whole State, and the constitutional requirement is complied with."

Mr. Crittenden, in reply, said: "Is the party applying for admission consenting to the admission. That is the whole of it. If that is not clear in itself, nothing that I can add to it will make it clearer."

Mr. Edwards, of New Hampshire, in favor of the bill said: "It seems to me that the only question that exists is the single one of whether the State of Virginia, by its legislature, has consented to the formation of this new State within its boundaries? The Constitution of the United States clearly contemplates the formation of a new State out of the territory of an existing State. Its language presupposes that a case of this kind would be likely to occur in the progress of the country, and therefore provides for it. This is the clear and admitted interpretation of that provision. That being the case, the only question now relating to the question of power is whether the State of Virginia, through her legislature, has consented to the formation of this State. On that subject I do not intend to go through the history of the proceedings in Virginia, eastern or western, but shall rest my vote on these grounds: first, that there was no legal legislature or government in Virginia after that government put itself in the attitude of rebellion against the United States, and refused to conform to the constitutional provisions necessary

to constitute it a government, without which the legislature of a State can have no legal existence; secondly, that in the absence of any legal government in Virginia, a convention of the whole people of Virginia was called, which convention framed a government for the State, and that the legislative branch of the government thus established consented to this admission of Western Virginia as a State. If these premises are true, they certainly show the consent of Virginia, by her constituted authorities as created by that convention in the absence of any State government legally and constitutionally organized.

"But it is said that the whole State was not represented in the convention. To this it may be answered, it is enough if the whole people of the State were properly warned to be present. Notice, it is understood, was given to all. If all did not choose to be present and act, then the action of those who did assemble and act is just as legal and constitutional as if all had assembled and acted. If any notified were prevented from being present, it is not alleged that they were prevented by those who ask the creation of the new State and are to be comprised within its limits."

Mr. Dawes, of Massachusetts, in opposition to the bill, said: "I affirm that nobody has given his consent to the division of the State of Virginia and the erection of a new State, who does not reside in the new State itself. When it must be admitted that there is nobody in Virginia, in that part which is left, that has consented, I submit that this question assumes a different form from that which gentlemen give it. It seems to me that this bill does not comply with the spirit of the Constitution. If the remaining portions of Virginia are under duress, and while under duress this claim of consent is made, it seems to me that it is a mere mockery of the Constitution."

Mr. Brown, of Virginia, replied: "I do not understand the gentleman from Massachusetts. Do I understand him to say that nobody representing counties outside of the new State gave consent to the formation of the new State? Is that what the gentleman means to assert?"

Mr. Dawes answered: "There is no use misunderstanding ourselves in this matter. It is true that a representative was picked up—I say it with all respect—in Fairfax, and that two or three gentlemen in other parts of the State were procured; but they protested that they did not pretend to represent the counties from which they hailed. So far as I know, I do not believe there is a single person representing any portion of that part of Virginia which is left, who ever consented to the erection and admission of this new State. Not one."

Mr. Stevens, of Pennsylvania, followed, saying: "Sir, it is but mockery, in my judgment, to tell me that the Legislature of Virginia has ever consented to this division. There are two hundred thousand, out of a million and a quarter of people, who have participated in this proceeding. They have held a convention, and they have elected a legislature in pursuance of a decree of that convention. Before all this was done the State had a regular organization, a constitution under which that corporation acted. By a convention of a large majority of the people of that State, they changed their constitution and changed their relations to the Federal Government from that of one of its members to that of secession from it. Now, I need not be told that that is treason. I know it. And it is treason in all the individuals who participated in it. But so far as the State municipality or corporation was concerned, it was a valid act, and governed the State. Our Government does not act upon the State. The State, as a separate and distinct body, was the State of a majority of the people of Virginia, whether rebel or loyal, whether convicts or freemen. The majority of the people of Virginia was the State of Virginia, although individuals had committed treason.

"Now, to say that the legislature which called this seceding convention was not the legislature of Virginia, is asserting that the legislature chosen by a vast majority of the people of a State is not the legislature of that State. That is a doctrine which I can never assent to. I admit that the legislature were disloyal, but they were still the disloyal and traitorous Legislature of the State of Virginia; and the State, as a mere State, was bound by their acts. Not so individuals. They are responsible to the General Government, and are responsible whether the State decrees treason or not. That being the Legislature of Virginia, Governor Letcher, elected by a majority of the votes of the people, is the Governor of Virginia—a traitor in rebellion, but a traitorous Governor of a traitorous State. Now, then, how has that State ever given its consent to this division? A highly respectable but very small number of the citizens of Virginia—the people of West Virginia—assembled together, disapproved of the acts of the State of Virginia, and with the utmost self-complacency called themselves Virginia. Now, is it not ridiculous? Is not the very statement of the facts a ludicrous thing to look upon—although a very respectable gentleman, Governor Pierpont, was elected by them Governor of Virginia? He is a most excellent man, and I wish he were the Governor elected by the whole people of Virginia.

"The State of Virginia, therefore, has never given its consent to this separation of the State. I desire to see it, and according to my principles operating at the present time, I can vote for its admission without any compunction of conscience, but with some doubt about the policy of it. My principles are these: we know the fact that this and other States have declared that they are no longer members of this Union, and have made, not a mere insurrection, but have raised and organized an army and a power, which the governments of Europe

have recognized as a belligerent power. We ourselves, by what I consider a most unfortunate act, not well considered—declaring a blockade of their ports—have acknowledged them as a power. We cannot blockade our own ports. It is an absurdity. We blockade an enemy's ports. The very fact of declaring this blockade recognized them as a belligerent power, entitled to all the privileges and subject to all the rules of war, according to the law of nations.

"Now, then, sir, these rebellious States being a power, by the acknowledgment of European nations and of our own nation, subject and entitled to belligerent rights, they become subject to all the rules of war. I hold that the Constitution has no longer the least effect upon them. It is idle to tell me that the obligations of an instrument are binding on one party while they are repudiated by the other. It is one of the principles of law universal, and of justice as universal, that obligations, personal or national, must, in order to be binding, be mutual, and be equally acknowledged and admitted by all parties. Whenever that mutuality ceases to exist, it binds neither party. There is another principle just as universal; it is this: when parties become belligerent, in the technical sense of the word, the war between them abrogates all compacts, treaties, and constitutions which may have existed between them before the war commenced. If we go to war with England to-day, all our treaty stipulations are at an end, and none of them bind either of the parties. If peace is restored, it does not restore any of the obligations of either. There must be new treaties, new obligations entered into, before either of the parties is bound.

"Hence I hold that none of the States now in rebellion are entitled to the protection of the Constitution, and I am grieved when I hear those high in authority sometimes talking of the constitutional difficulties about enforcing measures against this belligerent power, and the next moment disregarding every vestige and semblance of the Constitution by acts which alone are arbitrary. I hope I do not differ with the executive in the views which I advocate. But I see the executive one day saying, "You shall not take the property of rebels to pay the debts which the rebels have brought upon the Northern States." Why? Because the Constitution is in the way. And the next day I see him appointing a military governor of Virginia, a military governor of Tennessee, and some other places. Where does he find anything in the Constitution to warrant that?

If he must look there alone for authority, then all these acts are flagrant usurpations, deserving the condemnation of the community. He must agree with me or else his acts are as absurd as they are unlawful: for I see him here and there ordering elections for members of Congress wherever he finds a little collection of three or four consecutive plantations in the rebel States, in order that men may be sent in here to control the proceedings of this Congress, just as we sanctioned the election held by a few people at a little watering place at Fortress Monroe, by which we have here the very respectable and estimable member from that locality with us."

Mr. Ashley: "As I understand it, when the new State is admitted, Governor Pierpont is to move over into Alexandria and remain the Governor of the old State of Virginia; while the two senators who are now in the other end of the capitol, from Virginia, will, by the same proceeding, still remain the senators from that State."

Mr. Stevens: "Certainly. We shall have four senators, instead of two. I wish they would bring Mason back instead of one of them. But, sir, I understand that these proceedings all take place, not under any pretence of legal or constitutional right, but in virtue of the laws of war; and by the laws of nations these laws are just what we choose to make them, so that they are not inconsistent with humanity. I say, then, that we may admit West Virginia as a new State, not by virtue of any provision of the Constitution, but under our absolute power, which the laws of war give us in the circumstances in which we are placed. I shall vote for this bill upon that theory, and upon that alone; for I will not stultify myself by supposing that we have any warrant in the Constitution for this proceeding."

Mr. Segar, of Virginia, followed in opposition to the bill. He said: "I believe it is a fundamental maxim in our political system, dating as far back as the Declaration of Independence, that all government derives its authority from the consent of the governed; in other words, from that source of all legitimate power, the sovereign people. Now, sir, this bill is in the very teeth, in direct subversion of this cardinal principle of republican, popular government. This new State proposition has not received the sanction of the people upon whom the new government is to operate. Casting out of the calculation the whole rebel portion of the State, I propose to show that the consent of the northwestern people themselves has not been had. It is not founded on the consent even of the people whose government it is claimed to be, and who are to come within its rule. There has not been that general, close representation of the people included within the limits of the proposed new State, which is absolutely necessary to impart legality to all governments among us. A very large portion of the people that were never represented at all, neither in the Legislature which called the convention that ordered a vote to be taken on the new State question, nor in the Wheeling Legislature, nor in the convention that framed the constitution of the proposed new State.

"Let us look to the facts. I find that of

the forty-eight counties to compose the new State, eleven never had even the semblance of representation—had no part, nor lot, nor say in the establishment of the new government. The counties of Logan, Calhoun, Nicholas, McDowell, Mercer, Monroe, Greenbrier, Pocahontas, Webster, Morgan, and Pendleton, eleven in number, and containing a white population of 55,400, were never represented anywhere—neither in Legislature nor convention—in reference to the formation of a new State. They never cast a vote either for the election of a member of the Wheeling Legislature, or for the convention that submitted the question of the new State to the people, or for the convention that framed the constitution of the new State. Are these eleven counties, with these 55,400 white freemen, to be brought within the operation of a government which they had no part in making, and to which they have in no way consented?

"Again, sir; the three counties of Hampshire, Hardy, and Morgan, holding a population of 27,509, were never represented either in the House of Delegates, or either of the conventions. Is it to be supposed that the people of these counties cared aught for the new government, when they would send representatives neither to the Legislature nor to the conventions acting in the premises? Are they to be bound by this new government under such circumstances? Is it their government? Can it be said that they have given their consent to it through their Legislature, as the Constitution prescribes, when they were not represented there at all?

"Still another test of the absence of popular, constitutional consent: On comparing the ordinary vote of the counties composing the new State with the vote actually cast for the adoption of the new State constitution, it will be found that there was not only not a majority of the people, but a singularly small proportion of them, that voted for the new State and its new constitution. I submit a few particulars. In 1860, the county of Braxton cast a vote, in the Presidential election, of 754; in 1862, on the vote for the new constitution, only 83, just one ninth of the population; Barbour county, 1,269 in 1860, and 459 in 1862; Boone, 566 in 1860, to 78 in 1862; Hampshire, 1,915 in 1860, to 157 in 1862; Hardy, 1,479 in 1860, to 192 in 1862; Pendleton, 929 in 1860, to 116 in 1862; and this proportion runs through the vote generally. Is the new government to be inaugurated by such a vote as this?

"Yet, again: ten counties, to wit, Logan, Fayette, Wyoming, Mason, Mercer, Monroe, Webster, Morgan, McDowell, and Pocahontas, with a population of 50,000, did not cast a vote on the new State and constitution. Are these counties and their 50,000 population to be bound by a government about which they never cast a vote? Is it their government? Have they consented to it? Is this the way of carrying out the great and revered principle of civil liberty, that taxation and representation are to go together?

"And I find the aggregate vote of the counties composing the new State to be, ordinarily, 48,000; while on the new State question, the entire vote was only 19,000! Does a government formed under such circumstances merit the name of government? I must say that my friend from Massachusetts (Mr. Dawes) was not far from the truth when he said that civil organizations, raised under such imperfect representation, were the merest mockery of the Constitution and of the elective franchise.

"But the most remarkable anomaly involved in the measure embraced in this bill, I have yet to state. There are three counties embraced within the limits of the new State, those of Greenbrier, Mercer, and Monroe, with a population of 30,000, which are far removed from the neighborhood of the northwest, and which are totally dissimilar in interest. They are on the line of the great Central Virginia railroad, running through the very heart of Virginia, and extending from the Ohio river to the seaports of Virginia. Their fortunes are indissolubly connected with the fortunes of Eastern and Central Virginia. You can no more separate their interests from those of tide-water and middle Virginia, than you can divide the interests of man and wife. Their market is in the cities of tide-water Virginia; that of the people of the new State is, by nature and by nature's God, in the city of Baltimore.

"Now, sir, upon none of the laws of the human constitution or the instincts of mortal nature, can the people of these three counties assimilate with their fellow-citizens of the northwest. Nor is there one man or woman, in my opinion, in these three counties, who desires to be connected with this West Virginia government."

Mr. Bingham, of Ohio, closed the debate. In opposition to the view of Mr. Stevens, he urged that the Legislature of West Virginia was the Legislature of the State, as follows: "We come now to the great point in discussion here. Who constitute the State of Virginia? I beg leave here to thank my friend from Massachusetts (Mr. Dawes) for suggesting what was essential to the line of my argument. The gentleman from Pennsylvania (Mr. Stevens) said the majority of the citizens of the United States within any State are the State. I agree to that, sir, subject to this limitation, that the majority act in subordination to the Federal Constitution, and to the rights of every citizen of the United States guaranteed thereby.

"But, sir, the majority of the people of any State are not the State when they organize treason against the Government, and conspiracy against the rights of its citizens. The people of a State have the right to local government. It is essential to their existence.

To-day, as the law stands in this country, and by the uniform construction of the powers of this Government, there is no law by which the midnight assassin of a mere private citizen can be brought to judicial trial, to conviction, and to judgment, within any State of this Union, save the law of the State. Your Federal tribunals under existing laws have no cognizance of the crime if committed within a State on a private citizen, and can do nothing in the punishment of it judicially.

"Now, sir, I beg leave to ask, can the minority of the people of the State, by the act of the majority committing treason, and taking up arms against the Federal Government, be stripped of their right within the State of protection, under State laws, in their homes and in their persons, even against the hand of the assassin? Am I to stand here to argue such a question as that with intelligent representatives? I say, that if the majority of the people of Virginia have turned rebels, as I believe they have, the State is in the loyal minority, and I am not alone in that opinion. I repeat, where the majority become rebels in arms, the minority are the State; that the minority, in that event, have a right to administer the laws, and maintain the authority of the State government, and to that end to elect a State Legislature and executive, by which they may call upon the Federal Government for protection 'against domestic violence,' according to the express guarantee of the Constitution. To deny this proposition is to say that when the majority in any State revolt against the laws, both State and Federal, and deny and violate all rights of the minority—that however numerous the minority may be, the State government can never be reorganized, nor the rights of the minority protected thereby, so long as a majority are in the revolt. In such an event, the majority, being rebels, must submit to the law of the minority, if enforced by the whole power of the National Government. That is no new idea, even. It is as old as the Constitution. I ask gentlemen to refer to that remarkable letter of the Federalist, addressed by Mr. Madison to the American people, wherein he discusses the fourth section of the fourth article of the Constitution of the United States, to wit:

The United States shall guarantee to every State in the Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature (or of the executive, when the Legislature cannot be convened), against domestic violence.

"As if that great man had been gifted with the vision of a seer, standing amidst his own native hills of Virginia, he foretold that it might come to pass that a majority of the people of a State might conspire together to sweep away the rights of the minority, and break down their privileges as citizens of the United States. In that paper Mr. Madison says:

Why may not illicit combinations, for purposes of violence, be formed as well by a majority of a State as by a majority of a county or a district of the same State? And if the authority of the State ought, in the latter case, to protect the local magistracy, ought not the Federal authority, in the former, to support the State authority?

"That is precisely the question here to-day. That is precisely the condition of things in Virginia. The majority have become traitors. When the Representatives whom they had elected, who were required by the existing constitution of Virginia, as well as by the Federal Constitution, to take an oath to support the Constitution of the United States, went to Richmond, joined in this conspiracy, lifted up the hand of treason and rebellion against the Government, forswore themselves, and, in short, entered into a deliberate article of bargain and sale with Alexander H. Stephens, vice-president of the Southern confederacy, transferring the State of Virginia to that confederacy, they surrendered all right to represent any part of the people of Virginia; as a Legislature they utterly disqualified themselves to execute that trust. But, sir, what are we told? According to the logic of some gentlemen, it would seem that because the Legislature at Richmond turned traitors, because every man of them, except those few who escaped for their lives from that doomed city—as I trust it is a doomed city—joined in this red-handed rebellion, therefore the people could have no legislation. I appeal to the immortal words of the Declaration in refutation of that conclusion. 'The legislative powers, incapable of annihilation, have returned to the people at large for their exercise.' No matter, sir, who turns traitor, the legislative powers are incapable of annihilation. Now, what but this power remained to the people of Virginia? Their Governor and Legislature had turned traitor. You say that no special election could be had under the constitution of Virginia without a proclamation from the Governor, in vacation, or without a writ of election issued by the Legislature. What was to be done? I say that the power remained with the loyal people of that State to call a convention and create a provisional government, which they did. On the 23d day of May, 1861, the people of the State of Virginia, invited by an original convention of the people themselves, met at the time and place specified in the existing law of that commonwealth, and elected a Legislature.

"Is it said that a majority of those chosen on that day, including those chosen by the rebels, took the road to Richmond, and took the oath of treason against the Government of the country? Then I tell gentlemen who make that remark that these members elect never became part of the Legislature at all. The original convention of the people declared, in 1861, that only those who were elected, and were qualified, should be the Legislature of the State. I might go somewhat farther with this argument. I say that the ultimate power to decide that question, 'Which of these bodies is the Legislature of Virginia?' is in the Con-

gress of the United States. What is the lawful Legislature of the State? Although they were literally chosen under the amended constitution of Virginia (adopted in 1851), and the statute of the State, nevertheless I say that it is competent for Congress to say—and it is not only competent, but it is the imperative duty of Congress to say—that not a man of them who refused to take the oath prescribed by the Federal Constitution, and who took the oath of that treasonable conspiracy at Richmond, ever became a member of the Legislature of the State of Virginia. Who then are the Legislature of Virginia? Only those who qualify in pursuance of the requirements of the ordinance of the people themselves, by taking the oath prescribed by the Federal Constitution, and by the Virginia constitution. If those gentlemen had chosen to observe that form they might have constituted a majority of the Legislature; but they did not do it, either at Wheeling or at Richmond. They violated the constitution of their own State, as well as the Federal Constitution, when they went to Richmond and took the oath of treason.

"Now, who are the judges of this matter? I say it without the fear of contradiction, because it has been affirmed by every branch of this Government, legislative, executive, and judicial, more than once, that when the storm of revolution shakes the civil fabric of a State of the Union, the ultimate and final arbiter to determine who constitute the legislative and executive government of that State, and hold its great trust of sovereignty, is the Congress of the United States, or the President acting by authority of an act of Congress. The great case of Luther and Borden must be fresh in the mind of every Representative of the people, and that was the very question which was then and there decided. What did the court decide in that case? Luther brought his action for trespass to his domicile in the circuit court of the United States for the district of Rhode Island. He charged the defendant in that case with having broken open his residence, which every man knows is, under our laws, his castle. He charged in his declaration that defendant not only broke into and entered his house, but went through all his rooms, from garret to cellar, in search of his person; that he had violated, if you please, his sacred right of domicile.

"Now, I may be pardoned for reminding gentlemen here that there is no right known to the citizen, under the American law, or under the law of any country beneath the sun where the principles of the common law obtain, which is looked upon as more sacred than the right of domicile. You know that by the common law it is held so sacred that he who invades it without the leave of the owner, and especially menacingly, is not entitled to the benefit of the rule that the party whom he assails must flee to the wall, but he may suffer instant death, and the owner is justified before the law, because his hearthstone is not to be violated by a malicious intruder against his protest and against his consent. There was a strong case against defendant on that record, if he had not justified the act. But he did justify—and how? Rhode Island had been in revolution. Two opposing governments had been in operation. Who was to decide which was the lawful government? They first said that the courts were to decide. They asked the courts of Rhode Island to sit in judgment upon the question whether the government under which they held their commission was a government at all. The Chief Justice of the United States, with bitter irony and sarcasm, remarked that he did not 'see how the question could be tried and decided in a State court;' for that, whenever they arrived at the conclusion that the government to which they owed their existence was no government at all, the court itself ceased to be a court, and could not pronounce the judgment. The breath of life would go out of its body instantly. This action, however, for trespass, was instituted in the United States Circuit Court for the district of Rhode Island.

"The defendants, by their plea, justified the trespass on the ground that plaintiff was engaged in insurrection, together with others, against the State; that the State was, by competent authority, declared under martial law; and that defendants, being in the military service of the State, by command of their superior officer, broke open and entered plaintiff's house. The plaintiff denied the authority, and replied it was defendants' own proper wrong. In other words, was the government against which the plaintiff was in insurrection the government of Rhode Island?

"The case finally came up to the Supreme Court of the United States. The Chief Justice (Taney), in delivering his opinion, said that it was a political question, and that the decision of it by the Federal executive, under the authority of Congress, was binding on the judiciary. He also said the power to decide the question which of two governments in a State is the true government is in Congress.

"That decision amounts to just this, and that is what gives importance to it in the discussion of this question: if the Congress of the United States solemnly decide, as they are the ultimate arbiter of this political question, that the people of Western Virginia have no right to maintain the government which they have established, and under which they have made this new constitution, and apply here for admission, they thereby decide that it is void. All that remains is for the executive to follow your example, and leave that people to their fate.

"What is the effect of such a decision by Congress and the executive? It is to bind your own judiciary to hold the legislation of that people for the protection of their lives and property void. You bind the judiciary of the State itself. You bind everybody who is appointed

to execute the laws within that State. While you pretend to be for the Constitution as it is, you say to this people, that inasmuch as they are in a minority, and inasmuch as the majority have taken up arms against the Government of the United States and of the State of Virginia, they are without the protection of local State law; that their representatives duly elected are not and cannot be called the Legislature of Virginia.

"I think I have said enough to satisfy the gentlemen who have done me the kindness to attend to what I have said, that the Legislature which assembled at Wheeling, Virginia, was the Legislature of the State of Virginia; and that it remains with you alone to determine whether it shall be or not. If you affirm that it is, there is no appeal from your decision. I am ready, for one, to affirm it, and upon the distinct ground that I do recognize, in the language of Mr. Madison, even the rights of a minority in a revolted State to be protected, under the Federal Constitution, both by Federal law and by State law. I hold, sir, that the Legislature assembled at Wheeling, then, is the legal Legislature of the State; that it had power to assent to this division of the State of Virginia; and that it is wholly immaterial to me whether a majority of the counties of that State refused, by reason of their treason, to coöperate in the election of delegates and senators to that Legislature. On the subject of granting the admission of the proposed State, to which that body has assented, it is enough for me to know there is a sufficient number of loyal men within the limits of the proposed State to maintain the machinery of a State government, and entitle them to Federal representation. That is the only rule heretofore recognized by Congress in the matter of admitting new States duly organized."

The vote was then taken as follows:

YEAS—Messrs. Aldrich, Arnold, Babbitt, Baker, Baxter, Beaman, Bingham, Jacob B. Blair, Samuel S. Blair, Blake, William G. Brown, Buffinton, Burnham, Campbell, Casey, Chamberlain, Clark, Clements, Colfax, Frederick A. Conkling, Covode, Cutler, Davis, Duell, Dunn, Edgerton, Edwards, Eliot, Ely, Fenton, Samuel C. Fessenden, Thomas A. D. Fessenden, Franchot, Frank, Goodwin, Gurley, Haight, Hale, Harrison, Hickman, Hooper, Horton, Hutchins, Julian, Kelley, Francis W. Kellogg, William Kellogg, Killinger, Lansing, Lehman, Loomis, Lovejoy, Low, McKnight, McPherson, Maynard, Mitchell, Moorhead, Anson P. Morrill, Justin S. Morrill, Nixon, Noell, Olin, Patton, Timothy G. Phelps, Pike, Pomeroy, Porter, Potter, John H. Rice, Riddle, Edward H. Rollins, Sargeant, Sedgwick, Shanks, Sheffield, Shellabarger, Sherman, Sloan, Spaulding, Stevens, Stratton, Trimble, Trowbridge, Van Horn, Van Valkenburgh, Van Wyck, Verree, Walker, Wall, Washburne, Whaley, Albert S. White, Wilson, Windom, and Worcester—96.

NAYS—Messrs. William J. Allen, Alley, Ancona, Ashley, Baily, Biddle, Cobb, Roscoe Conkling, Conway, Cox, Cravens, Crisfield, Crittenden, Delano, Delaplaine, Diven, Dunlap, Gooch, Granger, Grider, Hall, Harding, Holman, Johnson, Kerrigan, Knapp, Law, Mallory, Menzies, Morris, Noble, Norton, Odell, Pendleton, Price, Alexander H. Rice, Richardson, Robinson, James S. Rollins, Segar, Shiel, Smith, John B. Steele, William G. Steele, Stiles, Benjamin F. Thomas, Francis Thomas, Train, Vallandigham, Voorhees, Ward, Chilton A. White, Wickliffe, Wright, and Yeaman—55.

The bill was sent to the Senate, and without debate passed. For the bill, *see* ANNUAL CYCLOPÆDIA, 1862, VIRGINIA, WEST.

In the Senate on the 29th of January, the bill giving aid to the State of Missouri for the purpose of securing the abolition of slavery in said State was considered. Mr. Henderson, of Missouri, proposed to amend the second section so that it should read as follows:

> That in case the law or act of emancipation to be adopted by said State shall provide for the full and perfect manumission of all the slaves therein on or before the 4th day of July, A. D. 1865, and the future exclusion of the system of slavery from the State forever thereafter, the President shall cause bonds to the amount of $20,000,000 to be prepared and delivered as aforesaid immediately on the passage of said act. But if it should provide for the termination of slavery at a date subsequent to that last named, then said bonds, to an amount not exceeding $10,000,000 in the aggregate, shall be delivered in four equal instalments, dating from the passage of such act to the time when slavery shall cease under its provisions.

He thus explained his object in the proposed amendment: "If the act passed by the Legislature shall provide for the exclusion of slavery on or before the 4th of July, 1865, I propose to grant $20,000,000 for that purpose; and if it shall take place at a subsequent date, or if the Legislature, in other words, shall adopt a gradual system of emancipation, I propose that $10,000,000 shall be granted; and I do it not because I desire to reduce the amount, but because I am satisfied that senators will not vote for $20,000,000 under a gradual system of emancipation. I am satisfied that it cannot be carried."

Mr. Sherman, of Ohio, said: "To carry out the pledge we made a year ago, I am willing to vote $10,000,000 in the bonds of the United States to the State of Missouri. I would prefer a system of gradual emancipation to a system of immediate emancipation. I will not vote for granting any more money. I have made up my mind on the subject. I think $10,000,000 is as much as we ought to allow the State of Missouri under the circumstances. Many of her people are disloyal, and they ought not to receive anything."

Mr. Wilson, of Massachusetts, was opposed to the amendments. "With these provisions in the amendment, I shall not vote for it. I shall not give my vote to aid in permitting the State of Missouri to hold men in bondage thirteen years longer. I desire to see that State free, and free now; free within a very few years at least."

Mr. Fessenden, of Maine, doubted the constitutionality of the measure—saying: "The recommendation of the President, as I understood it, and I believe I commented on it at the time, and the resolution we passed, was that the United States ought to aid any State that wished to abolish slavery; not that Con-

gress ought to do it; and the question was started then whether Congress, without a change of the Constitution, or some special authority given, would have a right to appropriate from the Treasury any amount of money for this purpose. I presume it was with a view to that constitutional objection that the resolution was worded as it was, and that the recommendation came from the President as it did, an expression that the United States ought to assist the States in paying for the slaves that might be emancipated, if they chose to adopt such a policy. What may be the true construction of it, I do not undertake now to say. If this measure can be defended, in my judgment it must be defended as a matter that in this time of war would be advisable, necessary, perhaps, with a view to the more speedy and effectual suppression of the rebellion. In that point of view, we may have authority to pass it."

Mr. Trumbull, of Illinois, objected to the views of the preceding senator: "The senator from Maine says he did not mean to premise that there was constitutional authority to give this aid, but all he meant was that the United States ought to do it, and that the Constitution might be changed for that purpose if it was necessary. Sir, how can you change it? What is the mode provided for changing the Constitution of the United States? Is there any mode provided by which, during this rebellion, it may be changed? Has the United States any authority in enough of the States of this Union to obtain the expression of their opinion as to whether they would consent to a change or not? Did the senator from Maine mean to say by this resolution to the people of the border States: "Congress ought to furnish you pecuniary aid, but there is no power under the Constitution to do it, and we will never do it until the Constitution is changed? Why, sir, that is not the way this resolution reads, nor is it the legitimate and proper meaning of the resolution.

"Then I repeat that in my judgment there is an obligation upon Congress to stand by the pledge it has given; and further, I believe it to be politic. I regard it as of the highest importance, as has been eloquently said by the senator from Missouri, that we should now take the steps to make Missouri a free State."

Mr. Foster, of Connecticut, said: "If we would abolish slavery within the State of Missouri, either that State or the United States, or both together, must provide the means which, according to the Constitution of the State of Missouri, shall be an adequate compensation, an equivalent to the owners of slaves who, under the law, are to be set free. That is the problem which is to be worked out, or we accomplish nothing.

"Now, sir, we may say, and perhaps say with great propriety, that the Congress of the United States ought not to be called upon to pay one dollar; that this is a State affair; that it concerns the prosperity and happiness of a State; that this is a domestic institution; and that the State of Missouri ought herself to provide the means by which to get rid of the institution. I am by no means prepared to say that this is not so; that it would not be just and proper for Missouri to do so; but the question is, does any reasonable man suppose she will do it? The bill assumes, everybody assumes, that she will not. Some assume that she cannot. It may not be an assumption, under the circumstances, to say that she cannot; but all assume that she will not. There being, then, no other known mode of adding to what the State may do, the Congress of the United States is called upon, if the object is to be accomplished, to furnish the amount which the State will not furnish. Otherwise the object is unaccomplished; the State of Missouri remains as she is, a slave State.

"Sir, if any senator is prepared to say that he will give $10,000,000, and if the State will go on with the $10,000,000 and abolish slavery, he will be glad of it, but if she will not, he will consent to stand by and see Missouri a slave State for all time, so far as we know, on him be the responsibility; I am not one of that class. Impoverished as the treasury is, impaired as our credit is, loud as are the calls for all the money we can raise in other quarters, I am still prepared to raise this sum from $10,000,000 up to $20,000,000, because I believe the accomplishment of the object is of such vast importance that it will be worth all it will then cost."

Mr. Sherman, of Ohio, thus explained the point of difficulty in the question: "The real difficulty in this measure, if I understand it correctly, is that certain senators insist that emancipation in Missouri shall be immediate, instead of gradual. There is no practical difficulty in providing for the gradual abolishment of slavery in Missouri, for the sum of $10,000,000, in strict conformity to the laws of Missouri, and to the entire satisfaction of two thirds of the Legislature of that State, if senators will but waive the idea on which they so much insist, that slavery shall be immediately abolished. This proposition will not be disputed. From a conversation with the senator from Missouri, I can state as his opinion that there is no difficulty in framing a law to provide for the gradual emancipation of slaves in Missouri, in which the Legislature of Missouri will pledge the faith of the State—and that is all they can do—to emancipate all slaves within twenty-three years, for the sum of $10,000,000.

"We have, by a resolution passed a year ago, pledged the faith of the United States—the faith of Congress, if you please—that we will aid pecuniarily the State of Missouri in the gradual abolishment of slavery. We have not agreed to pay any definite sums; we have not agreed even to coöperate in the immediate emancipation of slaves in Missouri. All we have agreed to do is, by pecuniary aid to co-

operate with the State of Missouri or with any other State in promoting the gradual abolishment of slavery. The immediate emancipation of the slaves of Missouri is a matter of comparatively little moment. Whether those who are now slaves there, held as such under the local laws, shall continue to serve as slaves for life, is an important matter to them; but to the fate of this nation it is of comparatively little importance. I believe, however, that the condition of slavery as a fixed and permanent relation in Missouri tends to keep up civil war in that State, and that the very moment she enters upon the path of gradual emancipation all her sympathies and all her interests will be opposed to the present rebellion, and in favor of the preservation of the Union."

Mr. Bayard, of Delaware, in opposition to the measure, said: "I would not throw a straw in the road of the people of Missouri, if it is the will of the people of that State to abolish slavery within its limits either now or at a future day; but I am unable to find in the Constitution of the United States any authority for Congress interfering with that institution, or making an appropriation to aid any State for the purpose of emancipation. I shall, therefore, vote against any bill in any form whatever which proposes an appropriation of the money of the Federal Government for the purpose of securing the emancipation of the slaves in a State.

"As regards my own State, all that I claim for her is the right which in past time has been accorded to the other States of this Union that were slaveholding States when the Constitution was adopted.

"We ask not from the Federal Government a dollar in relation to the question; but we ask that it shall not violate the Constitution of the United States by attempting to interfere with the domestic institutions of the State, either directly or indirectly. Whenever the people of Delaware determine that their interest, or their sympathy, if you please, or their moral sense, renders it proper that they should put an end to the institution within the State, they will do so; and let me say it is not the value of the slave property in the State that determines that question in their judgment; nor is there really any slaveholding interest in the State that has any power whatever to sway its political destinies; but it is other considerations that affect them. What they claim is, that they are the best judges of the time and mode in which they shall act on the subject, and that the same right belongs to them that has been accorded to other States—non-interference on the part of the Federal Government with the action of the States in relation to their own peculiar institutions."

Mr. Howard, of Michigan, regarded the measure as constitutional. He thus expressed his views: "I like the amendment reported from the Committee on the Judiciary, and shall vote for it with pleasure. The scheme of that amendment is to authorize the Government of the United States to issue $20,000,000 in the bonds of the United States, to be delivered over to the State of Missouri to aid her in bringing about the emancipation of her slaves. The State authorities are authorized by this bill—invited, perhaps, would be the more proper term—to take steps for the emancipation of the slaves in that State. Naturally, the first question which arises is, whether it is authorized by the Constitution of the United States; and upon this question, I understand the learned senator from Delaware (Mr. Bayard) to express it as his opinion that Congress is not clothed with competent authority under the Constitution to pass this bill, for the reason that Congress, as he insists, has no authority whatever to interfere or intermeddle with the so-called institution of slavery in any of the States.

"Mr. President, have we a right to use all the means which are reasonable, necessary, and proper to put an end to the civil war now raging in the State of Missouri? Have we a right to suppress the insurrection in that State? Have we a right to bring about a perfect quietude and pacification of the people within the limits of that State, now agitated by the rebellion? Have we a right to take means and to use instruments, not in themselves absurd or unreasonable, to insure this most desirable result? It appears to me that there cannot be any doubt upon this point. Congress certainly has the power to suppress insurrection: it has a right to protect, secure, and perpetuate the public tranquillity, and, to this end, to use the means which are natural and reasonable, adapted to the end. I discover nothing in the Constitution itself against it."

Mr. Wilson, of Massachusetts, advocated immediate emancipation for the following reasons: "I will state the reason especially why I wish this emancipation policy in this State closed now. I believe that the cause of this country is to triumph; that this foul slaveholders' rebellion, brought upon this country without any cause whatever, will be put down; but I do not believe when it goes down that the dark spirit that made this rebellion will go down with it. I expect to see these chambers filled again—not by the leading traitors who plotted treason here, who plunged this country into the fire and blood of revolution—but I do expect to see many of their disciples here who have followed them, who have sustained this rebellion; and I expect to see in these chambers and in this Government again—not permanently, but temporarily—a large class of men who have been the obedient followers of the men who are now in revolt, or who sympathize more or less to-day with rebels in arms.

"Here is a proposition to extend this time from 1876 to 1885, twenty-two years. We are to give $10,000,000 of our money, and they are to have their slaves for twenty-two years. When twenty years have passed away, they

will have had twenty-two or twenty-three millions of money, and will have all their slaves still. Then suppose they choose to continue slavery. How are we to enforce it against the State? We have its plighted faith, but we have before had plighted faith in this country and that faith violated. If we allow the time to go to 1876, we agree to give $10,000,000, and they have their slaves and work their slaves for thirteen years. They will have the money; they will have its accumulated interest; and still what security have we except their pledge?

"Sir, I see the importance of making Missouri a free State now, and I shall vote for a practical measure for that purpose. I believe emancipation in Missouri to be of transcendent importance—an importance that I can hardly measure—and I want its benefits now. I want certainty; I want to know that the thing is to be accomplished when I vote to tax the toiling men of my State to free the State of Missouri."

Mr. Kennedy, of Maryland, was opposed to the bill, and thus expressed his views: "I merely desire to say, without going into any argument, that I am against this whole system of legislation for the emancipation of slaves in the border Slave States. I will only say now that while I am not disposed to oppose any local proposition coming from the State of Missouri, and while I might, from feelings of kindness, yield my own views on such a question, I am not prepared to commit myself to a policy which acknowledges that the General Government has any power under the Constitution of the United States to appropriate money for the emancipation of slaves. I have determined, sir, not to connect myself with a record of this sort. I do not mean that it shall be said hereafter, that I, as a representative of a State lying in the pathway of the great North to the capital, have interposed any objection to the prosecution of their views so far as the suppression of rebellion is concerned; but I must be allowed to say that in the course of the last two years, in carrying out the purpose of ending the war, as it is said—of which certainly no man is more desirous than I am—I have seen all the sovereign rights of my State utterly disregarded. I do not mean now to challenge a controversy as to the right of the majority to exercise any power in their hands to put down and to suppress rebellion. I only beg, as a representative of that State, holding the rights of the State sacred and above all usurpation of authority, if I may be pardoned for using a word so harsh, that while we take that ground, I am not to commit myself in any way whatever to a policy that is hereafter to rise in judgment against you; I will not indorse that which I believe to be subversive of law; and pardon me, senators, when I say that I think it is not a means of restoring the Union."

The bill, with several amendments proposed, was referred to the Committee on the Judiciary, who reported it back with amendments, which were considered on the 7th of February.

Mr. Wilson, of Missouri, thus explained the features of the bill: "In my opinion the provisions of this act cannot be complied with without an alteration in the constitution of the State of Missouri; and if that alteration is sought to be made by constitutional means, by the ordinary provision incorporated into our constitution, which requires one Legislature to propose amendments to our constitution, to be ratified by the next succeeding Legislature, twelve months do not give the necessary time. It is manifest to me that the Legislature of Missouri in its legislative capacity has not the power to comply with all the provisions of this act without an amendment to or a violation of the constitution of that State; and, for that reason, I desire that this time may be extended, so that these alterations in the constitution, if desired by the people of Missouri, may be made according to our constitution.

"This bill, among other things, requires that this act, to be passed by the Legislature of Missouri, shall forever prohibit slavery in that State. That is a power that is not conferred on the General Assembly of the State of Missouri, and it will require an alteration of and an amendment to the constitution of that State before it can be complied with.

"Again, sir, this act requires that the people of Missouri shall forever surrender a constitutional right which is exercised by every State of this Union; that is to say, they are to enter into a compact with the United States of America that slavery shall be forever prohibited in that State; thereby relinquishing, in the form of a compact, a right which is reserved, as I understand it, to every State in this Union. Certainly an ordinary legislature, exercising only legislative powers, cannot surrender a constitutional power which is enjoyed by the people of that State. Many of the States of this Union have abolished slavery within their limits; but I am not aware that a single State of the Union has been called upon by the United States to enter into a compact that they will never admit slavery in the future. I grant that the people of the State may so alter their constitution and adopt a provision prohibiting slavery within that State; but that they will bind themselves to any other Government to surrender a constitutional privilege forever, I do not believe the people of Missouri will consent to."

Mr. Davis, of Kentucky, in opposition, said: "Mr. President, it is perfectly apparent that this measure is to pass. Notwithstanding that foregone conclusion, I will occupy the attention of the Senate a few minutes in opposition to it. I have been unable to find any authority by which Congress can appropriate money for this object. When the subject was up last, many gentlemen assumed that Congress had pledged itself, by voting for the resolution which the President of the United States recommended in

connection with this subject, to sustain the measure. I was one of those who voted for that resolution, and I now intend to show why I was not pledged to the support of this measure by having voted for the resolution which the President recommended to the adoption of Congress. Here is his accompanying message, and the resolution which he recommended to Congress is in these words:

Resolved, That the United States ought to coöperate with any State which may adopt gradual abolishment of slavery, giving to such State pecuniary aid to be used by such State in its discretion, to compensate for the inconvenience, public and private, produced by such change of system.

"Whose measure was this? Who conceived it? Who endeavored to enforce it upon the favorable consideration of Congress? It was the President. On this subject he asked for a conference of the members of both Houses of Congress from the border Slave States, and we held that conference with him, and he explained to us the nature of his proposition. It was suggested to him in the course of that conference, by members from some of the States, that it was not competent for Congress to pass such a measure, that it had no constitutional power to pass it. He said, in reply: 'I do not offer it as a practical measure. I commend it to your consideration as a sentiment.' To use his own phrase, which I heard, and which some twenty-five other gentlemen heard: 'I do not assume that Congress has the power to pass such a measure, but the Constitution could be amended to give it. I do not offer it to you to be sustained as a practical measure; I commend it to your consideration as a proposition which I desire you to lay before the people of your respective States.'. It was in that sense, and in that sense alone, that the President of the United States commended this sentiment to the favorable consideration of the members of Congress who represented the border Slave States. He still adheres to that interpretation of the measure, and he has given the most satisfactory and conclusive evidence upon that point that it was possible for him to give; for at the commencement of the present session, in his annual message to Congress, he recommends an amendment of the Constitution of the United States, which shall confer upon Congress the power to pass this measure. I voted for the resolution, understanding it as the President afterward explained it, in the conference to which I have referred.

"I have always been of the opinion, and I am yet, that when any State of this Union spontaneously, of her own free will, determines to emancipate her slaves, then, in the form of colonizing these slaves, the United States ought to give that State aid, and ought to coöperate in every legitimate manner to transport the negroes that are thus liberated from the State and from the United States.

"But, sir, I gave my consent to this sentiment, this principle of giving assistance to the States that would emancipate their slaves, just as the President of the United States did when he asked Congress to take the steps to amend the Constitution to give them that power. Until such an amendment as that is made, the power does not exist in the instrument. What, sir, said the President in his conference with the border State members of Congress? He said this, in the most distinct terms—he did all the talking himself, mostly: 'I concede and recognize fully the property of a slave owner in his slaves. If I earn a thousand dollars and invest it in land, and another man earns a thousand dollars and invests it in a negro man, he has as indefeasible a right to his slave as I have to my land.' Well now, sir, that is the only sanction of property that we have ever claimed in relation to slaves; and we contend that we have precisely the same constitutional and legal right to slave property that we have to land or horses or any other property. No man has refuted that proposition, and no man can do it—not even the learned and able lawyer and former judge from Illinois."

Mr. Ten Eyck, of New Jersey, expressed his opinion in these words: "I am willing, without taking up more of the time of the Senate, to say that I am in favor of giving aid to all the States that shall ask for it to compensate them in establishing a system of gradual emancipation; but I do not see my way clear in undertaking to pay for all the slaves in Missouri, and for every slave within the several border Slave States, and for every slave in any other State that may be restored to this Union either by force of arms or by the return of its citizens to their former allegiance. It cannot be done; the Treasury cannot stand it. The country cannot sustain the burden. We may assist, we may do a part, to gain the end in view; we cannot do it all. With these explanations and these remarks, I shall vote in favor of the bill, if it shall be so amended as to appropriate a sum of money for gradual abolition; but against it, if it involves the principle of immediate abolition and the payment of the full value of every slave so emancipated."

Mr. Powell, of Kentucky, urged that the question should be submitted to a vote of the people, thus: "Sir, from what is known to the country, and from what we have heard to-day from the senator from Missouri and others, we know that at the present time the people of Missouri cannot, unless this question should be committed to them directly, have an opportunity of expressing the popular will upon this great measure. It is well known that a minority, and a small minority, of the people of the State of Missouri alone elected the Legislature that is now convened in the capital of that State. It is known, too, that the military interfered in some instances with the elections in that State. It is believed by a majority of the members of Congress from that State, that if there had been no military interference, there would not have been an emancipation Legisla-

ture in Missouri. With all these facts before us, is it not just and proper, before we pass a law giving $20,000,000 of the public money to the State of Missouri for the purpose of emancipating the slaves in that State, that it should be accompanied by some condition to take the sense of the people of that State as to whether they desired this institution to be abolished or not?"

Mr. Sumner, of Massachusetts, urged that the emancipation should be made immediate, saying: "Mr. President, I assume that senators are in earnest in their desire to do something to put down this rebellion. Our country, I know, is rich in its resources. It can vote millions of money for almost any purpose that it sees fit to vote them for; but still I doubt if the senator from Missouri would now come before Congress and ask for an appropriation of millions of money, unless he thought, through that appropriation, he could do something in order to bring this rebellion to an end. I assume that that is his object. I assume that that is the object of senators in voting for this bill. Is there any object that will justify, at this moment, a vote for the bill? Is there any senator here who will say that he will toss ten or twenty millions of money to any State in this Union, unless he thinks that by doing it he can help to put an end to this rebellion? I assume that there can be no doubt on that question. We must all be agreed on that point. Therefore do I say that, in voting on the proposition now before you, you are to consider simply this question: How shall I best put an end to the rebellion? If that can be best accomplished through a proposition of immediate emancipation, then must you vote for immediate emancipation. If that can be best accomplished by allowing the subject to draggle along through ten years, through twenty years, with the possibility of reaction, with the certainty that the discussion and the controversy will continue all that time, then senators will vote that the question shall be allowed to draggle along ten or twenty years, or indefinitely, if they see fit. Sir, I am against any such thing. I wish this bill to be effective for the object which is proposed; and as I do not believe it can be really effective, except in one way, I shall vote for that amendment which shall give to it that effectiveness."

Mr. Davis, of Kentucky, in reply, said: "Mr. President, we have at length an avowal from the learned and able senator from Massachusetts that this measure of emancipation is under the war power. What is the war power of this Government, and where is it lodged? I take issue with him upon his proposition that one iota of the war power is vested in the President. The whole and entire war power of this Government, as it is organized by the Constitution, is vested in Congress, and in Congress alone. I do not mean the power to manage and control armies; but I mean the power to declare war, to raise men and money to carry on that war, whether it is a war against a foreign power or to put down insurrection. The power to adopt every measure, every line of policy upon which and by which the war is to be prosecuted, centres in Congress, and in Congress alone; and the President has no more right to wield any portion of this war power, or adopt measures of policy for the mode of conducting the war, than any colonel in the army.

"Some gentlemen adopt the policy that this insurrection is to be put down by proclamations. I thought we had a surfeit of such nonsense. It is not by proclamations, by words, by high-sounding manifestoes, that this rebellion is to be put down. It is to be put down, as was said by the senator from Illinois (Mr. Richardson) by the power of the bayonet and the cannon; and you must have that power in the hands of a willing, a united, and an enthusiastic people. When you divide the people and carry questions of policy into the camps, and the soldiers take sides for and against a particular line of policy, you destroy the vigor, the unity, and the efficiency of your arms; and as that honorable senator invoked gentlemen, so I say the only way now to regain that unity is to come back to the constitutional basis upon which you declared at the extra session of Congress that you intended to carry on this war. Yes, sir, you must let the negro alone; you must drop him; you must revoke your proclamations of the 22d and 24th of September, and you must revoke your proclamation of the 1st of January."

Mr. Powell, of Kentucky, thus presented the constitutional question: "Senators, have you the power under the Constitution of the United States to give $20,000,000 to establish slavery in the State of Massachusetts? I put that question to you. Perhaps you would all answer no. You have just as much right to establish slavery in Massachusetts by giving $20,000,000 to aid in that scheme, as you have to abolish slavery in Missouri by giving $20,000,000 to effect that purpose. If you have the one power you have the other. If you have the power to give money for the purpose of abolishing this institution in one State, you have the power to give money for the purpose of establishing it in another. You have no power to do either."

Mr. Saulsbury, of Delaware, argued fully against the constitutionality of the bill: "Mr. President, even were it constitutional, there are grave considerations of policy and expediency which would render the adoption of the measure now before the Senate unwise. Before I consider those questions, however, let me invite the attention of the Senate for a moment to its unconstitutionality. What is the first provision of this bill which renders it unconstitutional? In my judgment, it is unconstitutional because it attempts to do that which is solemnly prohibited by the Federal Constitution in direct and express terms. It proposes to create a compact between the State of Missouri and

the United States of America, which, in the language of the act, shall be 'irrepealable without the consent of the United States.' The provision of the bill in this behalf is:

The Government of the United States will, upon the passage by said State of a good and valid act of emancipation of all the slaves therein, to take effect within the period hereinafter named, and to be irrepealable unless with the consent of the United States, apply the sum of $10,000,000, &c.

"Now, Mr. President, what is the provision of the Constitution in reference to this matter, which renders this bill manifestly, palpably on its face obnoxious to constitutional objection? We find that in section ten of the first article of the Constitution are these words:

No State shall enter into any treaty, alliance, or confederation, grant letters of marque and reprisal, coin money, emit bills of credit, &c.

"This is a prohibition not only upon the power of one State to enter into a compact, alliance, confederation, or agreement with another State, but it is a prohibition upon the part of any State from entering into any alliance, compact, or agreement with the General Government of the United States. If a State is prohibited from entering into such a compact with another State, the same words which make that prohibition make it also a prohibition upon the power of the State to enter into any agreement or compact with the United States.

"But, Mr. President, let us look, in another aspect of the case, at the question of the unconstitutionality of this measure. It would be a total destruction of the form of government under which we live. If the State of Missouri can enter into an agreement or compact irrepealable with the United States that slavery shall not therein exist after the acceptance on the part of Missouri of this act, then it is an agreement on the part of the State of Missouri to surrender the sovereignty of that State, and make the State of Missouri unequal in its rights of sovereignty with the other States of this Union; and the anomaly would be presented in that case of a union of States, not with equal rights under the Federal Constitution, but States of unequal rights. The State of Maryland, the State of Kentucky, and the other States might then have the complete right of sovereignty over their own domestic institutions, while the State of Missouri, if this act be adopted, would cease to have that right; and instead of a Government of coequal States, you would have a Government of States of unequal power, not equal under the Constitution; and the whole framework and system of government under which we live would be entirely abrogated by this species of legislation.

"Carry it out a little farther to its ultimate consequences, and what would be the result? If the State of Missouri can surrender her sovereignty in reference to the absolute control of her own domestic institutions, she may by compact with the United States for a money consideration also surrender her right of representation upon this floor, and her representation in the other House of Congress. She may also stipulate, if she can do this act, to surrender every other right which she enjoys under the Federal Constitution, and may even consent to become a province of the other States, and thus work the total destruction of our Federal system of Government.

"Mr. President, carry it still farther; if Missouri may do this, some other State which may wish to run its hand into the Federal treasury may be bribed to surrender some other right which it has under the Federal Constitution; and thus, instead of the form of Government under which we live being changed or modified according to the provisions of the Constitution by a convention of all the States, in general convention assembled, you would have each State separately and by itself surrendering up its rights, until you find one great consolidated central Government at the Federal capital, with no such thing as State rights or State sovereignty in it. I submit, Mr. President, therefore, that this is the most dangerous act, the most dangerous species of legislation, when viewed in its elements and principles, that has ever been introduced into the Federal Congress.

"But, sir, am I mistaken in the view which I have presented, that the State of Missouri has no such right as to enter into a compact with the United States irrepealable in its character? Why, Mr. President, suppose this act shall be passed, and suppose the State of Missouri, by her Legislature, shall assent to it, as is contemplated in the bill; suppose that she shall agree that it shall be irrepealable; and carry it farther: suppose that the people of Missouri shall meet in solemn convention, and there declare and make it a provision of their constitution that, in consideration of the passage of this act, slavery shall never thereafter be one of the domestic institutions of that State, but shall cease thenceforth and forever to exist in that State, what binding force would there be in such a decree, in such a constitutional provision by the people of Missouri? Is it not a cardinal principle in our system of government that the people, in their sovereign capacity, may, from time to time, change and alter their organic law? Can a provision incorporated, if you please, into the constitution of the State of Missouri, that slavery shall never thereafter exist in that State, preclude and prevent a future sovereign convention of the people of Missouri from reëstablishing slavery within their limits? If that is not so, then all the lessons of the past have been illusory; then we have been taught wrong in reference to the principles of free government. A sovereign convention of the people of Missouri, at any subsequent period, may treat as nought this provision of this act, and may reëstablish the system of domestic slavery in that State.

"But, sir, I am not without high authority to

support the view which I here present. It is no new question. Fortunately for us, however much disregarded the teachings of the fathers may be at the present hour, they live and shine upon the pages of history and in the public records of the country. In 1822, a bill was passed by the Congress of the United States making an appropriation of money to complete the Cumberland road. Mr. Monroe was then President of the United States, and he sent to Congress a special message stating his objections at length to the bill, in which he considered fully the nature and character of the system of government under which we live, and the powers of the Federal Congress to appropriate money out of the public treasury for special and particular objects. He vetoed that bill, and in his veto message of the 4th of May, 1822, in reference to this power of a State to surrender its sovereignty, he held this language:

I am of opinion that Congress does not possess this power—that the States, individually, cannot grant it; for although they may assent to the appropriation of money within their limits for such purposes, they can grant no power of jurisdiction or sovereignty by special compacts with the United States. This power can be granted only by an amendment to the Constitution, and in the mode prescribed by it."

Mr. Sumner, of Massachusetts, moved to amend by making the amount for each slave $200 instead of $300, which was adopted, and also another amendment that the emancipation should be immediate, which was rejected. He then urged the passage of the bill. "I have already voted to give $20,000,000 to Missouri, in order to secure freedom at once to her slaves and to make her at once a free State. I am ready to vote more, if more be needed for this purpose; but I will not vote money to be sunk and lost in an uncertain scheme of prospective emancipation, where freedom is a jack-o'-lantern, and the only certainty is to be found in the congressional appropriation. For money paid down, freedom, too, must be paid down at once.

"With all differences of opinion on this important question, there is much occasion for congratulation in the progress that has been made.

"There is one point on which the Senate is substantially united. A large majority will vote for emancipation. This is much, both as a sign of the present and a prophecy of the future. A large majority, in the name of Congress, will offer pecuniary aid to this object. This is a further sign and prophecy. Such a vote and such an appropriation will constitute an epoch. Only a few short years ago the very mention of slavery in Congress was forbidden, and all discussion of it was stifled. Now, emancipation is an accepted watchword, while slavery is openly denounced as a guilty thing worthy of death.

"It is admitted that now, under the exigency of war, the United States ought to coöperate with any State in the abolition of slavery, giving to it pecuniary aid; and it is proposed to apply this principle practically in Missouri. It was fit that emancipation, destined to end the rebellion, should first begin in South Carolina, where the rebellion first began. It is also fit that the action of Congress in behalf of emancipation should first begin in Missouri, which, through the faint-hearted remissness of Congress, as late as 1820, was opened to slavery. Had Congress at that time firmly insisted that Missouri, on entering the Union, should be a free State, the vast appropriation now proposed would have been saved; and, better still, this vaster civil war would have been prevented. The whole country is now paying with treasure and blood for that fatal surrender. Alas! that men should forget that God is bound by no compromise, and that, sooner or later, He will insist that justice shall be done. There is not a dollar spent, and not a life sacrificed in this calamitous war, which does not plead against any repetition of that wicked folly. Blasted be the tongue which speaks of compromise with slavery!

"But, though happily compromise is no longer openly proposed, yet it insinuates itself in this debate. In former times it took the form of barefaced concession to slavery, as in the admission of Missouri as a Slave State; the annexation of Texas as a Slave State; the waiver of the prohibition of slavery in the Territories; the atrocious bill for the reënslavement of fugitives; and the opening of Kansas to slavery, first by the Kansas bill, and then by the Lecompton constitution. In each of these cases there was a concession to slavery which history now records with shame; but it was by this that your wicked slaveholding conspiracy waxed confident and strong, till at last it was ripe for war.

"And now it is proposed, as an agency in the suppression of the rebellion, to put an end to slavery. By proclamation of the President, all the slaves in certain States, and designated parts of States, are declared to be free. Of course this proclamation is a war measure, rendered just and necessary by the exigencies of war. As such it is summary and instant in its operation; not prospective or procrastinating. A proclamation of prospective emancipation would have been an absurdity; like a proclamation of prospective battle, where not a blow was to be struck or a cannon pointed before 1876, unless, meanwhile, the enemy desired it. What is done in war must be done promptly, except, perhaps, under the policy of defence. Gradualism is delay; and delay is the betrayal of victory. If you would be triumphant, strike quickly. Let your blows be felt at once, without notice or premonition; and especially without time for resistance or debate. Time always deserts those who do not appreciate its value. Strike promptly, and time becomes your invaluable ally. Strike slowly, gradually, prospectively, and time goes over to the enemy.

"But every argument for the instant operation of the proclamation; every consideration in favor of despatch in war, is especially applicable to all that is done by Congress as a war measure. In a period of peace, Congress might fitly consider whether emancipation should be immediate or prospective, and we might listen with patience to the instances adduced by the senator from Wisconsin (Mr. Doolittle) in favor of delay; to the case of Pennsylvania and to the case of New York, where slaves were tardily admitted to their birthright. Such arguments, though to my judgment of little value at any time, would then be legitimate. But now, when we are considering how to put down the rebellion, they are not even legitimate. There is but one way to put down the rebellion, and that is by instant action; and all that is done, whether in the field, in the cabinet, or in Congress, must partake of this character. Whatever is postponed for twenty years or ten years, may seem to be abstractly politic or wise; but it is in no sense a war measure, nor can it contribute essentially to the suppression of the rebellion.

"Now, I think that I may assume, without contradiction, that the proposed tender of money to Missouri for the sake of emancipation is a war measure, to be vindicated as such under the Constitution of the United States. It is also an act of justice to an oppressed race; but it is not in this unquestionable character that it is now commended to Congress. If it were urged on no other ground, even if every consideration of philanthropy and of religion pleaded for it with rarest eloquence, I fear that it would stand but little chance in either House of Congress. Let us not disguise the truth. Except as a war measure, in order to aid in putting down the rebellion, this proposition would find little hospitality here. Senators are ready to vote money—as the British parliament voted subsidies—in order to supply the place of soldiers, or to remove a stronghold of the rebellion; all of which is done by emancipation. I do not overstate the case. Slavery is a stronghold of the rebellion, which, through emancipation, will be removed, while every slave and every slavemaster will become an ally of the Government. Therefore emancipation is a war measure, as constitutional as the raising of armies or the occupation of a hostile territory.

"But in vindicating emancipation as a war measure, we must see that it is made under such conditions as to exercise a present, instant influence against the rebellion. It must be immediate, not prospective. In proposing prospective emancipation, you propose a measure which can have little or no influence on the war. Senators abstractly may prefer that emancipation should be prospective rather than immediate; but this is not the time for the exercise of any such abstract preference. Whatever is done as a war measure must be immediate, or it will cease to have this character. If made prospective, it will not be a war measure, whatever you may call it.

"If I am correct in this statement—and I do not see how it can be questioned—then is the appropriation for immediate emancipation just and proper under the Constitution, while that for prospective emancipation is without any sanction, except what it may find in the sentiments of justice and humanity."

The bill then passed as follows:

YEAS—Messrs. Anthony, Arnold, Chandler, Clark, Collamer, Doolittle, Foot, Foster, Harlan, Harris, Henderson, Howard, Howe, King, Lane of Kansas, Morrill, Pomeroy, Sumner, Trumbull, Wade, Wilkinson, Wilmot, and Wilson of Massachusetts—23.

NAYS—Messrs. Carlile, Cowan, Davis, Fessenden, Grimes, Harding, Kennedy, Lane of Indiana, Latham, McDougall, Nesmith, Powell, Richardson, Saulsbury, Ten Eyck, Turpie, Wall, and Wilson of Missouri—18.

This bill failed to pass in the House.

In the House, on the 9th of February, the Committee on Elections reported the following resolutions:

Resolved, That Benjamin F. Flanders is entitled to a seat in this House as a Representative from the first congressional district in Louisiana.

Resolved, That Michael Hahn is entitled to a seat in this House as a Representative from the second district in Louisiana.

Mr. Dawes: "I ask the attention of the House, for a few moments, to a statement of what the committee has submitted in detail in a report in support of these resolutions. I believe the House is aware, without any suggestion from me, that more than ordinary importance is attached to the consideration of this subject. It is not simply whether these two gentlemen shall be permitted to occupy seats in the House for the remainder of the session now so near its close. The question whether they shall be admitted involves the principles touching the present state of the country, to which the Committee of Elections has had occasion, more than once, to call the attention of the House.

"Certain principles were adopted by this committee early in this Congress in other cases, involving to a great extent the same questions that are involved in this case. They were submitted to the House in reports and in remarks more fully explaining them, and they have been adopted by the House hitherto without any exception, I believe. In conformity with those principles, the committee has felt bound to report these resolutions to the House, and the question now comes up whether any reason exists, either in the intrinsic unsoundness of the positions thus assumed or in any change in the condition of public affairs, that requires of the House any departure from those rules and principles. It is because it has appeared to the committee that an adherence to these principles is vitally important in settling the question how there is to be a restoration of this Union when this war shall be drawn to a close, that the committee has adhered with earnestness

to these principles, and now desires that the House will fully consider and deliberate before it comes to the conclusion to depart from them.

"The facts of this case are briefly these: The elections in these two districts of Louisiana are embraced in the one report, because the same facts and the same principles apply to both. There is no reason for making any distinction between the two cases. The districts are composed each of about half of the city of New Orleans and of a portion of the surrounding counties, or parishes, as they are called there. The city of New Orleans, as is well known, was, up to May last, in the occupation of rebel forces, and was in a state almost of revolution, certainly of rebellion. When the army of the Union took possession of New Orleans and expelled the rebel usurpation, it drove out, as early as May last, from those entire districts, the rebel power. They left whatever of Union sentiment there was there the opportunity to develop itself, and left a love for the Union, if any existed there, to grow and to strengthen its hold upon the people.

"On an invitation to the people to renew their allegiance to the Government of the United States, in the course of last summer, more than sixty thousand of the citizens enrolled themselves and took the oath of allegiance. In order to preserve peace, and to enforce good order and such laws and regulations of society as were absolutely necessary while the State authority was held in abeyance, the President clothed one of his brigadier-generals with the authority of military governor of the whole State of Louisiana early in the summer. From that time to this he has been discharging all the functions which would ordinarily be discharged by the Governor of the State of Louisiana under the same circumstances. He has issued writs. He has appointed such officers of the law as the real Governor of the State would appoint. He has enforced order in like manner as the Governor of the State would enforce it. He has regulated the municipal affairs of the State after the manner and in the form required by the constitution and laws of Louisiana. Governing himself by the requirements of that instrument and of those laws, he has gone on, to all intents and purposes, as the Governor of Louisiana. There was no evidence before the committee, and the committee believes that none exists, that any Union man in Louisiana resists in any manner this exercise by the military governor of the civil functions of the Governor of Louisiana.

"The constitution of Louisiana requires that when any vacancy shall occur in the office of representative in Congress, from death or otherwise, the Governor shall by proclamation call a special election. In obedience to that requirement of the constitution of Louisiana, and on the earnest solicitation of large numbers of voters in those two congressional districts, the military governor called an election by proclamation in those two congressional districts, to be held on the 3d of December last. The result of that election was: in the first district, a vote of 2,643; of which Mr. Flanders received 2,370, and all others 273. In the election in the second district, Mr. Hahn received 2,799 votes, and all others 2,318, a total of 5,117.

"It is on the strength of these elections that these gentlemen present themselves and ask for seats in this House. The requirements of the law of Louisiana were all observed, with the exception of the matter of the military governor. The appointment of commissioners of election, the manner of polling the vote, the precincts at which the votes were polled, the police regulations insuring peace and good order at the election, the means of preventing illegal voting and fraud, all of the details, down to the minutest municipal regulations, were observed at the polls on that day. So that this had every essential of a regular election in a time of most profound peace, with the exception of the fact that the proclamation was issued by the military instead of the civil governor of Louisiana.

"A military governor is not entirely unknown to the law, even in this country. The Supreme Court of the United States has recognized not only the power of the President of the United States to appoint a military governor, but has recognized both his military and civil functions as binding in law. They have not undertaken, it is true, to say how far, as a military man, he may discharge the functions of the civil governor. So far as they have had occasion to pass, they have limited them as near as may be to the line of necessity. They have, however, given full force and effect to the acts of a military governor, when acting in a civil capacity. So that, to some extent, certainly we have the highest authority for the validity of the civil functions of a military government.

"The question comes, what is the limit; or, rather, the practical question is at this moment, whether these particular functions, exercised under these circumstances, are of such a character as to deserve to be recognized by this House at this time?"

Mr. Voorhees, of Indiana, opposed the resolutions, saying: "I regard this question as one of exceeding and paramount importance. I regard it as setting a precedent for future action which will be exceedingly important in its bearing on the destiny of this Government. In other words, I regard it as surrendering to the executive the branch of the Government to which we belong. In my judgment, the executive has already usurped the judicial department of this Government by the suspension of the writ of *habeas corpus*. It lacks but the sanction of such a report as the committee has made in this case to surrender up the legislative department also to the executive.

"Now, in support of these observations

which I have made in regard to the surrender of the legislative department to the executive, by the principle sought to be enforced by this report, allow me to submit to the House what I conceive the law in such cases to be. The law as laid down in England, in a report before me, in the case of Hall *vs.* Campbell (1 Cowper's Reports), and which has the sanction of the highest courts of our own country, is this: if you make conquest of territory from a foreign enemy with whom you are at war, you may in that territory in which you have made conquest and planted your power, establish municipal regulations and civil laws, set aside the laws which there prevail, and substitute a system of laws made by the legislative authority of this country. This, however, is not true in the case of an insurrectionary district belonging to this Government. If you reduce a revolted State to obedience, you cannot supersede her laws and her domestic institutions. She is protected in them by that very Constitution whose supremacy you claim it is the mission of our arms to restore. All such States must be taken back, if taken back at all, with all the laws unimpaired which they themselves have made for their own government, pursuant to the guarantees of the Federal Constitution.

"Understand this principle. If the Southern confederacy is a foreign power, an independent nationality to-day, and you have conquered back the territory of Louisiana, you may then substitute a new system of laws in the place of the laws of that State. You may then supplant her civil institutions by institutions made anew for her by the proper authority of this Government—not by the executive, but by the legislative branch of the Government, assisted by the executive simply to the extent of signing his name to the bills of legislation. If the chairman of the Committee of Ways and Means (Mr. Stevens) is correct; if the gentleman from Kansas (Mr. Conway) is correct, and this assumed power in the South is a power of the earth, and stands to-day upon equal terms of nationality with ourselves, and we conquer back State by State its territory by the power of arms, then we may govern them independently of their local laws. But if the theory that we have been proceeding upon here, that this Union is unbroken; that no States have sundered the bonds that bind us together; that no successful disunion has yet taken place—if that theory is still to prevail in these halls, then this thing cannot be done. You are as much bound to uphold the laws of Louisiana in all their extent and in all their parts as you are to uphold the laws of Pennsylvania or New York, or any other State whose civil policy has not been disturbed."

Mr. Harrison, of Ohio, presented the following view of the subject: "The congressional delegation from that State was not chosen in 1861, in consequence of rebellion; and the office of governor became vacant by reason of the treason of the governor and of his uniting in the rebellion. In view of these facts and of the other circumstances in which the people of Louisiana had been placed by the rebellion, might not the loyal electors of the several districts in that State, when the military power of the rebellion was suppressed by the arms of the National Government, have themselves, by their own voluntary action, assembled in convention and appointed a time for the holding of an election for members of Congress, and would not Congress have been authorized to receive as members representatives thus chosen? Now, then, the people of these two districts, having assented to the time appointed by the military governor (whether his action was legal or not) for the holding of an election, and that election having been actually held by the loyal electors of the districts, are not the representatives of their choice entitled to seats here?"

Mr. Voorhees, of Indiana, replied: "Will the gentleman from Ohio tell me how many voters cast their votes on the day of that election because they desired to be represented in this Congress, and how many because they wanted to save their slaves under the proclamation of the President? If he can give me this information, I can tell him how much the ratification of which he speaks was worth. Both inducements were held out; and if the gentleman can inform me how many persons voted because they desired to prevent their property being taken from them, and how many because they desired to send these claimants here, I can answer how far this act of the military governor was ratified by the people. The inducement in regard to their slaves was deemed as of sufficient importance to insert in the body of the proclamation, and I have no doubt it brought many citizens to the polls."

Mr. Maynard, of Tennessee, said: "What is the test by which an election is to be determined? Unquestionably the ballot box. It is the action of the electors there that must decide. Sweep away all your sophistries, your cobwebs, your fine-spun theories and technical arguments. You must go to the ballot box and count out the honest votes of the honest and qualified electors. That is the voice to which we must listen, and that is the only voice that we may properly listen to—the autocratic voice of the people speaking as sovereigns.

"Now, it is asserted here, on the one side, and is not denied on the other, that the elections in the first and second districts in Louisiana were fairly conducted; that the ballot boxes were left undisturbed; that there was no interposition; that several candidates canvassed the districts, and presented their respective claims to the electors as best they might, and that neither the military nor anybody else interposed to prevent a free exercise of the elective franchise. That is asserted on the one side, and it is not seriously controvert-

ed on the other, as I understand the argument. What else do we want? What but the most carping, captious, and cavilling disposition could ask more? The Constitution provides that 'the times, places, and manner for holding elections for senators and representatives shall be prescribed in each State by the Legislature thereof.' That has all been done by the Legislature of Louisiana. I understand that all those forms have been observed."

Mr. Eliot, of Massachusetts, expressed his views of the question as follows: "I have read with a great deal of attention and care the report of the Committee of Elections, which my colleague has presented to the House. But I fail to see how they have removed the doubts as to the power of Gov. Shepley to act in issuing his writs of election. They say truly that the powers of a military governor have their origin in and are limited by necessity. They say truly that his powers are, to some extent, civil as well as military. And I admit cheerfully the authority of the case cited by them, as reported in 16 Howard's Reports. But suppose Gen. Halleck had issued a writ of election for a member of Congress. There is nothing in the reasoning of the court in the case of Cross *vs.* Harrison which would have sustained that action.

"Mr. Speaker, the situation of these rebel States is wholly anomalous. At this time we are waging war against them. The power of the Government is exerted to subdue rebellion within their borders. If in any State the rebellion shall be subdued and the loyal men shall reorganize their State and elect their governor, who shall enforce the laws, and the people shall then act under the laws, and shall return to this House their representatives, they will be cheerfully and gladly received; or if Congress shall pass fit enactments under which elections shall be held, we may safely act. But at this moment the State of Louisiana is a State in rebellion against the Government. That rebellion must be subdued and a loyal State created. How this shall be done we know. It can be effected but in one way. Our arms must conquer a peace, and the loyal men, protected by the Government and aided by its legislation, must reform their State, and take their place again as our friends and companions and brethren. So shall the Constitution be upheld and tranquillity be restored."

Mr. Noell, of Missouri, was in favor of the resolutions for these reasons: "Mr. Speaker, I have remarked that the military governor appointed for the State of Louisiana was not sent there for military purposes, but to exercise certain civil powers necessary for the protection of the people. The civil authorities there, having abdicated, became a treasonable body, and omitting to perform their functions, it was necessary that the United States should substitute some authority there for the purpose of supplying the performance of those functions absolutely necessary for the people.

"Now, sir, it has been admitted on all sides of the House that a military governor can appoint civil officers. The functions of a governor of a State are various. Some are of a national and some are of a State character. Thus the governor necessarily becomes mixed up with national affairs. The duties which the governor has in this instance exercised are of that class. He is required by the laws of the State of Louisiana to order elections in cases where vacancies may occur. It was necessary for the people of Louisiana that this should be done in order to keep up their intercourse, under the Constitution of the United States, with the Federal Government. The Governor of Louisiana, before treason and secession took place, was invested with authority by the local law to order elections. Now, sir, what have our armies been sent there for? To subjugate the rebels and to restore the Union; and for that purpose the military governor, necessarily appointed by the President, is clothed with all the proper power. According to my idea, the best means to bring the States in rebellion back into the Union will be to permit the introduction of representatives from those States into this House."

Mr. Bingham, of Ohio, was of opinion that the election was illegal. He thus stated his views: "If the people of Louisiana had, under an act of their own Legislature, and by duly constituted officers of an existing State government, organized under the Federal Constitution, held this election, I could not doubt that such election was the lawful act of the loyal people. But, sir, there is no organized constitutional State government in Louisiana, nor was this election held under the law or by the officers of such government of Louisiana, nor under a law of Congress. I therefore repeat my proposition: representatives can be elected to the Federal Legislature only in pursuance of an act of the State Legislature, or of an act of the Federal Congress. I wish to inquire when there has been any decision under the Government of the United States, legislative or executive or judicial, to the contrary?"

Mr. Thomas, of Massachusetts, expressed his views as follows: "I do not mean to say that this question is free from difficulty. It certainly is not. But it has been, I think, quite too summarily disposed of by gentlemen opposed to the resolutions of the committee. It seems to me, Mr. Speaker, that much, very much of the difficulty we have in the discussion of this and similar questions, results from the attempt to apply to the condition of things in which we are placed, principles and rules from writers upon international law that really throw no light upon and have no just application to that condition, in many respects *sui generis*, and for our guide in which history and public law furnish no precedents or even strong analogies. No just or reasonable conclusion can be drawn from the powers of a military governor, in a territory conquered

from a foreign enemy, as to the nature and extent of the powers to be exercised in States or parts of States rescued from the possession of rebels in arms against us. This is a military occupation of our own territory; an occupation which has become necessary by reason of the fact that the Constitution and laws of the United States cannot otherwise be enforced, and that it is our duty to enforce them, and the right of the loyal citizens of Louisiana to have them enforced, not merely for our benefit, but their protection.

"Now, Mr. Speaker, what is the object of this vast movement of ours? For what are we carrying on this war? For the purpose of enforcing the laws of the United States. Your war has no other just or legitimate object but the enforcement of your laws. If these laws are obstructed by armed force in the State of Louisiana, you have the right to take and to maintain military occupation of that State to remove such obstruction. You have the right to see that the laws of the United States are executed in the State of Louisiana.

"Do gentlemen say that because of the existence of armed rebellion in the State of Louisiana we have no right to enforce the laws of the United States there? Have we not the right to collect taxes? Have we not the right to enforce the revenue laws, and the right to conscript soldiers from the citizens of that State? Have we not the right, by military power, to protect the courts of the United States in the district of Louisiana in the exercise of their jurisdiction? I take this position —and I fail to see how it can be controverted— that if you are in the military occupation of this, your own territory, you hold it for the purpose for which the war is waged, for the purpose of upholding the jurisdiction and enforcing obedience to the laws of the United States.

"The analogies sought to be drawn from Vattel, and other writers on public law, as to the military occupation of a conquered territory from a foreign state have very imperfect application to the case before us. The Constitution and laws of the United States are the supreme law of Louisiana, and you are to enforce the execution of those laws. And I see no valid distinction between enforcing those laws which impose duties and burdens upon the people, and the enforcement of those laws which guarantee and protect the rights of the loyal people of the State, rights springing from us, and to be protected by us."

Mr. Conway: "Was the law under which these men were elected a law of the United States?"

Mr. Thomas, of Massachusetts: "The law from which the right to elect was derived, and to be elected, was a law of the United States and the supreme law of Louisiana. Mr. Speaker, I wish to make matters clear as I go. I want gentlemen who believe that we should enforce the laws of the United States for the collection of taxes and the collection of the revenue in Louisiana, to point out the distinction between enforcing the laws of the United States which impose these burdens and duties upon the people, and the enforcing of the laws which secure to them the enjoyment of their rights and privileges under the Constitution, and especially this great and invaluable right of representation, of helping to make the laws which they are bound to obey. Our duty to protect is as clear as their duty to obey. They are reciprocal and interdependent.

"We may meet this question of the issue of writs of election in another manner. The question whether these writs were properly issued or not is a technical question, and we can meet it by a technical answer. We may meet the objection that the writs were not issued by the executive authority of the State, by saying that they were issued by the only executive authority of that State which the Government of the United States or the people in these districts in any way recognize, and which, in matters of highest concern, they have recognized and obeyed. The writs of election were, in fact, issued upon the earnest request of the loyal citizens of these districts, and were responded to and confirmed by them.

"But I do not consider the strict legality of these writs vital to the issue before us. I go one step farther. I contend, whether these writs were issued by the executive authority of the State or not, this may be a valid election. I contend that this provision of the Constitution, as other provisions of statute in relation to this subject, is within the well-settled distinction between provisions which are directory and those which are essential. I say, under the law of elections, practised upon from the beginning of the Government to this hour, you have gone behind the mere form to get at the substance and truth of the thing; and that these safeguards provided by the laws to secure to the citizens the orderly exercise of the right of election were never intended to be used as barriers to exclude them from their enjoyment.

"The point to which I was endeavoring to lead the House is the distinction between those provisions, formal and directory, and those that I deem essential; and that the House, in the exercise of its power to judge of the elections and the returns of its members, has always felt itself enabled to go behind the 'letter which killeth, to the spirit which maketh alive,' and to ascertain whether, in point of fact, there has been a fair election by the people of the district, having full opportunity to vote, and without violence or fraud. And therefore if gentlemen differ as to the authority of a military governor—or, as I would call him, the provisional governor—of a State, they may still be satisfied that that was a full and fair notice to the people of the election, and that the loyal people of those districts, having had such full and fair notice, did meet and freely exercise their elective franchise."

After a further debate the resolutions were adopted. Yeas, 92; nays, 44.

In the Senate, on the 3d of March, the following resolutions, offered by Mr. Sumner, of Massachusetts, came up for consideration:

Whereas, it appears from the diplomatic correspondence submitted to Congress, that a proposition, friendly in form, looking to pacification through foreign mediation, has been made to the United States by the Emperor of the French, and promptly declined by the President; and whereas the idea of mediation or intervention in some shape may be regarded by foreign Governments as practicable, and such Governments, through this misunderstanding, may be led to proceedings tending to embarrass the friendly relations which now exist between them and the United States; and whereas, in order to remove for the future all chance of misunderstanding on this subject, and to secure for the United States the full enjoyment of that freedom from foreign interference, which is one of the highest rights of independent States, it seems fit that Congress should declare its convictions thereon: Therefore,

Resolved (the House of Representatives concurring), That while, in times past, the United States have sought and accepted the friendly mediation or arbitration of foreign powers for the pacific adjustment of international questions, where the United States were the party of the one part and some other sovereign power the party of the other part; and while they are not disposed to misconstrue the natural and humane desire of foreign powers to aid in arresting domestic troubles, which, widening in their influence, have afflicted other countries; especially in view of the circumstance, deeply regretted by the American people, that the blow aimed by the rebellion at the national life has fallen heavily upon the laboring population of Europe; yet, notwithstanding these things, Congress cannot hesitate to regard every proposition of foreign interference in the present contest as so far unreasonable and inadmissible, that its only explanation will be found in a misunderstanding of the true state of the question, and of the real character of the war in which the republic is engaged.

Resolved, That the United States are now grappling with an unprovoked and wicked rebellion, which is seeking the destruction of the republic that it may build a new power, whose corner stone, according to the confession of its chiefs, shall be slavery; that for the suppression of this rebellion, and thus to save the republic and prevent the establishment of such a power, the National Government is now employing armies and fleets, in full faith that through these efforts all the purposes of conspirators and rebels will be crushed; that while engaged in this struggle, on which so much depends, any proposition from a foreign power, whatever form it may take, having for its object the arrest of these efforts, is, just in proportion to its influence, an encouragement to the rebellion and to its declared pretensions, and, on this account, is calculated to prolong and embitter the conflict, to cause increased expenditure of blood and treasure, and to postpone the much-desired day of peace; that, with these convictions, and not doubting that every such proposition, although made with good intent, is injurious to the national interests, Congress will be obliged to look upon any further attempt in the same direction as an unfriendly act, which it earnestly deprecates, to the end that nothing may occur abroad to strengthen the rebellion or to weaken those relations of good will with foreign powers which the United States are happy to cultivate.

Resolved, That the rebellion from its beginning, and far back even in the conspiracy which preceded its outbreak, was encouraged by the hope of support from foreign powers; that its chiefs frequently boasted that the people of Europe were so far dependent upon regular supplies of the great Southern staple, that sooner or later their Governments would be constrained to take side with the rebellion in some effective form, even to the extent of forcible intervention, if the milder form did not prevail; that the rebellion is now sustained by this hope, which every proposition of foreign interference quickens anew, and that without this life-giving support it must soon yield to the just and paternal authority of the National Government; that, considering these things, which are aggravated by the motive of the resistance thus encouraged, the United States regret that foreign powers have not frankly told the chiefs of the rebellion that the work in which they are engaged is hateful, and that a new Government, such as they seek to found, with slavery as its acknowledged corner stone, and with no other declared object of separate existence, is so far shocking to civilization and the moral sense of mankind, that it must not expect welcome or recognition in the commonwealth of nations.

Resolved, That the United States, confident in the justice of their cause, which is the cause also of good government and of human rights everywhere among men; anxious for the speedy restoration of peace, which shall secure tranquillity at home, and remove all occasion of complaint abroad; and awaiting with well-assured trust the final suppression of the rebellion, through which all these things, rescued from present danger, will be secured for ever, and the republic, one and indivisible, triumphant over its enemies, will continue to stand an example to mankind, hereby announce, as their unalterable purpose, that the war will be vigorously prosecuted, according to the humane principles of Christian states, until the rebellion shall be overcome; and they reverently invoke upon their cause the blessing of Almighty God.

Resolved, That the President be requested to transmit a copy of these resolutions, through the Secretary of State, to the ministers of the United States in foreign countries, that the declaration and protest herein set forth may be communicated by them to the Governments to which they are accredited.

They were adopted, without debate, by the following vote:

YEAS—Messrs. Anthony, Arnold, Chandler, Clark, Collamer, Davis, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Harding, Harlan, Harris, Henderson, Hicks, Howard, Howe, King, Lane of Indiana, Morrill, Nesmith, Pomeroy, Sumner, Ten Eyck, Trumbull, Wade, Willey, Wilmot, and Wilson of Massachusetts—31.

NAYS—Messrs. Carlile, Latham, Powell, Saulsbury, and Wall—5.

The resolutions were adopted by the following vote in the House:

YEAS—Messrs. Aldrich, Alley, Arnold, Ashley, Babbitt, Bailey, Baxter, Bingham, Jacob B. Blair, Samuel S. Blair, Blake, Bridges, William G. Brown, Buffinton, Campbell, Casey, Chamberlain, Clark, Clements, Colfax, Frederick A. Conkling, Roscoe Conkling, Conway, Covode, Cutler, Dawes, Dunn, Edgerton, Eliot, Ely, Fenton, Samuel C. Fessenden, Thomas A. D. Fessenden, Fisher, Flanders, Franchot, Frank, Gooch, Goodwin, Granger, Gurley, Haight, Hale, Harrison, Horton, Hutchins, Julian, Kelley, Francis W. Kellogg, William Kellogg, Leary, Lehman, Loomis, Law, McIndoe, McKean, McKnight, McPherson, Marston, Maynard, Mitchell, Moorhead, Anson P. Morrill, Justin S. Morrill, Nixon, Olin, Patton, Timothy G. Phelps, Pike, Pomeroy, Porter, Alexander H. Rice, John H. Rice, Edward H. Rollins, Sargeant, Sedgwick, Shanks, Sheffield, Shellabarger, Sloan, Smith, Spaulding, Stevens, Stratton, Benjamin F. Thomas, Francis Thomas, Train, Trimble, Trowbridge, Van Valkenburgh, Van Wyck, Verree, Walker, Wallace, Washburne, Webster, Wheeler, Albert S. White, Wilson, Windom, Worcester, and Wright—103.

NAYS—Messrs. William Allen, Ancona, Calvert, Crittenden, Dunlap, Grider, Johnson, Kerrigan, Knapp, Lazear, Mallory, May, Noble, Norton, Nugen, Pendle-

ton, Perry, Price, Robinson, Shiel, Stiles, Vallandigham, Voorhees, Wadsworth, Ward, Chilton A. White, Wickliffe, and Yeaman—28.

An act was also passed to prevent correspondence with citizens of the confederate States. It provides "that if any person, being a resident of the United States, or being a citizen thereof, and residing in any foreign country, shall, without the permission or authority of the Government of the United States, and with the intent to defeat its measures, or to weaken in any way their efficacy, hold or commence, directly or indirectly, any correspondence or intercourse, written or verbal, with the present pretended rebel government, or with any officer or agent thereof, or with any other individual acting or sympathizing therewith; or if any such person not duly authorized shall counsel or assist in any such correspondence or intercourse with such intent, he shall be deemed guilty of a high misdemeanor, and, on conviction before any court of the United States having jurisdiction, shall be punished by a fine not exceeding $10,000, and by imprisonment not less than six months, nor exceeding five years. Where the offence is committed in any foreign country, the district court of the United States for the district where the offender shall be first arrested is to have jurisdiction."

An amendment to the act for the collection of direct taxes in insurrectionary districts was passed in the following form:

An Act to amend an Act entitled "An Act for the Collection of Direct Taxes in Insurrectionary Districts within the United States, and for other purposes," approved June seven, eighteen hundred and sixty-two.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the seventh section of an act entitled "An act for the collection of direct taxes in insurrectionary districts within the United States, and for other purposes," approved June seven, eighteen hundred and sixty-two, be amended so as to read as follows: Section 7. *And be it further enacted*, That the said board of commissioners shall be required, in case the taxes charged upon the said lots and parcels of land shall not be paid, as provided for in the third section of this act, to cause the same to be advertised for sale in a newspaper published in the town, parish, district, or county where situate; and if there be no such newspaper published in said town, parish, district, or county, or if the publisher thereof refuse to publish the same, then in any other newspaper to be selected by said commissioners in said district, or in the city of Washington, for at least four weeks, and by posting notices of said sale in three public places in the town, parish, district, or county within which said lands are situate, at least four weeks previous to the day of sale; and at the time and place of sale to cause the same to be severally sold to the highest bidder for a sum not less than the taxes, penalty, and costs, and ten per centum per annum interest on said tax, pursuant to said notice; in all cases where the owner of said lots or parcels of ground shall not, on or before the day of sale, appear in person before the said board of commissioners and pay the amount of said tax, with ten per centum interest thereon, with the cost of advertising the same, or request the same to be struck off to a purchaser for a less sum than two thirds of the assessed value of said several lots or parcels of ground, the said commissioners shall be authorized at said sale to bid off the same for the United States at a sum not exceeding two thirds of the assessed value thereof, unless some person shall bid a larger sum; and in that case the same shall be struck off to the highest bidder, who shall, upon paying the purchase money in gold and silver coin, or in the Treasury notes of the United States, or in United States notes, or in certificates of indebtedness against the United States, be entitled to receive from said commissioners their certificate of sale, which said certificate shall be received in all courts and places as *prima facie* evidence of the regularity and validity of said sale, and of the title of said purchaser or purchasers under the same: *Provided*, That the owner of said lots of ground, or any loyal person of the United States having any valid lien upon or interest in the same, may at any time within sixty days after said sale appear before the said board of tax commissioners in his or her own proper person, and, if a citizen, upon taking an oath to support the Constitution of the United States, and paying the amount of said tax and penalty, with interest thereon from the date of the said proclamation of the President mentioned in the second section of this act, at the rate of fifteen per centum per annum, together with the expenses of sale and subsequent proceedings, to be determined by said commissioners, may redeem said lots of land from said sale; and any purchaser under the same having paid moneys, Treasury notes, or other certificates of indebtedness of the United States, shall, upon such redemption being made, be entitled to have the same, with the interest accruing after said sale, returned to him by the said commissioners, upon surrendering up the certificates of sale: *And provided further*, That if the owner of said lots of ground shall be a minor, a non-resident alien, or loyal citizen beyond the seas, a person of unsound mind or under a legal disability, the guardian, trustee, or other person having charge of the person or estate of such person may redeem the same at any time within two years after the sale thereof, and in the manner above provided, and with like effect: *And provided further*, That at such sale any tracts, parcels, or lots of land which may be selected under the direction of the President for Government use, for war, military, naval, revenue, charitable, educational, or police purposes, may, at said sale, be bid in by said commissioners, under the direction of the President, for, and struck off to, the United States: *And provided further*, That the certificate of said commissioners shall only be affected as evidence of the regularity and validity of sale by establishing the fact that said property was not subject to taxes, or that the taxes had been paid previous to sale, or that the property had been redeemed according to the provisions of this act.

APPROVED, *February* 6, 1863.

An act was also passed to facilitate the taking of depositions within the United States, to be used in the courts of other countries. It is as follows:

An Act to facilitate the taking of Depositions within the United States, to be used in the Courts of other Countries, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the testimony of any witness residing within the United States, to be used in any suit for the recovery of money or property depending in any court in any foreign country with which the United States are at peace, and in which the Government of such foreign country shall be a party or shall have an interest, may be obtained, to be used in such suit. If a commission or letters rogatory to take such testimony shall have been issued from the court in which said suit is pending, on producing the same before the district judge of any district where said witness resides or shall be found, and on due proof being made to such judge that the testimony of any witness is material to the party desiring the same, such judge shall issue a

summons to such witness requiring him to appear before the officer or commissioner named in such commission or letters rogatory, to testify in such suit. Such summons shall specify the time and place at which such witness is required to attend, which place shall be within one hundred miles of the place where said witness resides or shall be served with said summons.

SEC. 2. *And be it further enacted*, That if any person shall refuse or neglect to appear at the time and place mentioned in the summons issued, in accordance with this act, or if, upon his appearance, he shall refuse to testify, he shall be liable to the same penalties as would be incurred for a like offence on the trial of a suit in the district court of the United States.

SEC. 3. *And be it further enacted*, That every witness who shall appear and testify, in manner aforesaid, shall be allowed and shall receive from the party, at whose instance he shall have been summoned, the same fees and mileage as are allowed to witnesses in suits depending in the district courts of the United States.

SEC. 4. *And be it further enacted*, That whenever any commission or letters rogatory, issued to take the testimony of any witness in a foreign country, in any suit in which the United States are parties or have an interest, shall have been executed by the court or the commissioner to whom the same shall have been directed, the same shall be returned by such court or commissioner to the minister or consul of the United States nearest the place where said letters or commission shall have been executed, who, on receiving the same, shall indorse thereon a certificate, stating the time and place when and where the same was received; and that the said deposition is in the same condition as when he received the same; and he shall thereupon transmit the said letters or commission, so executed and certified, by mail, to the clerk of the court from which the same issued, in the manner in which his official despatches are transmitted to the Government. And the testimony of witnesses so as aforesaid taken and returned shall be read as evidence on the trial of the suit in which the same shall have been taken, without objection as to the method of returning the same.

APPROVED, *March* 3, 1863.

The following act concerning letters of marque, &c., was also passed:

An Act concerning Letters of Marque, Prizes, and Prize Goods.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all domestic and foreign wars, the President of the United States is authorized to issue to private armed vessels of the United States, commissions or letters of marque and general reprisal, in such form as he shall think proper, and under the seal of the United States, and make all needful rules and regulations for the government and conduct thereof, and for the adjudication and disposal of the prizes and salvages made by such vessels: *Provided*, That the authority conferred by this act shall cease and terminate at the end of three years from the passage of this act.

APPROVED, *March* 3, 1863.

The passage of this act was urged by Mr. Grimes, of Iowa, who said: "I frankly own that my purpose is to declare a principle which shall have a general as well as a special application. I wish to say to the world that, however much other nations have changed or may change their policy on this subject, we will adhere to ours. If the President shall find himself environed with new difficulties, involved in new complications, I wish him to have the power to 'let slip the dogs of war' against any new enemy that may declare against us."

Mr. Sumner, of Massachusetts, in opposition, spoke as follows: "This bill is entitled, 'concerning letters of marque, prizes, and prize goods.' The title is borrowed from the two statutes of 1812 and 1813. It is, in plain terms, a bill to authorize privateers; that is, private armed vessels licensed to cruise against the commerce of an enemy, and looking to booty for support, compensation, and salary. It is by booty that the owners, officers, and crews are to be paid. Booty is the motive power and lifespring. Such is this bill on its face, without going into details. Surely a bill of this character ought not to be passed without strong reason.

"Looking at the bill more closely, it will be found to have two distinct features: first, as a new agency against the rebellion; and secondly, as a provision for privateers in any future war. I have called these two features distinct. They may be regarded separately. One may be right and the other wrong. One may be adopted and the other rejected.

"So far as the bill promises any substantial help in putting down the rebellion without more than countervailing mischief, it may properly be entertained. But what can it do against the rebellion? And where is the policy or necessity on which it is founded? If senators think that the bill can do any good now, I am sure that they listen to their hopes rather than to the testimony. Why, sir, the rebels against whom you propose to cruise are absolutely without commerce. Pirate ships they have, equipped in England, armed to the teeth, and unleashed upon the sea to prey upon us; but there is not a single bottom of theirs which can afford that booty which is the pay and incentive of the privateer. It would be hardly more irrational to try to enlist private armed ships against the king of Dahomey.

"But, while I see no probable good from the launching of privateers on the ocean to cruise against a commerce which does not exist, and to be paid by a booty which cannot be found, I see certain evils which I am anxious to avoid for the sake of my country, especially at this moment. I think that I cannot be mistaken in this anxiety.

"It is well known that, according to ancient usage and the law of nations, every privateer is entitled to belligerent rights, one of which is that most difficult, delicate, and dangerous right, the much-disputed right of search. There is no right of war with regard to which nations are more sensitive, and no nation has been more sensitive than our own, while none has suffered more from its exercise. By virtue of this right, every licensed sea-rover will be entitled to stop and overhaul on the ocean all merchant vessels under whatever flag. If he cannot capture, he can at least annoy. If he cannot make prize, he can at least make trouble, and leave behind a sting. I know not what course the great neutral powers may adopt; nor do I see how they can undertake to set aside this ancient right, even if they smart un-

ler its exercise. But when I consider that hese powers have already by solemn con-ention renounced the whole system of pri-ateers among themselves, I confess my fears hat they will not witness with perfect calm-ess the annoyance to which their commerce vill be exposed. And now, sir, mark my pre-liction. Every exercise upon neutral commerce f this terrible right of search by a privateer vill be the fruitful occasion of misunderstand-ng, bickering, and controversy, at a moment vhen, if I could have my way, there should be iothing to interfere with that accord, har-nony, and sympathy which are due from civil-zed states to our republic in its great battle vith barbarism. Even if we are not encour-ged to expect these things from Europe, I iope that nothing will be done by us that will ut impediments in their way. Justly sensi-ive with regard to our own rights, let us re-pect the sensibilities of others.

"It is not enough to say that we have an inquestioned right to issue letters of marque. Rights, when exercised out of season or impru-lently, may be changed into wrongs. It was maxim of ancient jurisprudence, *Sic utere tuo, ut alienum non lædas;* and I think that this naxim, at least in its spirit, is applicable to the resent occasion. Our right may be clear; but f its exercise would injure or annoy others, vithout corresponding advantage to ourselves, ve shall do well if we forbear to exercise it."

The measure was adopted in the Senate by he following vote:

YEAS—Messrs. Anthony, Arnold, Chandler, Clark, Collamer, Cowan, Doolittle, Fessenden, Foot, Foster, Grimes, Harding, Harlan, Harris, Hicks, Howe, King, Lane of Kansas, Latham, McDougall, Morrill, Nesmith, Rice, Sherman, Turpie, Wade, and Wilson of Massa-husetts—27.

NAYS—Messrs. Davis, Dixon, Henderson, Howard, Lane of Indiana, Pomeroy, Sumner, Trumbull, and Wilson of Missouri—9.

For a statement of the financial measures adopted at this session of Congress, *see* FINANCES OF THE UNITED STATES. The liberality of these neasures was supposed to be such as to furnish he Government with ample funds to conduct public affairs to the close of its existing term of office. The measures relative to the army n like manner placed the whole military power t the service of the Government, and removed ll distinctions between the militia and the reg-ular army.

On the 4th of March the session closed. The erm of office of the members of the Thirty-sev-enth Congress expired at that time, excepting a portion of the Senate.

CONNECTICUT. The Legislature of Con-necticut assembled on May 4th. The receipts and disbursements of the State for the year end-ng March 30th, 1863, were as follows:

On hand, April 1st, 1862.....		$298,489.42
Public revenue..		4,158,934.56
Total		$4,457,423.98
Disbursements.....	$4,201,171.94	
Paid interest.....	150,082.00	—4,351,253.94
Balance, April, 1863.....		$106,170.04

On the 1st of January, 1863, the State owed $1,349,800 of temporary loans, which, with some increased expenditures, was met by the sale of $2,000,000 State bonds. The first million sold at a range of from 9¼ to 12 per cent. premium, netting $102,535.50.

Of the direct tax of 1861, the quota of the State was $261,981.90. It was paid by a surrender of United States certificates held by the State. The gross annual receipts for four years were as follows:

1860.....	$1,010,594	1862.....	$4,341,147.95
1861.....	805,971	1863.....	5,101,874.74

The taxes and taxable property were as follows:

Grand List.....		$247,065,811
Two mill tax.....	$486,120.74	
Commutation tax, $1.....	19,937.75	—$506,058.49

Some sources of revenue were as follows:

Bank dividends owned by State.....	$34,387.00
Tax on railroads	46,669.72
" turnpike stock of non-residents..	88.62
" insurance stock.....	7,277.15
" bank "	10,031.68
Avails of courts.....	9,700.40
Tax on savings banks.....	110,576.67
" mutual insurance co.....	15,694.31

The school fund of the State amounted, on May 1st, to $2,049,426; the income from which during the year had been $137,993, which was a gain of $6,909 over the previous year. The number of children returned between the ages of four and sixteen, was 110,496. A dividend of one dollar and twenty cents for each child was paid for the support of public schools, leaving $26,934 in the treasury. The amount raised by tax on property for schools exceeded that paid by the State. The State Reform School contains 198 inmates. The receipts of the State prison over its expenditures were $961. In the Insane Retreat the number of beneficiaries of the State were 133: also 38 beneficiaries in the Deaf and Dumb Asylum; 164 patients in the Hospital; 15 imbeciles who were beneficiaries. The capital of the several railroads, in whole or in part within the State, is $22,665,490. The length of roads under charters granted in whole or in part by the State, is 782 miles, of which 600 are within the State. Total expenditure, exclusive of interest, $2,033,924; receipts, $3,673,291; net earnings, $1,146,461; miles run, 2,449,706; passengers carried, 2,968,076. There are seventy-five banks in the State. Capital, $21,849,-148; deposits, $9,573,074; circulation, $12,-850,358; specie, $1,466,857. Since the commencement of the war to May 1st, 28,219 soldiers had enlisted in the several Connecticut regiments. This number was reduced 7,637, by deaths and discharges, including those who entered the service for three months. The number of volunteers in the field who had families in the State, was 8,330, to whom $70,636 were paid monthly in bounties. The drafts on the treasury for the equipment and support of volunteers, amounted to $2,101,566. Besides the bounty of $402 offered by the United States in July to volunteers, the State also offered

$30 per year, of which one third was payable every four months; also, if the volunteer had a family, $6 per month were paid to his wife, and $2 per month to each child under fourteen years of age. If the volunteer was disabled in service, the payment to his family was continued during such disability. Bounties were also paid by the several cities and towns, usually about $300.

The quota of the State, under the draft, was 7,691, of which only 2,508 had been obtained by the 17th of October, making a deficiency of 5,183. The quota under the call for volunteers, made October 17th, was 5,432. The deficiency of the State on former calls was at that time 1,748, according to the estimate of the War Department; but, according to the State accounts, it had a surplus of 531. Under the call of February 1st, 1864, the quota was increased 3,631—total, 9,053. At that date, 4,477 had enlisted and about 2,850 veterans had reënlisted, leaving 1,726 men to be raised by March 10th, 1864. At an extra session of the Legislature, convened Nov. 3d, the returns from the first district (Hartford) showed the number of conscripts obtained under the draft to be 50; substitutes, 642; paid commutation, 528; conscripts who never reported, 343; do. deserted, 11; substitutes deserted, 8. In the second district (New Haven) conscripts secured, 34; substitutes, 564; paid commutation, 296; never reported, 171; deserted, 71; substitutes deserted, 6. In the third district (New London) conscripts secured, 45; substitutes, 343; paid, 232; never reported, 269; conscripts deserted, none; substitutes deserted, 4. The final returns showed:

Conscripts and substitutes	2,276
Paid $300	1,252
Cash paid	$375,600

At the extra session of the Legislature, in November, an act was passed, giving to each colored volunteer, out of the State Treasury, such sum as should make his monthly pay equal to the amount received from the United States by the other volunteers from Connecticut, and an allowance of three dollars and fifty cents per month for his clothing in addition.

Ten dollars were paid to the person procuring volunteers, for each man. No volunteer under the act was to be discharged except in the county in which he enlisted. Two hundred thousand dollars were appropriated for this purpose. Another act provided for the payment of three hundred dollars bounty to each volunteer, in addition to all previous sums ordered. The sum of eighteen hundred thousand dollars was appropriated for this purpose.

The returns relative to the various jails in the State showed the whole number of commitments during the year to be 1,500, a decrease of nearly 500 compared with the previous year. Of those, 492 were for common drunkenness; 260 for assault; 190 for larceny; 74 for lewd conduct; 65 for a breach of the peace—650 were born in the United States; 850 of foreign birth, and 20 unknown.

The election for State officers took place on the first Monday in April. The candidates for governor were, Wm. A. Buckingham, Administration, and Thomas H. Seymour, Opposition. The vote was as follows: Buckingham, 41,032; Seymour, 38,395; Scattering, 36. Total vote, 79,463.

The Legislature was as follows:

	Senate.	House.
Administration	13	142
Opposition	8	95

The vote for members of Congress was as follows:

	1st dist.	2d dist.	3d dist.	4th dist.
Admin.	10,493	10,420	8,878	11,248
Opposition	10,158	11,450	6,381	10,892

A large number of soldiers belonging to the State, in the army, received a furlough about the time of election, and returned home. The number was between 1,000 and 3,000. At the previous session of the Legislature a law was passed to enable persons absent from the State and enlisted in the armies to vote. This law was decided by the Supreme Court of the State to be unconstitutional.

CONNOR, Hon. Skeffington, LL.D., a Puisne judge of the Court of Queen's Bench, Upper Canada. George Skeffington Connor was born in Dublin, Ireland, in 1810. He entered Trinity College at the age of fourteen, and graduated there in 1830. In the same year he married Eliza Hume, of Humewood, county Wicklow (whose grandfather, uncle, and cousin-german have successively, since 1784, represented that county in the House of Commons), and niece of the last Lord Hartland. In 1832, he came to Canada with Mrs. Connor and the families of ex-Chancellor Blake, the Bishop of Huron, Archdeacon Brough, and other gentlemen who, like himself, emigrated in that year from Ireland to Canada.

On his arrival in Canada, Mr. Connor took up his residence in the township of Ovillia, which was then a wilderness, where he lived for two years; but becoming tired of a life in the back woods of Canada, he returned to Ireland, whence, after a short stay, he went to the continent of Europe, where he resided for some years.

During his absence, Mr. Connor was called to the Irish bar, in 1833; and, on his return to Canada, was called to the bar, at Osgoode Hall, in 1842. He entered into partnership with ex-Chancellor Blake and Mr. Justice Morrison. In 1846 he again visited Ireland, and upon that occasion took the degree of LL.D. in the University of Dublin.

In 1850 he was appointed Queen's counsel and a bencher of the Law Society; and, in 1858, he held the office of solicitor-general for Upper Canada. A few days before the general election of 1847–'8, he began to take an interest in Canadian politics; and on one occasion he unsuccessfully contested the county of

Simcoe. At the general election of 1856, he was elected for South Oxford, which constituency he continued to represent till his elevation to the Queen's Bench, as a puisne judge, 1st Feb., 1863. While a partner in the firm of Blake, Morrison & Co., he enjoyed for many years an extensive and lucrative practice at *nisi prius*, and was more than ordinarily successful as an advocate. During the last few years, his attention was chiefly devoted to the discharge of his parliamentary duties. During the whole of his parliamentary career he adhered to the liberal party. He conciliated the esteem of his associates at the bar. An affectionate husband, an ardent friend, a cheerful companion, generous and hospitable, he will long be deeply regretted by a large circle of friends who deeply lament that he should have been so soon removed from the honorable position to which, as a judge and as a chancellor of the University, he was so recently elevated.

CORCORAN, Michael, a brigadier-general of U. S. volunteers, born in Carrowkeel, county Sligo, Ireland, Sept. 21st, 1827, died Dec. 22d, 1863, near Fairfax Court-House, of injuries received by a fall from his horse. His father, Thomas Corcoran, was an officer in the British army, and saw service in the West Indies. On the mother's side, he was a descendant of the Earl of Lucan, the title and estates of whose family were confiscated after the noble defence of Limerick, during the seventeenth century, and were conferred on the Bingham family for services rendered the British crown. Young Corcoran received the benefits of a good English education until his nineteenth year, when, through some influential friends, he received an appointment in the Irish Constabulary force; but the love of his country burned so strongly within him that he could not brook the oppression of British rule, and, fearing that some occasion might tempt him to break through all restraint, he resigned his commission in 1849, emigrated to this country and settled in New York city. There he made many friends, and through their influence was appointed to an official situation in the post-office, and subsequently was clerk in the register's office. He commenced his military career as a private in Company I, 69th New York State militia. Displaying some amount of military talent, he rose successively from one grade to another, and, in August, 1859, was elected colonel of the 69th. While holding this position, he attracted much public notice by his refusal to parade his regiment at the reception accorded to the Prince of Wales, upon his visit to New York city during the fall of 1860. He had not forgotten how England had persecuted and oppressed his countrymen, and declined to do homage to the son of a sovereign under whose rule some of the most worthy sons of Ireland had been banished. In this he was consistent with the spirit and principles of those heroes of Limerick from whom he had descended, and was fully sustained by the corps he commanded. By command of Major-General Sandford he was subjected to a trial by court-martial, which was long, and contested upon his part with true Irish spirit and independence, and which was still pending when the war broke out. The President's call to arms fired all the patriotism of his soul; he called upon his men to stand by the flag of the Union and the sacred principles it involved. The court-martial was quashed. The Irish flocked to the ranks with all the enthusiasm of native-born citizens, and the 69th left New York for the seat of war, attended by a vast concourse of admiring people. The regiment was speedily sent to Virginia, where the men comprising it built, upon Arlington Heights, the famous "Fort Corcoran." At the disastrous battle of Bull Run, July 21st, 1861, the 69th won itself much honor. Their gallant Colonel was taken prisoner, first sent to Richmond, and afterward to Charleston, S. C., where he was closely confined for nearly a whole year, being held most of the time as a hostage for some privateersmen who had been condemned as pirates. An exchange being finally effected, he was released, and was commissioned brigadier-general dating from July 21, 1861. He next organized the Corcoran Legion which took part in the battles of the Nansemond river and Suffolk, during April, 1863, and held the advance of the enemy upon Norfolk in check. In August, 1863, the Legion was added to the army of the Potomac. On the 22d of December, Gen. Meagher, who had been paying a visit to Gen. Corcoran, was returning to Washington, when the latter, with some members of his staff, concluded to accompany him. Gen. Corcoran mounted upon Gen. Meagher's horse, and was somewhat in advance of the party. When near his headquarters, his companions found him lying senseless, his horse having fallen upon him. He was placed at once under medical treatment, but died without waking to consciousness.

COUCH, Richard Quillar, Esq., an English surgeon and physiologist, born at Polperro, Cornwall, March 14th, 1816, died at Penzance, Cornwall, May 8th, 1863. After receiving a thorough education he commenced the study of medicine under his father, and subsequently at Guy's Hospital, where he obtained many honors, and a silver medal for ophthalmic surgery. From his father he inherited a taste for marine zoology, and was accustomed to devote his leisure to the examination of the structure and habits of the creatures which the ocean abundantly supplied him. The time intervening between the completion of his medical studies and his settlement at Penzance was passed at Polperro, where he carried on a series of observations on the development of the frog from the worm, on the metamorphoses of the Decapod Crustaceus, and on many other obscure points of natural history. He added, also, a third part

to the "Cornish Fauna," which arranged and described the Zoophytes and Calcareous Corallines of the Cornish coast. The first and second parts of this work were by his father, and treat of the vertebrated, radiated, and testaceous molluscs of the county. In 1843 Mr. Couch settled down to the practice of his profession, which soon became very extensive, at Penzance. He paid particular attention to the diseases and mortality of the miners of Cornwall, and embodied his observations and deductions in papers, which were published by the Polytechnic Society of Cornwall, and were subsequently translated into French. In the Penzance Natural History and Antiquarian Reports he contributed papers "On the Morphology of the different Organs of Zoophytes," "On the Reproduction of Amputated Parts in the lower Animals," and many other important subjects. He also contributed to the Reports of the Royal Institution of Cornwall. His researches in geology were quite extensive, and many valuable and important documents from his pen are preserved in the transactions of the Geological Society of his town; also an elaborate report made by him every year upon the progress made in examining the geology of the country.

CRITTENDEN, JOHN JAY (according to some authorities his middle name was Jordan), an American statesman, born in Woodford county, Ky., about 1785, died at his residence in Frankfort, Ky., July 26th, 1863. Early in the present century he commenced the practice of the law in Frankfort, and by his ability and eloquence was soon recognized as one of the leaders of the Kentucky bar. In 1816 he represented Franklin county in the Lower House of the Kentucky Legislature, and in the succeeding year took his seat in the U. S. Senate to fill an unexpired term of two years. Coming into the latter body as one of its youngest members, and scarcely known beyond the limits of his native State, he almost immediately brought himself into notice by a generous and pathetic appeal in behalf of the unfortunate Gen. St. Clair, who had petitioned Congress for arrearages of pay; and during the remainder of his term he participated frequently in important debates as a supporter of President Monroe. For many years subsequently to 1819 Mr. Crittenden was chiefly occupied with professional duties, occasionally however representing his county in the Kentucky House of Representatives, of which he was for several years speaker. In 1828 he was nominated by President J. Q. Adams a judge of the U. S. Supreme Court, but the Senate refused to confirm him.

He reëntered public life in 1835 as a U. S. senator for a full term of six years, at the conclusion of which he entered the cabinet of President Harrison as attorney general. Retiring with his colleagues, except Mr. Webster, in the succeeding September, in consequence of Mr. Tyler's bank vetoes, he was elected to the U. S. Senate in 1842 for the residue of Mr. Clay's term, and was subsequently reëlected for a full term from March 4th, 1843. He resigned in 1848 to accept the office of governor of Kentucky, to which he had been elected by the Whig party by a large majority, and in July, 1850, he was appointed U. S. attorney general by President Fillmore, which office he held until the accession of President Pierce in 1852. In 1855 he again entered the Senate for a full term of six years.

At the outset of his career a Republican (a term then used) and subsequently a Whig, Mr. Crittenden was, during the better part of Mr. Clay's life, his devoted friend and supporter; and when, after the dissolution of the Whig party in 1855–'56, its members in the Southern States were absorbed by the Democratic party and the newly formed American party, he became a prominent leader of the latter organization. The protective system and national bank found in him a warm supporter, and in common with his party he opposed the sub-treasury and other fiscal measures of the Democrats. In international disputes, as the Oregon boundary question, the Mexican war, and the alleged illegal right of search exercised by Great Britain in 1858, he invariably counselled conciliatory measures, whenever consistent with the honor of the country; and his course on the vexed question of slavery was moderate and conservative for one representing a large slaveholding constituency. He opposed the annexation of Texas as unconstitutional, unwise, and unnecessary; also the admission of Kansas under the Topeka (anti-slavery) constitution in 1856, on the ground principally of informality in the preparation and adoption of that instrument. With no less emphasis he opposed her admission under the Lecompton constitution, which he denounced as a fraud upon the people; and he offered a substitute for the bill, providing for the submission of the Lecompton instrument to a popular vote, which failed to pass both houses of Congress. Throughout the exciting and embittered debates on the Kansas question he spoke often and with effect, and from his experience of parliamentary rules and political history, and his conciliatory views, was more than once enabled to become the arbiter of disputes between others. He was also opposed, though not in Congress at the time, to the repeal, in 1854, of the Missouri compromise.

During the memorable second session of the Thirty-sixth Congress, Mr. Crittenden, true to the conciliatory policy which was the marked feature of his public career, laid before the Senate the plan of adjustment known as the "Crittenden Propositions" or "Compromise," hoping thereby to avert the threatened storm of secession. He proposed to renew the Missouri line of 36° 30′; to prohibit slavery north, and to permit it south of that line; to admit new States with or without slavery as their constitutions might provide; to prohibit Congress from abolishing slavery in the District of Columbia so long as it exists in Virginia or

Maryland; to permit free transmission of slaves by land or water in any State; to pay for fugitive slaves rescued after arrest; to ask the repeal of personal liberty laws in the States; and he advocated the incorporation of these concessions into the Constitution, as unalterable clauses of that instrument, with an earnestness and eloquence characteristic of his early legislative career. But in the opinion of a majority of Congress the time for concession had passed, and the resolutions were accordingly defeated.

Hostilities having commenced, Mr. Crittenden at once avowed himself in favor of maintaining at all hazards the integrity of the Union and the supremacy of the laws. He took his seat in the U. S. House of Representatives as a member from the Seventh Congressional District of Kentucky, at the extra session of July, 1861, and throughout that Congress participated in the chief debates, if not as an avowed partisan of the administration in all its measures, yet as an earnest and patriotic legislator, superior to party claims or political prejudices. The sole survivor of a past generation of statesmen, and representing a State whose territory in the first year of the war was at least debatable ground, he could not conform to the new radical opinions which the crisis evolved, and opposed the Confiscation Act, the Emancipation Proclamation, and the enlistment of negroes into the army, as measures fraught with danger to the country, and, some of them, unconstitutional. But these he claimed were minor considerations in comparison with the importance of crushing out every vestige of armed resistance to the Government. "Here is the rebellion," he said, "with the hand uplifted; is it not our duty to save our country first, and then turn round and save the Constitution? The measures to which I have alluded are obnoxious, but the rebellion is more so." And in an address to his constituents, by whom he had been renominated for Congress, delivered but a few weeks before his death, he reiterated his purpose in these words: "In defeat or victory my determination is to stand by and maintain the Government, and to do all I can to promote a vigorous prosecution of the war."

CUMBERLAND VALLEY may be regarded as an extension, north of the Potomac, of the Shenandoah valley. It extends to the north and east from the Potomac river to the Lebanon valley, and contains the towns of Hagerstown, Maryland; Chambersburg, Carlisle, Harrisburg, &c., in Pennsylvania. It is bounded on the north and west by the Blue mountain range, and on the southeast by the South Mountain, which extends northeasterly and terminates south of Carlisle. The soil is calcareous, exceedingly fertile, and in a high state of cultivation. It was invaded by the Confederate troops in June, 1863.

CUTLER, Benjamin Clark, D.D., born in Roxbury, Mass., Feb. 6th, 1798, died at Brooklyn, N. Y., Feb. 10th, 1863. He was for some time a clerk in the mercantile house of Messrs. Benjamin Andrews & Co., of Boston, and, at the age of 17, was confirmed as a member of the Episcopal Church, in the parish of St. Paul's in that city. At about this period he began his classical studies, under the direction of Dr. Jarvis, then rector of St. Paul's, and commenced to prepare for the ministry. He entered Brown University in 1818; graduated in the class of 1822, and pursued his theological studies under the direction of Bishop Griswold, then of Bristol, and by him was ordained deacon, in November, 1822. His first settlement was in Quincy, Mass., where he remained about seven years, leaving his charge only on account of failing health. After a few months he took passage for Savannah, where he spent the winter of 1830. He returned to New England, on horseback, and his health was greatly benefited by the exercise. He subsequently passed about a year as rector of the Episcopal church in Leesburg, Va. In the summer of 1832, he took charge of the first city mission of the Episcopal church in the city of New York; and in April, 1833, he accepted the call of St. Anne's Church, in Brooklyn, to become its rector, in the place of Rev. Dr. McIlvaine, who had been chosen bishop of the Episcopal diocese of Ohio. Here Dr. Clark spent the last thirty years of his life, a faithful pastor of a large and rapidly increasing congregation. Though his health was never strong, his labors were crowned with abundant success, and few pastors enjoyed more completely than himself the entire confidence and love of a people, or the respect and esteem of a community. In 1835 he received the degree of Doctor of Divinity from Columbia College. The immediate cause of his death proved to be an ulcer in the stomach, which at the last was attended with severe suffering.

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DALTON, the capital of Whitefield county, Georgia, is situated on the Atlantic and Western railroad, one hundred miles N. N. W. of Atlanta, and thirty-eight miles from Chattanooga. It is located in a beautiful and fertile valley, environed by mountains. Large quantities of grain are produced in Whitefield and the adjacent counties. It was strongly occupied by the Confederate forces under Gen. Johnston. during the winter of 1863–'4.

DANNEWERKE. (*See* Denmark.)

DELACROIX, Ferdinand Victor Eugène, an eminent French painter, born at Charenton Saint Maurice, near Paris, April 26th, 1798, died August 13th, 1863. He was the son of Charles Delacroix de Constant, a prominent

conventionalist, and at eighteen years of age became a pupil of Guérin, the leader of the Classical school, the dogmas of which were then predominant in French art. A revolution in art as well as in political and social ethics was, however, in progress in the French capital, and young Delacroix, with a few others, renouncing the academic traditions of their master, became the founders of the new Romantic school, which was destined to supplant that of David and his followers His first picture, representing "Dante and Virgil making their Passage around the Infernal City," was exhibited in 1822, and indicated a radical departure from the cold correctness of manner in vogue. A somewhat embittered newspaper controversy was the result, and Thiers, then a writer in the "Constitutionnel," predicted for the painter a distinguished career in his profession. "The Massacre of Scio" followed in the succeeding year, and Delacroix, at the age of twenty-five, found himself the acknowledged chief of the new school. Both pictures are now in the national collection at the Luxembourg.

During the next few years he produced a number of works received with enthusiasm by his constantly increasing body of disciples and admirers, and which the advocates of the Classical school endeavored in vain to have withheld from public exhibition. Among these were "The Execution of Marino Faliero," "Christ in the Garden," "Mephistopheles appearing to Faust," "Milton dictating Paradise Lost to his Daughters," and "Cardinal Richelieu officiating in the Chapel of the Palais Royal." The revolution of July gave a fresh impulse to his genius, and supplied him with new subjects, one of the most happily executed of which was "Liberty leading the People at the Barricades." A journey to Morocco, in 1831, in like manner opened the rich repertory of oriental life and scenery, and his "Women of Algiers," exhibited in 1834, placed him in the estimation of Parisian critics on a level with Rubens as a colorist.

At this period Thiers, who occupied the position of minister of the interior, appointed him to paint the walls of the Salon du Roi, at the Palais Bourbon, on which, during the next three years, he executed a series of symbolical works representing justice, war, peace, agriculture, industry, &c., regarded as among the best specimens of his more elevated style. Many other commissions for public buildings and churches followed, in addition to which he produced a succession of gallery and cabinet pictures, exhibiting a remarkable range of subjects, and the mature development of his style. Among these may be named his famous "Medea," now in the gallery of the Luxembourg, the battles of "Nancy" and "Taillebourg," the "Taking of Constantinople by the Latins," "Cleopatra," "Hamlet with the Skull of Yorick," the "Justice of Trajan," the "Death of Marcus Aurelius," "Ovid in Exile," "Christ at the Tomb," and the "Resurrection of Lazarus," beside numerous other scriptural and eastern subjects, illustrations of Shakespeare, Goethe, Scott, and Byron, and a few portraits, including a well known one of Madame Dudevant (George Sand), in male attire, and one of Talma. At the Exposition Universelle of 1855, he exhibited, in addition to a collection of his most remarkable works, a new picture, "The Lion Hunt," exceeding in color and composition anything that he had previously produced. On this occasion he received one of the grand medals of honor; and, in 1857, he succeeded to the seat in the institute, made vacant by the death of Paul Delaroche. At his death he was also commander in the Legion of Honor. As an author he is known by several characteristic papers on art, published in the *Revue des Deux Mondes* and other periodicals.

Delacroix painted in a bold, free manner, despising apparently careful finish and minute detail; and in his eagerness to obtain striking effects he was frequently inaccurate in drawing, and inharmonious in color. An impetuous energy of style, which permitted no pauses for correction or revision, was one of his chief characteristics; and the result, as seen in some of his pictures, may naturally account for the distaste with which they were once regarded by his old opponents of the Classical school, to whom nicety of drawing and a severely formal style had been long familiar. He, nevertheless, had true artistic feeling, a fertile fancy, and was a surprising colorist, although the claim of his admirers that in the latter respect he equalled Rubens and the Venetian masters will not be universally allowed. He will not, perhaps, ultimately take the rank which has been assigned to him; but that he exerted a great and beneficial influence on contemporary French art, cannot be questioned.

DELAWARE, which is the smallest State in the Union, except Rhode Island, is about 96 miles in length, and 37 miles in its greatest breadth, including an area of 2,120 square miles, or 1,356,800 acres. Its population in 1860 was 90,589 whites; 19,829 free colored, and 1,798 slaves. The State is divided into three counties, viz.: Kent, Newcastle, and Suffolk. The total vote of the State in 1860 was 16,039. In 1862 the vote for governor was 16,199; for members of Congress 16,065.

The governor elect of the State, William Cannon, was inaugurated in January, at which time a biennial session of the Legislature commenced. This body consists of nine senators, and twenty-one representatives, which were divided as follows: Senate—Administration 4, Opposition 5; House—7, Administration, 14 Opposition. Soon after the commencement of the session the following resolutions passed both Houses:

Whereas the Government of the United States and the several States are governments of laws, within the limits of which all officials find their rightful powers, and outside of which no official has any just claim to power or to obedience from his fellow citizens; and whereas William Cannon, the Governor of this State,

ı his inaugural address, has avowed the false and angerous doctrine that "reasonable ground for susicion" can justify the arbitrary arrest and incarceraon in prisons, far removed from the district of their ɜsidence, of citizens against whom no warrant has ɜen issued or charge made according to law; and has ıblushingly published his approval of these cruel and wless arrests of his own fellow citizens; and whereas ɜ has thus proved himself by this avowal the weak ıt willing tool of Federal usurpation, and a Governor ıworthy the respect and confidence of his fellow citiɜns—one to whom they can look for no just protecon of their rights of person and of property; therere be it

Resolved, That the doctrines of Gov. Cannon's adɜess, in regard to arbitrary and lawless arrests are, if ırried out, fatal to constitutional liberty, destructive the peace and security of our people, and deserve ıd hereby receive, at the hands of the Legislature of elaware, prompt and indignant repudiation, and are ɜclared worthy of the severest reprehension of a peoe who inherit the privileges of freemen and wish preserve them unimpaired.

These resolutions were followed by the pasıge of an act to prevent "illegal arrests." he governor has no veto under the Constituon of the State over bills passed by the Legisture; he, therefore, immediately sent the folwing special message to that body:

STATE OF DELAWARE, EXECUTIVE DEPARTMENT, *March 3d*, 1863.

o the Senate and House of Representatives of the State of Delaware in General Assembly met:

The passage by the General Assembly of the act entled "An act to prevent illegal arrests in this State," nders it proper that I should briefly communicate my ews and purposes in relation to it.

* * * * * * *

The preamble of the act refers to the Constitution of e United States, as providing that no person shall be deprived of life, liberty, or property without due ocess of law;" but it ought also to have been recolcted that the same Constitution provides that in case rebellion or invasion that privilege of the writ of abeas corpus may be suspended when the public fety requires it, and that dangerous persons may be rested, and held without bail or mainprize. This ovision overrides the Constitution of the State of elaware, or any statute that may be enacted by her egislature.

To whom the right to decide when the exigency has ıppened requiring the exercise of the power of susɜnsion is a question of constitutional construction pon which jurists differ. That it is a necessary power admitted. That it exists there can be no doubt. Vhoever is invested with the power to suspend is the le judge of the occasion of its exercise. Being inciɜntal to the general duty of the enforcement of the ws and now called into exercise for the suppression armed insurrection, I am satisfied that it properly elongs to the national Executive, and in my official ɜts I shall regard it as vested in the President of the nited States.

The preservation of the Government is the highest uty of those charged with its administration, and ıe personal liberty of the individual is only to be rearded when compatible with its safety. That the itizen should have the right fairly to discuss public ıeasures, is true. That the people should be permitted eaceably to assemble and petition for a redress of rievances, is undeniable. But there is a wide differnce between the exercise of this right and the disɔyal opposition which proceeds from sympathy with a ublic enemy. The former supposes that all parties re well affected toward the common government, and iffer only as to the mode of its administration. The ıtter is based upon hostility to existing institutions, nd aims at their forcible subversion. The idea that the Government is bound to await the development of a conspiracy until the actors shall have perfected their plans and committed some overt act necessary to bring them within the technical definition of treason, is, to my mind, absurd. The object is not punishment, but prevention. That the power is liable to abuse, is true; all discretionary powers necessarily are so. To decide against its existence because it is capable of excess, would destroy all human government. The best mode to avoid liability to arrest, is to be faithful. No man who is truly and unequivocally loyal, has ever been in danger of being molested by the National Government.

Still it is possible that arrests may be improperly and unadvisedly made; and while it is my duty to cooperate with the General Government in the maintenance of its authority, I will, at the same time, to the extent of my power protect peaceful and loyal citizens, whatever may be their political sentiments. While, however, such is my purpose in relation to them, it is also my duty to take care that the State of Delaware shall not be made the refuge of foreign traitors or domestic conspirators.

That there has been from the beginning of the rebellion a considerable number of our people ready to participate in armed resistance to the lawful authorities, whenever a fair opportunity should occur, I have no doubt. Sympathy with the Southern States in insurrection is sympathy with the overthrow of the National Government. No man can hear with gratification of a reverse to our arms who is not at heart a traitor.

My predecessor, in an official communication, expressed the opinion that "a majority of our citizens, if not in all our counties, at least in the two lower ones, sympathize with the South." Without admitting the correctness of his estimate of numbers, I do not doubt of the existence of wide-spread disaffection. That there has been no outbreak here is the result of want of opportunity. It is the duty of the Executive, not only of the United States, but of this State, to take care that no opportunity shall be afforded. If, to secure the public peace and to prevent insurrection, it becomes necessary to arrest any individual within this State, whether he be a citizen or a non-resident, I will not only assent to the act, but will maintain it.

Invested by the Constitution with no power of veto or review of the action of the Legislature, the Governor has a general control over the operation of criminal enactments, and such control I will exercise to its utmost extent to protect any person acting under the authority of the President of the United States, or any citizen aiding such person in bringing to light any conspiracy, or in arresting any one guilty of disloyal practices or treasonable designs against the Government.

I shall issue my proclamation in conformity with these views, giving to the people of the State of Delaware information of my intended action.

WILLIAM CANNON.

On the 11th of March, he issued the following proclamation:

To the People of the State of Delaware:

In a special message communicated to the General Assembly on the third day of March instant, I informed that body of my purpose to issue my proclamation in relation to the act entitled "An act to prevent illegal arrests in this State," and therein briefly set forth the reasons which impelled me to this conclusion.

Its provisions are at variance with the interests of the State—calculated to lessen the estimation in which her people are held, as faithful to the Government of the United States—to embolden those who sympathize with rebellion, and to discourage loyal men from the performance of their duty, in discovering and thwarting the designs of the emissaries of treason.

To the end, therefore, that the evil operation of the enactment may be averted, and loyal citizens may feel secured in their efforts against foreign traitors and domestic conspirators, I William Cannon, Governor

of the State of Delaware, do, by this proclamation, enjoin upon the good people of this State that they hold true allegiance to the Government of the United States as paramount to the State of Delaware, and that they obey the constituted authorities thereof before the Legislature of the State of Delaware, or any other human authority whatsoever.

I further enjoin that they be vigilant in detecting any conspiracy against the National Government, and diligent in preventing aid and comfort to the public enemy; that they promptly assist the national magistracy whenever invoked, and that they freely communicate any information which may the better enable it to suppress insurrection or to intercept supplies designed for those in arms against its authority; and any one so acting, I will save harmless from the operation of the statute aforesaid, or of any other statute, of like nature, that may be enacted, so far as it shall be attempted to be enforced against him for faithfully discharging his duty to his country.

In testimony whereof I have hereunto set my hand, and caused the great seal of the said State to be affixed, at Dover, this eleventh day of March, in the year of our Lord, one thousand eight hundred and sixty-three, and of the State the eighty-seventh.

WILLIAM CANNON.

At this session of the Legislature, James A. Bayard was reëlected to the United States Senate for the term of six years, from March 4th, 1863. The vote was: Bayard 19; Bradford 10. Mr. Bayard subsequently resigned his seat a few days after the commencement of the ensuing session.

Delaware has but one representative in Congress. William Temple had been elected in November 1862, and died. (*See* OBITUARIES.) On October 7th, Nathaniel B. Smithers, Secretary of State, was nominated to fill the vacancy by the friends of the administration. The Opposition nominated Charles Brown. The day of election was November 19th. On the 13th of November, Gen. Schenck, in command of the Middle Department of the United States, issued the following general order:

General Orders, No. 59.

HEADQUARTERS, MIDDLE DEPARTMENT,
EIGHTH ARMY CORPS,
BALTIMORE, MD., *November* 13*th*, 1863.

It is known that there are many evil disposed persons now at large in the State of Delaware, who have been engaged in rebellion against the lawful Government, or have given aid or comfort or encouragement to others so engaged, or who do not recognize their allegiance to the United States, and who may avail themselves of the indulgence of the authority which tolerates their presence to attempt to take part in or embarrass the special election in that State. It is therefore ordered:

1. That all Provost Marshals and other military officers do prevent all disturbance and violence at or about the polls, whether offered by such persons as above described, or by any other person or persons whomsoever.

II. That all Provost Marshals and other military officers commanding in Delaware, shall support the judges of election on the 19th of November, 1863, in requiring an oath of allegiance to the United States, as the test of citizenship of any one whose oath may be challenged on the ground that he is not loyal or does not admit his allegiance to the United States, which oath shall be in the following form and terms:

"I do solemnly swear that I will support, protect, and defend the Constitution and Government of the United States against all enemies, whether domestic or foreign; that I hereby pledge my allegiance, faith, and loyalty to the same, any ordinance, resolution, or law of any State Convention or State Legislature to the contrary notwithstanding: that I will at all times yield a hearty and willing obedience to the said Constitution and Government, and will not, directly or indirectly, do any act of hostility to the same, either by taking up arms against them, or aiding or abetting, or countenancing those in arms against them; that, without permission from the lawful authority, I will have no communication, direct or indirect, with the States in insurrection against the United States, or with either of them, or with any person or persons within said insurrectionary States; and that I will in all things deport myself as a good and loyal citizen of the United States. This I do in good faith, with full determination, pledge, and purpose to keep this, my sworn obligation, and without any mental reservation or evasion whatsoever."

III. Provost Marshals and other military officers are directed to report to these headquarters any judge of election who shall refuse his aid in carrying out this order; or who, on challenge of a vote being made on the ground of disloyalty or hostility to the Government, shall refuse to require the oath of allegiance from such voter. By command of

Major-General SCHENCK.

W. H. CHESEBROUGH, Lieutenant-Colonel and Assistant Adjutant-General.

E. L. TYLER, Aide-de-Camp.

The governor of the State, at the same time, issued the following appeal to the people:

STATE OF DELAWARE, EXECUTIVE DEPARTMENT,
DOVER, *November* 13*th*, 1863.

All civil officers and good citizens of this State are enjoined to obey the above military order, issued by the commanding general of the Middle Department, and to give all needful aid for the proper enforcement of the same.

WILLIAM CANNON, Governor of Delaware.

On the next day, the following order was issued by the general in command of the Delaware district or department:

General Orders, No. 14.

HEADQUARTERS, DELAWARE DEPARTMENT,
WILMINGTON, DEL., *November* 14*th*, 1863.

The enforcement of General Orders, No. 59, issued from headquarters Middle Department, Nov. 13th, 1863, by Major-General Schenck, and confirmed by the order of his Excellency Governor Cannon, is confided to the troops in this Department.

The objects of this order, as construed by the General Commanding, are:

I. To secure to every loyal citizen the right to vote as he pleases.

II. To protect the polls from that outside violence which has heretofore, in some parts of the State, prevented loyal and peaceable citizens from voting.

Special instructions will be issued to the officers in command of detachments which will be implicitly obeyed, and for the enforcement of which every officer will be held strictly responsible. By order of

Brigadier-General TYLER.

E. L. TYLER, Acting Assistant Adjutant-General.

On the next day, the following order containing instructions was issued:

HEADQUARTERS, DISTRICT OF DELAWARE,
MIDDLE DEPARTMENT, WILMINGTON, DEL.,
November 15*th*, 1863.

The following instructions have been received from the General Commanding, and will be strictly and carefully observed by all detachments of officers and soldiers within the "District of Delaware," while carrying out the provisions of Department General Orders, No. 59, during the election to be held on the 19th instant:

"Every officer or non-commissioned officer in command of a detachment will be held strictly accountable

for the good conduct and obedience of the men in his charge.

"Officers and soldiers must be strictly sober, and while preventing disturbance by others, must avoid all disturbance themselves, and are required not to hang around the polls nor engage in political discussions.

"It will be borne in mind that the whole object of the order of the Commanding General is to preserve peace at the places of voting, to sustain the judges or inspectors of election, to protect loyal voters, and to prevent from voting disloyal and traitorously disposed persons who refuse to take the oath of allegiance.

"In enforcing paragraph I. of the General Order, to prevent violence and disturbance at the polls, care will be taken that disloyal citizens of other States do not, as it is apprehended they will attempt to do, intrude themselves at the places of voting, and endeavor to intimidate the lawful and loyal voters of Delaware."

DANIEL TYLER, Brig.-Gen. Commanding.

On the 17th of November, a public meeting of the Opposition was held at Newcastle, at which a resolution was passed, "that the following address be issued to the Democrats of the county."

NEWCASTLE, DELAWARE, *November 17th*, 1863.

To the Democrats of Newcastle County, Delaware:

The undersigned, Democratic voters of Newcastle county, represent:

That at the Democratic State Convention held at Dover, September 18th, 1863, to nominate a candidate to fill the office of Representative in Congress, made vacant by the death of the Hon. William Temple, the Convention unanimously nominated the Hon. Charles Brown, of Dover Hundred, in the county of Kent, for the office designated; and ever since the adjournment of the said Convention the canvass has duly and quietly proceeded with every reasonable prospect for the success of our candidate, all of which facts are of public knowledge.

To our astonishment and regret, however, we are informed by a public military and civil order, dated November 13th, 1863, and made known to us on the 16th of the same month, that the constitutional and legal rights of the citizens of the State of Delaware to regulate their own elections, and make and prescribe all qualifications for voters at the ensuing special election on the 19th instant, have been utterly subverted, and new qualifications and tests, unauthorized by the Constitution of the United States, and contrary to the constitution and laws of the State of Delaware, imposed upon her citizens by military power.

With the several and collective knowledge and belief of the undersigned, they utterly deny the existence within this State, now or in any past time, of associations or individuals hostile to the welfare of the Government of the United States and of its Constitution and laws; and considering the said military order (to which the unauthorized recognition of the Executive of Delaware gives no sanction) as uncalled for, illegal, and unjust, do earnestly protest against the same—and against the interference of the Federal Government in the election held within our State, and in view of the presence and intimidation of a large military force of the United States in our State, and the indisposition of our people to produce collision with the armed forces of the General Government—do hereby recommend to the Democrats of Newcastle county, whether officers of election or voters, to submit to their disfranchisement and take no part in the said special election, but to rely upon the official oaths and consciences of the next House of Representatives in the Congress of the United States, to declare null and void an election so held, and conducted contrary to the laws of the State of Delaware in that behalf, and controlled by a power unknown to the constitution and laws of our State.

The address was signed by a considerable number of citizens. The result of this address was, that the Opposition declined to vote, and on the day of election Mr. Smithers received 8,220 votes, and Mr. Brown 13. The vote at the election for member of Congress in November, 1862, was: Fisher, Administration, 8,014; Temple, Opposition, 8,051.

On the invasion of Pennsylvania by Gen. Lee, 2,000 men who had been organized for State defence turned out to aid the regular forces to guard important positions. At that time, the State had furnished to the army seven regiments, including the three months' men, a battery, and a battalion of cavalry.

DENMARK, a kingdom in Northern Europe. The king is Christian IX., Charles Frederick Augustus. He was born July 19th, 1798, and ascended the throne November 15th, 1863. The kingdom consists of Denmark Proper, embracing the islands and Jutland; also the Duchies of Schleswig, Holstein, and Lauenburg, and a number of dependencies, including the Faroe Islands (17 in number), Iceland, Greenland, and three islands in the West Indies, viz.: St. Croix, St. Thomas, and St. Jean. The following table exhibits the area (in geographical square miles), and the population according to the census of February 1st, 1860:

1. KINGDOM OF DENMARK.		
Copenhagen	134	155,143
Zealand and Möen		419,668
Bornholm	10.50	29,304
Fuhnen and Langeland	60.50	205,826
Tolland, Falster, &c	30.50	86,797
Jutland	460.50	703,813
	696	1,600,551
2. THE DUCHIES.		
Schleswig	167	409,907
Holstein	155	544,419
Lauenburg	19	50,147
Total of 1 and 2	1,037	2,605,024
3. DEPENDENCIES.		
The Faroe	24	5,651
Iceland	1,867	64,603
Greenland	186	9,872
West India Islands.		
St. Croix	3.5	22,862
St. Thomas	1.1	12,560
St. Jean	1	1,715
	2,082.6	120,283

The army of the Danish monarchy consists, according to law, on the peace footing, of 23 battalions of infantry, comprising 16,630 men; 25 squadrons of cavalry, with 2,895 men; and two regiments of artillery, with 2,560 men, and 97 pieces of ordnance. This total of 22,000 men, which on the war footing is to be doubled, has been seldom reached of late years. To diminish the budget the standing army has been kept down to about 12,000 men; but during the Schleswig-Holstein war of 1848–'50 there were in the field 49,300 infantry, 10,600 cavalry, and 9,000 artillery with 144 guns. The army is formed by conscription, to which every man in good health, who has reached his 22d year, is liable. The legal time of service is eight years, but *de facto* the recruits are not kept longer than about ten months under arms, and afterward sent home on furlough and called out for annual exercise. At the end of

the first period of service the men are inscribed on the "first call" of the army of reserve, and at the end of another eight years on the "second call;" the military liability ceases with the 45th year.

The navy of Denmark consisted, in September, 1862, of 19 sailing vessels with 704 guns, and 28 steamers with 340 guns. Twenty of the steamers were screws, one a ship of the line with 64 30-pounders, two frigates with 42, and one with 44; four were armor-coated schooners each with eight 60-pounders. There were also 50 paddlewheel steam gunboats, with about 100 guns, but some of them are said not to be sea-worthy; and the same remark applies to the eight larger paddlewheel steamers included in the list of 28 steam vessels. There was a vote, in 1862, of £194,000 for converting some of the sailing vessels into steamers. The navy was manned, in September, 1862, by very nearly 2,000 men, officered by a vice-admiral, a rear-admiral, 26 captains, 23 commanders, and 83 first-lieutenants.

The finances of the kingdom are in a good condition. The receipts amount to 26,507,279 rix dollars; the expenditures to 26,221,587. Besides the Danish Government has received 2,565,547 rix dollars as indemnity stipulated for the abolition of the Sound Dues. This sum has been applied toward the liquidation of the public debt. There remained in the public Treasury, according to the latest accounts, 4.286,312 rix dollars.

The Royal Family of Denmark was greatly favored during the year 1863. The oldest daughter of the present king, Princess Alexandra, was married to the Prince of Wales; another daughter, Princess Maria Sophia Frederica Dagmar, was betrothed to the heir presumptive to the throne of Russia; and the second son of the king was elected King of the Greeks, under the name of George I. (*See* GREECE.)

The Kingdom of Denmark attracted, throughout the year 1863, great attention in the political world, in consequence of its complications with the German Confederacy. These complications are of long standing, and arise out of the peculiar position of the duchies of Schleswig, Holstein, and Lauenburg. The two latter are members of the German Confederacy, and as such subject to Federal legislation; and Schleswig is closely connected with Holstein by international treaties. The Diets of both duchies have long maintained that the Danish Government endeavored to encroach upon their rights, and to bring them into closer relations with Denmark Proper than she was allowed to do, according to their laws. The German Confederacy supported the complaints of Holstein, and protested particularly against the new Danish Constitution of March 30th, 1863, by which Schleswig was incorporated with Denmark. These complications reached the crisis, when King Frederic VII. of Denmark died on Nov. 15th, 1863. Schleswig and Holstein have always had a different law of succession from Denmark Proper. According to the laws of these two duchies, the Prince of Augustenburg was entitled to succeed the late king, as Duke of Schleswig and Holstein, while another relation was entitled to succeed in Denmark Proper. But a treaty concluded between the great Powers of Europe, in London, in 1851, set aside the laws of succession both in Denmark Proper and in the Duchies, and declared the Duke Christian of Schleswig-Holstein-Sonderburg-Glücksburg, to be the heir to the entire Danish monarchy. As this treaty had received neither the consent of the Diets of the Duchies, nor of the German Confederacy, Prince Frederic of Augustenburg insisted on his right of succession, and his claim was supported by the Diets of the two Duchies and a majority of the German States. As Denmark refused to recognize this claim, the complication assumed a belligerent character, and the year 1863 closed with the prospect of a war upon which all Europe looked with profound anxiety. (*See* SCHLESWIG-HOLSTEIN.)

It was expected that, in case of a war, the Danes would find a powerful line of defence in the celebrated Dannewerke. These positions were of great importance in the war of 1848, and bid fair to become still more important in 1864. The following description of the Dannewerke will, therefore, be a help for better understanding the German Danish complication:

"Originally constructed by the Semiramis of the North, Queen Margaret, and, as some say, even earlier, the Dannewerke extended from Hellingstadt to the Selker Noer of Bustorf, and consisted of a simple rampart sweeping inward with a moat in front in a sharp angle of the Thvraburg, a hill which has long disappeared in the neighborhood of the village of Hussbye. The object of this fortification was to protect the town of Schleswig, which is situated at the head of the Schlei, against an attack from the southward, and at that time the Schlei, a perfectly impassable swamp, formed a part of the fortification. This fortification was extended by including the whole bay, more than six German miles, while the rampart had only been of a length of two German miles. The weak point of this position was on the west side, where, toward the open country, it was unfortified, and could, therefore, easily be assaulted in the rear.

"In this direction the only defence was a broad swift stream with a swampy bed, the Treene, which, however, offered but a trifling obstacle to a determined enemy. In 1848, the so-called rampart consisted only of a continuous hilly elevation of the ground, with a depression in front denoting where formerly had been the moat, and hence it was that the German troops were able to take it at the first attack. The principal combat took place on the heights surrounding the town of Schleswig, where the village of Bustorf formed a kind of suburb. On that day a trifling skirmish took place at the

only ford over the Schlei, at Misunde, where a few companies of Schleswig-Holsteiners forced a passage across the ford against the volunteers under Aldrosser and Von der Tann, whereby the Danes were compelled to retreat earlier than they otherwise would have done.

"At present the nature of the fortifications is entirely changed. Since 1850 the attention of the Danes has been directed to strengthening the Dannewerke, and they have chiefly endeavored to fortify the weak point on the river Treene, and oppose sufficient obstacles to another attack from the rear.

"To achieve their object they took possession of the town of Fredrickstadt, where the above-named river falls into the Eider. This place they fortified, and, as is well known, the Schleswig-Holsteiners, at the close of 1850, vainly endeavored to take it by assault. At present Frederickstadt, with the *tête du pont* on the Holstein bank of the Eider, forms, on account of its swampy situation, an uncommonly strong point, since the passage over the Eider is completely commanded on this side, and it could only be reduced by a regular and very difficult siege. Even supposing an enemy were to pass the Treene, either above or below Frederickstadt, little would be gained, since the whole land as far as Frederickstadt, two German miles beyond Schleswig, is cut up by canals and water-courses which can all be filled by opening fourteen sluices, arranged for that purpose in the Treene. The few dams which form the means of communication in this extensive system of inundation works are in addition commanded at all fitting points by intrenchments, and larger works, as far as Hellingstadt. At the commencement of the town of Schleswig, on the heights rising from the mainland, a series of powerful batteries, armed with guns of the heaviest caliber, offer a new hindrance to the advancing foe. The Austrians, to whose share, according to the latest accounts, the task of attacking this position is to fall, will find it no easy matter. Still the difficulties which await the Prussians in their advance by the Rendsburg road are still greater. The intrenchments commence at this point, at the village of Wedelspang, and the first line stretches toward the east through the Selker Noer to the Schlei, toward the west in the neighborhood of the Rothen Krug, to which point the batteries extend from the opposite direction of Hellingstadt, and at the junction the defences are crowned with a very powerfully armed and fortified battery. A second line of intrenchments commences behind these, with a strong block-house at Bustorf, comparable to a small fortress, and culminates in the opposite direction at Husbye, which again, being transformed into a kind of large *place d'armes*, is connected with Hellingstadt by a series of smaller intermediate works. This second line entirely commands the first, and Bustorf, in particular, appears impregnable by assault, owing to the deep and extended Bustorf dyke, situated between that place and the Schlei.

"A third and last line of intrenchments extends from the town of Schleswig over the Erdbeerburg, the Anneten höhe, and the Pulverholz, as far as the Zoological Gardens, and here again it is connected with the works extending from Husbye and the village of Schubyke. Finally, to prevent a passage of the Schlei, and an attack from thence, the ford at Misunde is powerfully fortified, and a very strong *tête du pont* constructed there."

"Intrenchments, furnished with guns of the heaviest caliber, are also raised at every point where any attempt of the sort could possibly be made."

DERBISHIRE, Stewart, "Printer to the Queen's Most Excellent Majesty" in the province of Canada. Mr. Derbishire was the son of an English gentleman, the late Dr. Derbishire, of Bath, England. Dr. Derbishire married a scotch lady, Miss Allan Masterton, of Edinburgh, the intimate friend of Burns; the "Allan" of the song "Here are we met, three merry boys." Miss M. was distinguished for great personal charms, and more than average mental abilities, and was the subject of those lines addressed by Burns to "Bonnie Ann." Mr. Derbishire commenced life as an ensign in the British army, which service he soon left and turned to the study of the law, practising with considerable éclat, having been engaged in several cases of much public interest, in the conduct of which he distinguished himself. He defended the cause of the "Dorchester Laborers" prosecuted for "machine" breaking and agrarian outrages, in 1832. The case created great public interest at the time. At an early period of his life, Mr. D. connected himself with the London press, and he was the author of a very useful little work, entitled the "Parliamentary Intelligencer." He exerted himself largely in the movement which effected the Reform Bill; his personal as well as literary services being always at the disposal of his party, and ever rendered with the zeal of conviction and the self-sacrificing devotion of his warm-hearted nature.

During the Spanish Constitutional War, Mr. D. was commissioned by a London journal to proceed to the seat of war as special correspondent at the headquarters of the Constitutional army. Here he not only acquired a reputation as a writer, but was also noted for his personal bravery. He volunteered at the assault of Irun, for which he received a medal, as well as a very handsome letter from Sir De Lacy Evans, the English commander. Mr. D.'s conduct also earned the high approbation of Narvaez, under whose eye he served in the campaigns of Castile, Valladolid, and Segovia, and whose orders he carried in the decisive action which, terminating in the defeat of Gomez, virtually placed the crown of Spain on the head of Isabella the Catholic. The Boston "Courier," some years ago, amongst several

anecdotes of Spanish celebrities, published one in which it attributes the honor of saving the life of his friend, Narvaez, in a mutiny, to Mr. Derbishire, and, it is said, he was the first who foretold the rise of Narvaez, and pointed out the inefficiency of Espartero to the Melbourne ministry, then active champions of the Quadruple Alliance. He came to Canada as an *attaché* to the late Earl of Durham, Lord High Commissioner, previous to the arrival of that nobleman, and took an active part in the suppression of the rebellion of 1839. On one occasion he was the bearer of despatches from the Canadian authorities to the late Lord Clyde, then lieut.-governor of Nova Scotia, and that in mid-winter, when he had to travel by sleigh and horse through a complete wilderness, tarrying neither night nor day, till his mission was accomplished. After the departure of Lord Durham, Mr. D. warmly espoused the cause of Lord Sydenham. He was known as a Canadian journalist of considerable literary reputation and ability. He was the first member returned to the united parliament for "Bytown," now Ottawa city, the capital of Canada, and by his vote condemned the claim of Lord Metcalfe, the goveror-general, to make appointments without the knowledge of the cabinet. He was one of the founders of the system of government under which the public affairs of Canada are conducted, known by the name of "Responsible Government," and not even the threat of the administration of the day to deprive him of his office, as queen's printer, could induce him to coöperate in pulling down the edifice he had done so much to rear. He was a most estimable man—the patron of every species of talent, his by no means inconsiderable income was nobly spent. He died at Quebec, March 27th, 1863.

DESPRETZ, Cesar Mansuète, a French savant and author, born at Lessines, in Hainault, May 13th, 1789, died at Paris, March 15th, 1863. He was a member of the Institute of France (section of physical sciences), and professor of physics to the faculty of sciences. He was one of the oldest and most active members of the Philomathic Society, in whose sessions he had taken part since 1820. His election to the Academy of Sciences dates from 1841, having been the successor of Savart. After devoting himself for many years to chemistry, and filling the office of chemical instructor at the Polytechnic School, he turned his attention, after his 40th year, exclusively to physical science, and especially to the phenomena of heat and its effect in changing the forms and conditions of different bodies. These investigations, though of great importance, were not of a character to win popular applause or to give him great notoriety. He succeeded, as he believed, in making artificial diamonds of microscopic size, by subjecting very pure carbon resulting from the calcination of sugar to a succession of discharges from the electro-magnetic battery of induction. His papers in the *Annales de Chimie et de Physique*, and in the *Comptes rendus de l'Académie des Sciences* were very numerous. The following are the titles of some of the most important: "Memoirs upon the Cooling of certain Metals with a View to the Determination of their specific Heat, and their Power of Conduction;" "Upon the elastic Force of Vapors;" "Upon the Density of Vapors;" "Upon the Heat disengaged in Combustion;" "Upon the latent Heat of different Vapors;" "Experimental Researches upon the Causes of animal Heat;" "Upon the Displacement and the Oscillations of Zero in the Mercurial Thermometer;" "Upon the Heat absorbed in the Fusion of Bodies;" "Upon the Limits of Perception of sharp and grave Sounds;" "Upon the Compressibility of elastic Fluids," &c., &c. M. Despretz was the author of a "Treatise on Chemistry," 2 vols. 8vo., and a "Treatise on Elementary Physics," 1 vol. 8vo., which passed through a number of editions.

DIPLOMATIC CORRESPONDENCE. The most important subject of diplomatic correspondence during 1863, arose between the United States and Great Britain relative to the construction at British shipyards of vessels intended to make war upon the commerce of the United States. During the previous year the steamers Alabama and Florida had been so built and delivered to Confederate officers, and were subsequently armed, and commenced the destruction of Federal vessels on the ocean. As a general question: Were such actions on the part of Great Britain consistent with neutral rights and obligations? If not, that country then was responsible to the United States Government for the damage committed by these vessels while in the hands of the Confederates.

On the 20th of November, 1862, Mr. Adams, the American minister at London, writes to Earl Russell in reference to the 290 or Alabama, stating the circumstances relative to her construction and departure only in time to escape seizure (*see* Annual Cyclopædia, 1862), and thus proceeds:

> It thus appears that her Majesty's Government had, from the evidence which I have had the honor to submit to your lordship's consideration, and from other inquiry, become so far convinced of the true nature of the enterprise in agitation at Liverpool as to have determined on detaining the vessel. So far as this action went, it seems to have admitted the existence of a case of violation of the law of neutrality in one of her Majesty's ports, of which the Government of the United States had a right to complain. The question will then remain, how far the failure of the proceedings, thus admitted to have been instituted by her Majesty's Government to prevent the departure of this vessel, affects the right of reclamation of the Government of the United States for the grievous damage done to the property of their citizens in permitting the escape of this lawless pirate from its jurisdiction.
>
> And here it may not be without its use to call to your lordship's recollection for a moment the fact that this question, like almost all others connected with the duty of neutrals in time of war on the high seas, has been much agitated in the discussions heretofore held between the authorities of the two countries. During the latter part of the last century it fell to the lot of

her Majesty's Government to make the strongest remonstrances against the fitting out in the ports of the United States of vessels with an intent to prey upon British commerce—not, however, in the barbarous and illegal manner shown to have been practised by No. 290, but subject to the forms of ultimate adjudication equally recognized by all civilized nations. And they went the further length of urging the acknowledgment of the principle of compensation in damages for the consequences of not preventing the departure of such vessels. That principle was formally recognized as valid by both parties in the seventh article of the treaty of the 19th November, 1794; and, accordingly, all cases of damage previously done by capture of British vessels or merchandise by vessels originally fitted out in the ports of the United States were therein agreed to be referred to a commission provided for by that treaty to award the necessary sums for full compensation.

I am well aware that the provisions of that treaty are no longer in force; and that even if they were, they bound only the United States to make good the damage done in the precise contingency then occurring. But I cannot for a moment permit myself to suppose that her Majesty's Government, by the very act of pressing for the recognition of the principle in a treaty, when it applied for its own benefit, did not mean to be understood as equally ready to sustain it, at any and all times, when it might be justly applied to the omission to prevent similar action of British subjects within its own jurisdiction toward the people of the United States.

But I would beg further to call your lordship's attention to the circumstance that there is the strongest reason to believe that the claim for compensation in cases of this kind was not pressed by her Majesty's Government merely in connection with the obtaining a formal recognition of the principle in an express contract. This seems to have been but a later step, and one growing out of a previous advance of a similar demand, based only on general principles of equity, that should prevail at all times between nations. Here again it appears that the Government of the United States, having admitted a failure down to a certain date in taking efficient steps to prevent the outfit in their ports of cruisers against the vessels of Great Britain, with whom they were at peace, recognized the validity of the claim advanced by Mr. Hammond, his Majesty's minister plenipotentiary at Philadelphia, for captures of British vessels subsequently made by those cruisers even on the high seas. This principle will be found acknowledged in its full length in the reply* of Mr. Jefferson, then Secretary of State of the United States, dated 5th September, 1793, to a letter from Mr. Hammond of the 30th August preceding—a copy of which is unfortunately not in my possession—but which, from the tenor of the answer, I must presume to have itself distinctly presented the admitted ground of the claim.

Armed by the authority of such a precedent, having done all in my power to apprise her Majesty's Government of the illegal enterprise in ample season for effecting its prevention, and being now enabled to show the injurious consequences to innocent parties relying upon the security of their commerce from any danger through British sources ensuing from the omission of her Majesty's Government, however little designed, to apply the proper prevention in due season, I have the honor to inform your lordship of the directions which I have received from my Government to solicit redress for the national and private injuries already thus sustained, as well as a more effective prevention of any repetition of such lawless and injurious proceedings in her Majesty's ports hereafter.

CHARLES FRANCIS ADAMS.

Right Honorable Earl Russell, &c., &c.

On the 19th of December Earl Russell replied, stating summarily the contents of Mr. Adams' letter, and proceeding as follows:

Earl Russell to Mr. Adams.

You finally state that you have been instructed to solicit redress for the national and private injuries sustained by the proceedings of this vessel as well as a more effective prevention of any repetition of them in British ports hereafter.

Before I proceed to examine the justice of these demands, it will be convenient that I should advert to the circumstances to which you call my attention as having occurred soon after the breaking out of the French revolutionary war. You observe that on that occasion remonstrances were addressed by the British Government to that of the United States respecting the fitting out of privateers in United States ports with an intent to prey upon British commerce, and that the demands of the British Government were admitted by the United States, and were formally recognized in the seventh article of the treaty between the two countries of the 19th of November, 1794.

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* The following is the letter referred to:

"*Mr. Jefferson to Mr. Hammond.*

September 5, 1793.

"Sir,—I am honoured with yours of August 30th. Mine of the 7th of that month assured you that measures were taking for excluding from all further asylum in our ports of vessels armed in them to cruise on nations with which we are at peace, and for the restoration of the prizes the Lovely Lass, Prince William Henry, and the Jane, of Dublin; and that, should the measures of restitution fail in the effect, the President considers it as incumbent on the United States to make compensation for the vessels.

"We are bound by our treaties with three of the belligerent nations by all the means in our power to protect and defend their vessels and effects in our ports or waters, or on the seas near our shores, and to recover and restore the same to the right owners when taken from them. If all the means in our power are used and fail in this effect, we are not bound by our treaties with those nations to make compensation.

"Though we have no similar treaty with Great Britain, it was the opinion of the President that we should use toward that nation the same rule which, under this article, was to govern us with other nations, and even to extend it to the captures made on the high seas and brought into our ports, if done by vessels which had been armed within them.

"Having for particular reasons forborne to use all the means in our power for the restitution of the three vessels mentioned in my letter of August 7th, the President thought it incumbent on the United States to make compensation for them; and though nothing was said in that letter of other vessels taken under like circumstances and brought in after the 5th of June, and before the date of that letter, yet, where the same forbearance had taken place, it was and is his opinion that compensation would be equally due.

"As to prizes made under the same circumstances and brought in after the date of that letter, the President determined that all the means in our power should be used for their restitution. If these fail, as we should not be bound by our treaties to make compensation to the other powers in the analogous case, he did not mean to give an opinion that it ought to be done to Great Britain. But still, if any cases shall arise subsequent to that date, the circumstances of which shall place them on similar ground with those before it, the President would think compensation equally incumbent on the United States.

"Instructions are given to the governors of the different States to use all the means in their power for restoring prizes of this last description found within their ports. Though they will, of course, take measures to be informed of them, and the General Government has given them the aid of the custom house officers for this purpose, yet you will be sensible of the importance of multiplying the channels of their information, as far as shall depend on yourself or any persons under your direction, in order that the governors may use the means in their power for making restitution. Without knowledge of the capture they cannot restore it. It will always be best to give the notice to them directly, but any information which you should be pleased to send to me also, at any time, shall be forwarded to them as quickly as possible.

"Hence you will perceive, sir, that the President contemplates restitution or compensation in the cases before the 7th of August, and after that date restitution if it can be effected by any means in our power, and that it will be important that you should substantiate the fact that such prizes are in our ports or waters.

"Your list of the privateers illicitly armed in our ports is, I believe, correct."

But an examination of the actual occurrences, and of the history of that remarkable period, presents a state of facts materially different from those relating to the Alabama.

Those facts may be shortly stated as follows:

The revolutionary government of France had openly avowed its determination to disregard all the principles of international law which had been acknowledged by civilized States, and that Government proceeded to put in force its determination by claiming to equip, as a matter of right, and by actually equipping privateers in the neutral ports of the United States, by sending those privateers forth from those ports to prey upon British commerce, by bringing prizes into the neutral ports, and by their going through some scant forms of adjudication.

This was the avowed system upon which the agents of belligerent France claimed to act, and upon which, owing to the temporary superiority of her naval force, they did, for a short period, act in the neutral ports and waters of the United States, notwithstanding the remonstrances of the United States Government.

It was these several facts, namely, the open and deliberate equipment of privateers in American ports by the French, the capture by those privateers of British vessels in United States waters, and the bringing them as prizes into United States ports, which formed collectively the basis of the demands made by the British plenipotentiaries. Those demands had reference not to the accidental evasion of a municipal law of the United States by a particular ship, but to a systematic disregard of international law upon some of the most important points of neutral obligation.

This is apparent from the whole correspondence of the British Government with the Government of the United States, and from the replies of Mr. Jefferson to Mr. Hammond, the British minister. Consequently, neither the complaints of the British Government in 1793, nor the treaty of 1794, have any bearing upon the question now under discussion.

With regard to the claim for compensation now put forward by the United States Government, it is, I regret to say, notorious that the Queen's proclamation of the 13th of May, 1861, enjoining neutrality in the unfortunate civil contest in North America, has, in several instances, been practically set at naught by parties in this country. On the one hand, vast supplies of arms and warlike stores have been purchased in this country, and have been shipped from British ports to New York for the use of the United States Government; on the other hand, munitions of war have found their way from this country to ports in possession of the government of the so-styled Confederate States.

These evasions of the neutrality prescribed by the Queen's proclamation have caused her Majesty's Government much concern, but it is not difficult to account for what has occurred.

Such shipments as I have spoken of may be effected without any breach of municipal law; and commercial enterprise in this country, as elsewhere, is always ready to embark in speculations offering a prospect of success, or in which, at all events, the promise of gain is supposed to be greater than the risk of loss.

British subjects who have engaged in such enterprises have been left by her Majesty's Government to abide by the penalty attaching to their disregard of the Queen's proclamation of neutrality, that penalty being, by international law, the condemnation as prize of war of vessel and cargo if captured by a belligerent cruiser, and duly condemned in a competent prize court.

Her Majesty's Government have nevertheless availed themselves of every fitting opportunity to discourage these enterprises, and I have the honor to refer you, in illustration of the truth of this, to the answer which I caused to be returned on the 6th of July to a memorial from British merchants and ship owners at Liverpool, and of which I furnished you confidentially with a copy in my note of the 4th of August. (*See* ANNUAL CYCLOPÆDIA, 1862, p. 197.)

It is right, however, to observe that the party which has profited by far the most by these unjustifiable practices has been the Government of the United States, because that government having a superiority of force by sea, and having blockaded most of the Confederate ports, has been able, on the one hand, safely to receive all the warlike supplies which it has induced British manufacturers and merchants to send to United States ports in violation of the Queen's proclamation; and, on the other hand, to intercept and capture a great part of the supplies of the same kind which were destined from this country to the Confederate States.

If it be sought to make her Majesty's Government responsible to that of the United States because arms and munitions of war have left this country on account of the Confederate Government, the Confederate Government, as the other belligerent, may very well maintain that it has a just cause of complaint against the British Government because the United States arsenals had been replenished from British sources. Nor would it be possible to deny that, in defiance of the Queen's proclamation, many subjects of her Majesty, owing allegiance to her crown, have enlisted in the armies of the United States. Of this fact you cannot be ignorant. Her Majesty's Government, therefore, have just ground for complaint against both of the belligerent parties, but most especially against the Government of the United States, for having systematically, and in disregard of that comity of nations which it was their duty to observe, induced subjects of her Majesty to violate those orders which, in conformity with her neutral position, she has enjoined all her subjects to obey.

Great Britain cannot be held responsible to either party for these irregular proceedings of British subjects; and an endeavor to make her so would be about as reasonable as if her Majesty's Government were to demand compensation from the United States for the injuries done to the property of British subjects by the Alabama, resting their demand on the ground that the United States claim authority and jurisdiction over the Confederate States, by whom that vessel was commissioned.

So far as relates to the export of arms and munitions of war by subjects of Great Britain, from British ports, for the use of the confederates, it is a sufficient answer to say that the municipal law of this country does not empower her Majesty's Government to prohibit or interfere with such export, except in extraordinary cases, when the executive is armed with special powers; and, with regard to the law of nations, it is clear that the permission to export such articles is not contrary to that law, and that it affords no just ground of complaint to a belligerent. The authorities for this latter position are numerous and unconflicting; but it may suffice to refer to passages on the subject in the works of two American writers of high and admitted authority. The passages are as follows:

First. "It is not the practice of nations to undertake to prohibit their own subjects by previous laws from trafficking in articles contraband of war. Such trade is carried on at the risk of those engaged in it, under the liabilities and penalties prescribed by the law of nations or particular treaties."—(*Wheaton's International Law*, 6th edition, 1855, page 571, by Lawrence.)

Secondly. "It is a general understanding that the powers at war may seize and confiscate all contraband goods, without any complaint on the part of the neutral merchant, and without any imputation of a breach of neutrality in the neutral sovereign himself. It was contended on the part of the French nation, in 1796, that neutral governments were bound to restrain their subjects from selling or exporting articles contraband of war to the belligerent powers. But it was successfully shown on the part of the United States that neutrals may lawfully sell at home to a belligerent purchaser, or carry, themselves, to the belligerent powers contraband articles subject to the right of seizure *in transitu*. This right has since been explicitly declared by the judicial authorities of this country (United

States). The right of the neutral to transport, and of the hostile power to seize, are conflicting rights, and neither party can charge the other with a criminal act."—(*Kent's Commentaries*, vol. i., page 145, 8th edition, 1854.)

In accordance with these principles, the President's message of 31st December, 1855, contains the following passage: "In pursuance of this policy the laws of the United States do not forbid their citizens to sell to either of the belligerent powers articles contraband of war, or take munitions of war or soldiers on board their private ships for transportation; and although, in so doing, the individual citizen exposes his property or person to some of the hazards of war, his acts do not involve any breach of international neutrality, nor of themselves implicate the government."

As regards the sailing of the Alabama from Liverpool, I cannot do better than refer you to the circumstances respecting that vessel, with which I have already had the honor to make you acquainted. In my letter of the 28th of July I informed you that it was requisite to consult the law officers of the crown before any active steps could be taken in regard to that vessel. In my letter of the 22d of September I explained that, from the nature of the case, some time was necessarily spent in procuring the requisite evidence; that the report of the law officers was not received until the 29th of July; and that on the same day a telegraphic message reached her Majesty's Government stating that the vessel had that morning sailed. Instructions were then despatched to detain her should she put in either at Queenstown or Nassau, to one or other of which ports it was expected that she would go; but the Alabama did not call at either of those places. On the 4th of October I stated to you that much as her Majesty's Government desired to prevent such occurrences, they were unable to go beyond the law, municipal and international; and on the 16th of that month I replied to your observations with reference to the infringement of the Foreign Enlistment Act, by remarking that it was true that the Foreign Enlistment Act, or any other act for the same purpose, might be evaded by subtle contrivances; but that her Majesty's Government could not on that account go beyond the letter of the existing law.

It is needless, however, that I should pursue this branch of the question further, since you admit that you are aware that the Alabama sailed not only without the direct authority or indirect permission of her Majesty's Government, but in opposition to the municipal law, and in spite of earnest endeavors made to enforce it.

That this should have happened is a circumstance not calculated to excite much surprise in the United States, for two reasons: first, because the principal municipal law of the United States (passed almost at the same time as that of this country, and, it is believed, after a full understanding between the two States) is, in fact, almost identical with that of Great Britain upon this subject; and, secondly, because its notorious evasion during the late war, waged by Great Britain and her allies against Russia, was the subject of remonstrance on the part of her Majesty's representative at Washington to the United States.

Great Britain was then, as on other occasions, assured that every effort which the law would permit had been made to prevent such practices; that the United States Government could only proceed upon legal evidence, the law as to which is almost, if not entirely, the same as in this country, and that without such evidence no conviction could be procured.

In the case of the Alabama it is not denied that strict orders were given for her detention as soon as it appeared to the legal advisers of the crown that the evidence might be sufficient to warrant them in advising such a course, and that the Alabama contrived to evade the execution of those orders.

Her Majesty's Government cannot, therefore, admit that they are under any obligation whatever to make compensation to United States citizens on account of the proceedings of that vessel.

As regards your demand for a more effective prevention for the future of the fitting out of such vessels in British ports, I have the honor to inform you that her Majesty's Government, after consultation with the law officers of the crown, are of opinion that certain amendments might be introduced into the Foreign Enlistment Act, which, if sanctioned by Parliament, would have the effect of giving greater power to the executive to prevent the construction in British ports of ships destined for the use of belligerents. But her Majesty's Government consider that, before submitting any proposals of that sort to Parliament, it would be desirable that they should previously communicate with the Government of the United States, and ascertain whether that Government is willing to make similar alterations in its own Foreign Enlistment Act; and that the amendments, like the original statute, should, as it were, proceed *pari passu* in both countries.

To this note Mr. Adams replied on the 30th of December, 1862, stating that his duty had been performed by a transmission of the correspondence to Washington; and saying:

But your lordship has done me the honor to touch upon several lateral topics incidentally connected with the reasoning contained in my note, in a manner which seems to require from me a somewhat extended explanation.

The first of these to which my attention has been particularly directed relates to the fact which your lordship appears readily to admit, that her Majesty's proclamation of the 13th of May, 1861, enjoining neutrality in the unfortunate civil contest in North America, has been practically set at naught in this kingdom. Much as it may impair the confidence heretofore so generally and justly entertained in the ability of her Majesty's Government to enforce her authority within her own dominions, I am not aware that in the representation I had the honor to make upon this particular occasion, any reasoning of mine was made to rest upon it. The question, as connected with the case of the 290 was presented by the eminent counsel on whose opinion I relied, mainly on the ground that the building and equipment of that vessel was a gross violation of a municipal law of this kingdom. It was expressly stated by Mr. Collier that "it appeared difficult to make out a stronger case of infringement of the Foreign Enlistment Act, which, if not enforced on this occasion, is little better than a dead letter." That this position was a correct one is fully confirmed by the report subsequently made by her Majesty's law officer, and by the later efforts of her Majesty's Government to act under the law. It is not, then, the nullity of her Majesty's proclamation that is now in question; it is rather the admitted fact of a violation of a statute of this kingdom intended to prevent ill-disposed persons from involving it in difficulty by committing wanton and injurious assaults upon foreign nations with which it is at peace, of which her Majesty's ministers are invited by a party injured to take cognizance; of which they do take cognizance so far as to prepare measures of prevention, but which, by reason of circumstances wholly within their own control, they do not prevent in season to save the justly complaining party from serious injury. On the substantial points of the case little room seems left open for discussion. The omission to act in season is not denied. The injury committed on an innocent party is beyond dispute. If, in these particulars, I shall be found to be correct, then I especially submit it to your lordship whether it do not legitimately follow that such a party has a right to complain and ask redress. And, in this sense, it matters little how that omission may have occurred, whether by intentional neglect or accidental delays, having no reference to the merits of the question; the injury done to the innocent party giving a timely notice remains the same, and they who permitted it remain equally responsible.

It is in this view that the precedent which I had the honor to cite from the earlier history of the United

States appeared to me to have much more pertinence than your lordship is inclined to attach to it. I still think that it has not attracted so much of your attention as it deserves. Your lordship will pardon me for suggesting that it was not because "the revolutionary government of France openly avowed its determination to disregard all principles of international law which had been acknowledged by civilized States," or because of a "supposed temporary superiority of her naval force," it "did actually equip privateers in the neutral ports of the United States, and send them forth to prey upon British commerce," &c., that the Government of the United States were induced to listen to the demands of the British Government for redress. The claim that was actually made by France rested upon its interpretation of a solemn treaty, offensive and defensive, between France and the United States, which, not without show of reason, claimed for the former the right to fit out cruisers against its enemies in the ports of the United States. Although very properly denying this to be the correct version, the Government of the United States felt unwilling to act on a policy of oppression until due notice given of its determination to abide by an opposite construction. In the interval certain captures of British vessels took place which the Government, because of its failure for the reasons assigned, to prevent them, considered itself bound to make good. Here are the very words of Mr. Jefferson in his letter to Mr. Hammond:

"Having, for particular reasons, forborne to use all the means in our power for the restitution of the three vessels mentioned in my letter of August 7th, the President thought it incumbent on the United States to make compensation for them; and though nothing was said in that letter of other vessels taken under like circumstances and brought in after the 5th of June, and before the date of that letter, yet, where the same forbearance had taken place, it was and is his opinion that compensation would be equally due." From these words the deduction appears to be inevitable that the principle of compensation in the case derived its only force from the omission by the United States to prevent a wrong done to the commerce of a nation with which they are at peace. So, likewise, may it be reasonably urged in the present case, that the omission of her Majesty's Government, upon full and reasonable notice, to carry into effect the provisions of its own law designed to prevent its subjects from inflicting injuries upon the commerce of nations with which it is at peace, renders it justly liable to make compensation to them for the damage that may ensue.

That the British Government of that day did consider itself equitably entitled to full indemnity, not simply for the hostile acts of Frenchmen in American ports, but for the loss and damage suffered on the high seas by reason of assistance rendered to them by citizens of the United States, will clearly appear by reference to the fourth article of the project of a treaty proposed by Lord Grenville to Mr. Jay, on the 30th of August, 1794. The words are these:

"And it is further agreed, that if it shall appear that, in the course of the war, loss and damage have been sustained by his Majesty's subjects, by reason of the capture of their vessels and merchandise, such capture having been made either within the limits of the jurisdiction of the said States, or by vessels armed in the ports of the said States, or by vessels commanded or owned by the citizens of the said States, the United States will make full satisfaction for such loss or damage, the same being to be ascertained by commissioners in the manner already mentioned in this article."

If, by the preceding representation, I have succeeded in making myself clearly understood by your lordship, then will it, I flatter myself, be made to appear that in both these cases, that in 1794 as well as that in 1862, the claim made rests on one and the same basis, to wit, the reparation by a neutral nation of a wrong done to another nation with which it is at peace, by reason of a neglect, to prevent the cause of it originating among its own citizens in its own ports.

The high character of Lord Grenville is a sufficient guarantee to all posterity that he never could have presented a proposition like that already quoted, except under a full conviction that it was founded on the best recognized principles of international law. Indeed, it is most apparent, in the face of the preamble, that even the statute law of both nations on this subject is but an attempt to give extraordinary efficacy to the performance of mutual obligations between States which rest on a higher and more durable basis of justice and of right. It was on this ground, and on this alone, that Lord Grenville obtained the concessions then made of compensation for damage done to her commerce on the high seas by belligerent cruisers fitted out in the ports of the United States. I shall never permit myself to believe that her Majesty's Government will be the more disposed to question the validity of the principle thus formally laid down, merely from the fact that in some cases it may happen to operate against itself.

This consideration naturally brings me back to the examination of that portion of your lordship's note which relates to the alleged violations in Great Britain of her Majesty's proclamation by the respective parties engaged in this war. Although this subject be not absolutely connected with that on whch I made my representation, I cheerfully seize the opportunity thus furnished me to attempt, in some degree, to rectify your lordship's impressions of the action of the Government of the United States even on that question. Your lordship does me the honor to observe that I cannot be ignorant of the fact, which it is impossible to deny, "that, in defiance of the Queen's proclamation, many subjects of her Majesty owing allegiance to her crown have enlisted in the armies of the United States." "Her Majesty's Government, therefore, have just ground for complaint against both the belligerent parties, but most especially against the Government of the United States, for having, systematically and in disregard of that comity of nations which it was their duty to observe, induced subjects of her Majesty to violate those orders which, in conformity with her neutral position, she has enjoined all her subjects to obey."

As these words, taken in their connection, might seem to imply a serious charge against myself as well as the Government of the United States, I must pray your lordship's pardon if I desire to know whether there be any particulars in my own conduct in which your lordship has found the evidence of such a statement. So far as I have been made acquainted with the course of my own Government, or I remember my own, I must most respectfully take issue with your lordship upon it, and challenge you to the proof. That very many of the subjects of Great Britain voluntarily applied to me for engagements in the service of the United States, is most true. That I ever induced one of them to violate her Majesty's orders, either directly or indirectly, is not true. That numbers of her Majesty's subjects have voluntarily crossed the ocean and taken service under the flag of the United States, I have reason to believe. That the Government of the United States systematically and in disregard of the comity of nations induced them to come over to enlist I have not yet seen a particle of evidence to show, and I must add, praying your lordship's pardon, I am authorized explicitly to deny. In response to a remonstrance, made to me by your lordship, it is but a few days since I took occasion, so far as my action was concerned or the action of any of the officers of the United States in this kingdom, to place the country right before you on that score. After the very explicit retraction made in your lordship's reply to me, dated on the 16th instant, it is not without great surprise that I now perceive what I cannot but regard as a renewal of the imputation.

Your lordship is pleased carefully to join the two parties to this war, as if, in your estimation, equally implicated in the irregular proceedings conducted within this kingdom, and equally implicating the subjects of Great Britain in the violation of her Majesty's proclamation. Hence it is argued that the omission

to hold any one to his responsibility affords no more just ground of complaint to one party than to the other. I cannot but think that your lordship has overlooked a just distinction to be observed in these cases; and in order to show it the more clearly I shall be compelled to ask your lordship to follow me in a brief investigation of the facts.

The only allegation which I find in your lordship's note in connection with the United States is this, that "vast supplies of arms and warlike stores have been purchased in this country, and have been shipped from British ports to New York for the use of the United States Government."

Admitting this statement to be true to its full extent; conceding even the propriety of the application of the term "vast" to any purchases that may have been made for the United States, the whole of it amounts to this, and no more, that arms and warlike stores have been purchased of British subjects by the agents of the Government of the United States. It nowhere appears that the action of the British went further than simply to sell their goods for cash. There has been no attempt whatever to embark in a single undertaking for the assistance of the United States in the war they are carrying on; no ships of any kind have been constructed or equipped by her Majesty's subjects for the purpose of sustaining their cause, either by lawful or unlawful means, nor a shilling of money, so far as I know, expended with the intent to turn the scale in their favor. Whatever transactions may have taken place have been carried on in the ordinary mode of bargain and sale without regard to any other consideration than the mere profits of trade.

If such be then the extent of the agency of the United States on this side of the Atlantic during the present war, and no more, it appears clear, from the positions assumed by your lordship in the very note to which I have the honor to reply, that thus far they have given no reasonable ground for complaint at all. The citations to which your lordship has done me the favor to call my attention, as drawn from American authors of admitted eminence, all contribute to establish the fact that the mere purchase or export by a belligerent from a neutral of arms and munitions of war does not involve any censure on either party. I do not at the present moment entertain a design to question the correctness of that doctrine. As a necessary consequence, I can scarcely perceive the fitness of associating such action as I have shown that of the United States to be in the same category with that of which the Government of the United States has heretofore instructed me to complain. And here I beg to call your lordship's attention to the fact that it is not the mere purchase or exportation of arms and warlike stores by the agents of the insurgents in America of which I have ever complained. There is another and a very important element in the case, to which your lordship does not appear to have given the consideration which, so far as one may be permitted to judge from the concurring testimony of all writers of international law, it certainly deserves. The United States have made an actual blockade of all the ports occupied by the insurgents—a blockade, the validity of which Great Britain does not dispute. They are therefore entitled to consider every neutral who shall attempt to enter one of them or carry anything to the besieged as violating his neutrality, and converting himself into an enemy. Hence it happens that every British subject engaged in the work of aiding the insurgents by introducing contraband of war into blockaded ports not only violates his duty to his sovereign, but commits an exceedingly aggravated and injurious offence to the Government of the United States. To associate such proceedings with the mere purchase and export of arms on behalf of the United States as of equal significance would seem to be most inequitable.

It is a fact that few persons in England will now be bold enough to deny, first, that vessels have been built in British ports, as well as manned by her Majesty's subjects, with the design and intent to carry on war against the United States; secondly, that other vessels, owned by British subjects, have been, and are yet, in the constant practice of departing from British ports laden with contraband of war, and many other commodities, with the intent to break the blockade and to procrastinate the war; thirdly, that such vessels have been, and are, insured by British merchants in the commercial towns of this kingdom, with the understanding that they are despatched for that illegal purpose. It is believed to be beyond denial that British subjects have been, and continue to be, enlisted in this kingdom in the service of the insurgents, with the intent to make war on the United States, or to break the blockade legitimately established, and, to a proportionate extent, to annul its purpose. It is believed that persons high in social position and in fortune contribute their aid, directly and indirectly, in building and equipping ships-of-war, as well as other vessels, and furnishing money, as well as goods, with the hope of sustaining the insurgents in their resistance to the Government. To that end the port of Nassau, a colonial dependency of Great Britain, has been made, and still continues to be, the great entrepot for the storing of supplies, which are conveyed from thence with the greater facility in evading the blockade. In short, so far as the acts of these numerous and influential parties can involve them, the British people may be considered as actually carrying on war against the United States. Already British property, valued at eight millions of pounds sterling, is reported to have been captured by the vessels of the United States for attempts to violate the blockade, and property of far greater value has either been successfully introduced or is now stored at Nassau awaiting favorable opportunities.

If it be necessary to furnish to your lordship a clearer idea of the nature and extent of this warfare, it may perhaps be obtained by reference to the two papers, marked A and B, which I have the honor to append to the present note. The one contains a list of all screw steamers and sailing vessels which have been, or still are, engaged in this illegal commerce, furnished to me from observation by the consul of the United States at Liverpool. The other is a copy of a letter from the consul in London, giving a further list of vessels, together with some particulars as to the mode by which, and the persons by whom, this hostile system is carried on. Neither of these lists can be regarded as complete, but the two are sufficiently so for the present purpose, which is to place beyond contradiction the fact of the extensive and systematic prosecution by British subjects of a policy toward the United States, which is uniformly characterized by writers on international law as that of an enemy.

I am not unaware of the regret expressed in your lordship's note at the existence of this state of things, as well as the readiness with which you have acquiesced in the possible application, by the forces of the United States, of the penalty held over the heads of the offenders in her Majesty's proclamation. But my present object in referring so much at large to these offences is to show the great injustice of your lordship in proceeding to comment upon the action of the respective belligerents, as if there was a semblance of similarity between them. So far as the United States are shown to be involved in censure, it is simply by the purchase and export of arms and munitions of war from a neutral, an act which your lordship expressly points out eminent authority to my attention to prove, implies no censurable act to either party. Whilst, on the other hand, it is American insurgents who find British allies to build in this kingdom, and to equip and send forth war ships to depredate on the commerce of a friendly nation, and it is British subjects who load multitudes of British vessels with contraband of war, as well as all other supplies, with the intent and aim to render null and void, so far as they can, a blockade legitimately made by a friendly nation, as well as to procrastinate and make successful a resistance in a war in which that nation is actually engaged. Surely this is a difference not unworthy of your lordship's deliberate observation.

But your lordship, in accounting for the admitted failure to enforce the enlistment law in Great Britain, has done me the honor to remind me that not long since her Majesty's Government was itself so far made sensible of injuries of the same kind with those of which I now complain either inflicted or threatened against Great Britain in the ports of the United States as to have made them the subject of remonstrance through her Majesty's representative at Washington. With so fresh a sense of these evils before your lordship there will be no further cause of surprise at the earnestness with which I have followed the precedent then set. You do me the honor to recall the fact that the enlistment law of the United States, which preceded in its date of enactment that of Great Britain, is almost identical with it. And you further state that "the notorious evasion of its provisions during the late war waged by Great Britain and her allies against Russia," was the cause of the remonstrance to which I have already alluded. Your lordship further remarks that "Great Britain was then, as on other occasions, assured that every effort which the law would permit had been made to prevent such practices; that the United States Government could only proceed upon legal evidence, the law as to which is almost, if not entirely, the same as in this country, and that without such evidence no conviction could be procured."

In the earlier portion of your lordship's note you did me the favor to cite, as good authority to me, an extract of the message of the President of the United States of the 31st December, 1855, which went to show the extent to which assistance not only had been, but might be, rendered without censure by neutrals to belligerents. Perhaps your lordship will not deny equal weight to the very next passage in that message, even though it should somewhat conflict with your own allegation.

"Whatever concern may have been felt by either of the belligerent powers, lest private armed cruisers or other vessels in the service of one might be fitted out in the ports of this country to depredate on the property of the other, all such fears have proved to be utterly groundless. Our citizens have been withheld from any such act or purpose by good faith and by respect for the law."

I forbear from quoting the text which follows, because it may revive unpleasant recollections in your lordship's as it does in my mind. I will content myself solely with the remark that the very last thing which your lordship would be likely to object to, the facts there stated would be the want of ability of the Government of the United States to proceed with energy and effect in the repression of acts in violation of their enlistment act.

But if evidences of another kind as to its energy under that law be needed, I have only to remind your lordship once more of the fact, that on the 11th of October, 1855, her Majesty's representative at Washington, Mr. Crampton, addressed to the Government of the United States a note, with evidence to show that a vessel, called the Maury, was then fitting out at the port of New York armed to depredate on British vessels. On the 12th the Attorney-General sent, by telegraph, to the proper officer at New York to consult with the British consul, and to prosecute, if cause appear. On the 13th the Collector stopped the vessel, then about to sail. On the 16th the District Attorney had prepared and filed a libel of the vessel, and in the meantime ordered a thorough examination of her cargo. On the 19th the Marshal had made a full report of his examination. On the same day the complainant, on whose evidence the minister and the consul had acted, confessed himself satisfied, and requested the libel to be lifted. On the 23d Mr. Barclay, her Majesty's consul at New York, published a note withdrawing every imputation made against the vessel. Thus, it appears that in the brief space of four days the Government's action under the enlistment law had been sufficiently energetic completely to satisfy the requisition of her Majesty's representative.

If any similar action has been had since the first day that I had the honor to call your lordship's attention to outfits of the same nature made in Great Britain, I can only say that I have not enjoyed a corresponding opportunity to express my satisfaction with the result.

The owners of the Maury were never compensated for the trouble and expense to which they were put by this process. But the Chamber of Commerce of New York adopted a series of resolutions, two of which may serve as a sufficient comment on the remark which your lordship has been pleased to let fall touching the "notorious evasion" of the enlistment law in America at the time alluded to:

"*Resolved*, That no proper amends or apology have been made to A. A. Low & Brothers for the charge brought against them, which, if true, would have rendered them infamous; nor to the merchants of this city and country so falsely and injuriously asserted.

"*Resolved*, That the merchants of New York, as part of the body of merchants of the United States, will uphold the Government in the full maintenance of the neutrality laws of the country; and we acknowledge and adopt, and always have regarded the acts of the United States for preserving its neutrality as binding in honor and conscience as well as in law; and that we denounce those who violate them as disturbers of the peace of the world, to be held in universal abhorrence."

I pray your lordship to give one moment's attention to the manner in which the conduct imputed to Messrs. Low is stigmatized. I am sorry to confess that I have not seen the like indignation shown in this kingdom against similar charges made against distinguished parties in Liverpool, nor yet can I perceive it so forcibly expressed as I had hoped even in the tone of your lordship's note.

I beg to assure your lordship that it gives me no pleasure to review the recollections of the events of that period. But inasmuch as they had been voluntarily introduced in the note which I had the honor to receive, and they seemed to me necessarily to imply an unmerited charge against the policy of the United States, I felt myself imperatively called upon to show that at least in one instance in which her Majesty's Government made a complaint, there was no failure either in the manner of construing the powers vested in the Government of the United States, or in their promptness of action under their enlistment law.

Mr. Seward, Secretary of State, at Washingington, in a letter to Mr. Adams, on January 19th, 1863, in relation to the preceding note of Mr. Adams, on December 30th, said:

You have properly replied to Earl Russell's note, and cleared up the argument of the case by a paper which seems to the President as convincing as it is calm and truthful.

Earl Russell's argument does not satisfy the President that redress ought not to be granted to our citizens for the depredations which have been committed by the "290." He trusts that your reply may yet induce a reconsideration of that subject. I therefore leave that branch of the case at rest until there shall have been an opportunity to hear further from you upon that subject.

On the 16th of January, Mr. Adams notified Earl Russell that another vessel was about to depart from London, to pursue a similar course as the Alabama.

On the 24th of January, Earl Russell replied to the note of Mr. Adams, of December 30th, as follows:

FOREIGN OFFICE, *January 24th*, 1863.

SIR: It is impossible for me to leave without notice some of the statements contained in your letter of the 30th ultimo.

These statements contain or imply a grave charge against her Majesty's Government. You speak of the "admitted fact of a violation of a statute of this king-

dom intended to prevent ill-disposed persons from involving it in difficulty by committing wanton and injurious assaults upon foreign nations with which it is at peace, of which her Majesty's ministers are invited to take cognizance, of which they do take cognizance so far as to prepare measures of prevention; but which, by reason of circumstances wholly within their own control, they do not prevent in season to save the justly complaining party from serious injury; in the substantial points of the case little room seems left open for discussion."

On the substantial points of the case, as stated by you, there is, on the contrary, great room open for discussion.

I must ask, first, what are the circumstances within the control of the Government to which you allude? Do you mean that her Majesty's Government, in construing a penal statute or in carrying into effect the provisions of a penal statute, were to hurry at once to a decision, and to seize a ship building and fitting out at Liverpool without being satisfied by evidence that the provisions of the Foreign Enlistment Act had been violated in the case of such vessel? Do you mean that her Majesty's Government were to dispense with proof, and to inflict injury upon the Queen's subjects by seizing a ship upon your mere assertion that the owners of that ship were violating the laws?

If such is your meaning, I must reply that the Government of this country respect the law. They do not seize upon property to the loss and damage of its owners without proof that they are legally entitled to do so.

Perhaps your meaning is, that her Majesty's Government should have proceeded on the opinion of Mr. Collier, without awaiting for any other authority.

But here again I must reply that the usage of this country requires that the Government should consult their own legal advisers, and obtain the opinion of the law officers of the crown before they proceed to enforce a penal statute.

If you mean to contend, therefore, that a nation in a state of profound peace should set aside the formalities of law and act at once upon presumptions and surmises, I entirely differ from you. I may remind you that the evidence sufficient to satisfy a court of law as to the "equipment" or "fitting out" of a vessel for warlike purposes, and of its actual destination, is not attainable without difficulty.

If you mean that her Majesty's Government wilfully delayed or neglected the measures by which the character of the Alabama could have been legally ascertained, I must give a positive and complete denial of the truth of any such assertion. The opinion of the law officers, until the receipt of which her Majesty's Government could not act, was delivered at the foreign office on the 29th of July, but in the morning of that day the Alabama, under pretext of a pleasure excursion, escaped from Liverpool.

With regard to the very different circumstances of 1793 and 1794, those circumstances are recorded in history. It is notorious that Monsieur Genet, the French minister to the United States, fitted out privateers in the ports of the United States; that he boasted in his despatches of the captures of British vessels which those privateers had made, and that he procured a sham condemnation of those captured vessels in neutral ports. It is notorious, also, that he endeavored to make the United States the basis of his operations and of attempts to raise rebellions against England in Canada, and against Spain in Louisiana.

According to your own account the United States purposely delayed to give any redress to the complaints made by the British Government of the captures of British merchant vessels, because they felt unwilling to act on a policy of repression till they had given due notice of the construction they put upon a treaty offensive and defensive with France, which had been quoted in defence of the depredations committed on British commerce.

It is evident that by so acting the United States Government deliberately made themselves parties in the interval to the proceedings carried on in their own ports, and the same Government, with the sense of justice which distinguished them, made compensation afterwards for the injuries inflicted under cover and protection of their own flag, and promised to exclude French privateers "from all further asylum in" their "ports."

In Mr. Jefferson's letter, quoted by you, he says: "Having for particular reasons forborne to use all the means in our power for the restitution," &c. * * Here is the inquiry stated, and here are the grounds why it was permitted.

But the British Government have given no asylum to belligerent privateers bringing prizes into British ports. They have no particular reasons to allege; they have not forborne to use all the means in their power; they have used all the means they could use consistently with the law of the land, and by no fault of theirs have those means in a single instance proved inefficacious. There was no want of a statute to enforce, nor of a will to enforce it; evidence was wanting and an authority to decide upon that evidence till it was too late. But her Majesty's Government cannot promise the United States to act without evidence, nor to disregard the legal authority of their own law officers.

As to other points, we are nearly agreed so far as the law of nations is concerned. But with respect to the statement in your note that large supplies of various kinds have been sent from this country by private speculators for the use of the Confederates, I have to observe that that statement is only a repetition in detail of a part of the assertion, made in my previous letter of the 19th ultimo, that both parties in the civil war have to the extent of their wants and means induced British subjects to violate the Queen's proclamation of the 13th of May, 1861, which forbids her subjects from affording such supplies to either party.

It is, no doubt, true that a neutral may furnish as a matter of trade supplies of arms and warlike stores impartially to both belligerents in a war, and it was not on the ground that such acts were at variance with the law of nations that the remark was made in the former note. But the Queen having issued a proclamation forbidding her subjects to afford such supplies to either party in the civil war, her Majesty's Government are entitled to complain of both parties for having induced her Majesty's subjects to violate that proclamation, and their complaint applies most to the Government of the United States, because it is by that Government that by far the greatest amount of such supplies have been ordered and procured.

I do not propose to discuss other collateral topics which have been introduced, but, in explanation of my former letter, I must say that I never meant to accuse you of giving any encouragement to the enlistment of British subjects in this country to serve in the civil war unhappily prevailing in the United States.

But it is notorious that large bounties have been offered and given to British subjects residing in the United States to engage in the war on the Federal side, and these British subjects, acting in defiance of the laws of their country and of the Queen's proclamation, have been encouraged by the United States Government so to act.

A recent and striking example of the open avowal of this course of conduct on the part of the United States Government is to be found in the correspondence between Mr. Seward and Mr. Stewart with reference to the crew of the Sunbeam, in which, although it does not appear that any bounties were offered, Mr. Seward has treated an endeavor to induce British sailors to enlist in the belligerent service of the United States as affording no grounds of complaint to her Majesty's Government.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c.

LEGATION OF THE UNITED STATES, LONDON, *January 26th*, 1863.

MY LORD: I have the honor to acknowledge the reception of your lordship's note of the 24th instant, in

reply to some portions of mine of the 30th of last month, respecting the case of the outfit from Liverpool of the gunboat No. 290, to depredate on the commerce of the United States. Your lordship is pleased to raise a discussion on the following statement made by me. I quote the paragraph as it stands in your note:

"The admitted fact of a violation of a statute of this kingdom, intended to prevent ill-disposed persons from involving it in difficulty by committing wanton and injurious assaults upon foreign nations with which it is at peace, of which her Majesty's ministers are invited (by a party injured) to take cognizance, of which they do take cognizance, so far as to prepare measures of prevention, but which, by reason of circumstances wholly within their own control, they do not prevent in season to save the justly-complaining party from serious injury. On the substantial point of the case little room seems left open for discussion."

Out of my profound respect for your lordship's representation, I have reviewed the whole of this paragraph with the utmost care. I am compelled now to confess that I can perceive no ambiguity in the meaning sufficient to justify any of the implications which your lordship appears to desire to raise from it. Starting from a point of moral obligation (in my view as strong between nations as it is between individuals), that injuries inflicted on an innocent party (of which, if not prevented, it has a right to complain, provided that it give notice in time seasonable for the application of adequate means of prevention) should be, so far as practicable, repaired or compensated for by the party that does the wrong, or suffers it to be done by persons under its control, I apply the general principle to the case before me. The fact that warning had been given in full season to prevent the departure of No. 290 does not depend upon my statement, inasmuch as it is simply a question of dates, open to the inspection of all men. The fact that her Majesty's Government were convinced of the justice of the representation made, is patent from the determination to which your lordship admits that they ultimately came to detain the vessel. The fact that this decision was so long delayed as to fail in effecting the object intended, whereby great injury has been actually done, and is yet likely to ensue, to the commerce of the United States, is equally a question purely of dates. Inasmuch as these constitute the substance of the paragraph of my note, to which exception is taken, I must confess myself wholly at a loss to perceive upon what ground any doubt can further be raised about it.

But your lordship proceeds to do me the honor to address a series of questions to me as to possible meanings that may be conveyed in my language, which might imply, from the failure to act of her Majesty's Government, motives of some kind or other that I have not distinctly expressed. I must respectfully ask to be excused from entering into any such field of controversy. I desire neither to make charges, nor to raise implications of an unnecessary nature to complicate the difficulties of this painful subject. All that I deem it my duty to know is, that a grievous wrong has been done to an innocent and friendly nation, by what seems to me to have been a most unfortunate delay in effecting a prevention, that later experience conclusively shows ought to have been applied in time. Of the reasons that prevented such an application, inasmuch as none of them could have grown out of the course of the injured party, I have no wish to enter into a discussion. The principle of justice is not merely that right should be done, but that it should be done sufficiently prompt to effect its object. Otherwise it is justice denied. Upon that I am content to rely.

As it is probable that I may receive, at an early moment, further instructions from my Government in respect to the substantial points involved in the present correspondence, I deem it unadvisable further to take up your lordship's time, by enlarging the limits of the discussion of purely incidental questions. I desire to express my obligation to you for the ready and full manner in which your lordship has exonerated me from the suspicion of encouraging the enlistment of her Majesty's subjects in the service of the United States. At the same time it is not without regret that I perceive the charge still persevered in against the Government of the United States. If I understood your lordship aright, it is now affirmed that because the Government offers large bounties on enlistment in the United States, and because British subjects in the United States, tempted by these bounties, do occasionally enlist, therefore your lordship is justified in having affirmed in your former note that the Government of the United States, systematically and in disregard of the comity of nations, induces them to enlist. As well might I in my turn, in view of the frequent applications made to me to procure the discharge of citizens of the United States who have been tempted in the same manner to enlist in her Majesty's service in this kingdom, assume the existence of a similar policy. Further than the presence of a general offer, I do not perceive that your lordship's reference to the action of Mr. Seward, of which I am not in a situation to speak authoritatively, appears to extend. Further than this, I must still continue to disclaim the belief in the existence of any systematic policy, as well in one case as in the other.

On the 19th of February Mr. Seward writes to Mr. Adams, acknowledging the reception of his correspondence with Earl Russell, and saying: "It seems only necessary, so far as that particular case (the Alabama) is concerned, to repeat what was said, in effect in my instruction, Jan. 19th, that this Government does not think itself bound in justice to relinquish its claim for redress for the injuries which have resulted from the fitting out and despatch of the Alabama in a British port."

On the 9th of March Earl Russell, writing to Mr. Adams relative to a petition from the New York Mutual Insurance Co., addressed to Mr. Seward, and claiming repayment by her Majesty's Government of certain policies of insurance on the ships Brilliant and Manchester which had been destroyed by the Alabama, also added: "I have the honor to state to you that her Majesty's Government entirely disclaim all responsibility for any acts of the Alabama, and they had hoped that they had already made this decision on their part plain to the Government of the United States."

As the Alabama continued in her career of destruction, claims were prepared by the owners of the vessels thus destroyed and forwarded to Mr. Adams. By him they were sent to Earl Russell, with a request that they might be added to the list already before him. On the 14th of September, in reply to such a request, Earl Russell added: "When the United States Government assumes to hold the Government of Great Britain responsible for the captures made by vessels which may be fitted out as vessels-of-war in a foreign port, because such vessels were originally built in a British port, I have to observe that such pretensions are entirely at variance with the principles of international law, and with the decisions of American courts of the highest authority; and I have only, in conclusion, to express my hope that you may not be instructed again to put forward claims which her Majesty's Government cannot admit to be founded on any grounds of law or justice."

This answer of Earl Russell was referred by Mr. Adams to Mr. Seward, who, on the 6th of October, thus replied:

DEPARTMENT OF STATE, WASHINGTON, *Oct. 6th*, 1863.

SIR: Your despatch of the 18th of September, No. 500, has been received, together with a copy of the correspondence which has been held by you with Earl Russell on the subject of the claims of the owners of the ship Nora, which was destroyed by the war steamer Alabama. Earl Russell produces what he pronounces satisfactory evidence that that steamer was not fitted out at Liverpool as a ship-of-war. He then says, that when the United States Government assumes to hold the Government of Great Britain responsible for the captures made by vessels which may be fitted out as vessels-of-war in a foreign port, because such vessels were originally built in a British port, he, Earl Russell, has to observe that such pretensions are entirely at variance with the principles of international law, and with the decisions of American courts of the highest authority, and he has only, in conclusion, to express his hope that you may not be instructed again to put forward claims which her Majesty's Government cannot admit to be founded on any grounds of law or justice.

You refer me to these statements of Earl Russell, and ask for instructions upon the questions thus raised.

The United States understand that they are at peace with Great Britain, and that that power is obliged by treaties and international law to refrain and to restrain its subjects from making war against the United States. Her Majesty's Government probably concur in the legal principle thus asserted. The United States understand the facts of the case of the Alabama in a different sense from that which is accepted by Earl Russell. They understand that the Alabama is a pirate ship-of-war, roving over the seas capturing, burning, sinking, and destroying American vessels, without any lawful authority from the British Government or from any other sovereign power, in violation of the law of nations, and contemptuously defying all judicial tribunals equally of Great Britain and all other States; the United States understand that she was purposely built for war against the United States by British subjects in a British port, and prepared there to be armed and equipped with a specified armament adapted to her construction for the very piratical career which she is now pursuing; that her armament and equipment, duly adapted to this ship-of-war and no other, were simultaneously prepared by the same British subjects in a British port, to be placed on board to complete her preparation for that career; that when she was ready and her armament and equipment were equally ready, she was clandestinely and by connivance sent by her British holders, and the armament and equipment were at the same time clandestinely sent through the same connivance by the British subjects who had prepared them, to a common port outside of British waters, and there the armament and equipment of the Alabama as a ship-of-war were completed, and she was sent forth on her work of destruction with a crew chiefly of British subjects, enlisted in and proceeding from a British port, in fraud of the laws of Great Britain and in violation of the peace and sovereignty of the United States. The United States understand that the purpose of the building, armament and equipment and expedition of the vessel, was one single criminal intent, running equally through the building and the equipment and the expedition, and fully completed and executed when the Alabama was finally despatched, and that this intent brought the whole transaction of building, armament and equipment within the lawful jurisdiction of Great Britain, where the main features of the crime were executed. The United States understand that they gave sufficient and adequate notice to the British Government, that this wrongful enterprise was begun and was being carried out to its completion; and that, upon receiving this notice, her Majesty's Government were bound by treaty obligations and by the law of nations to prevent its execution, and that if the diligence which was due had been exercised by the British Government, the expedition of the Alabama would have been prevented, and the wrongful enterprise of British subjects would have been defeated. The United States confess that some effort was made by her Majesty's Government, but it was put forth too late and was too soon abandoned. Upon these principles of law and these assumptions of fact, the United States do insist, and must continue to insist, that the British Government is justly responsible for the damages which the peaceful, law-abiding citizens of the United States sustain by the depredations of the Alabama. I cannot, therefore, instruct you to refrain from presenting the claims which you have now in your hands of the character indicated.

In saying this, however, it is not to be understood that the United States intend to act dogmatically or in a litigious spirit. They are seriously and earnestly desirous to maintain not only peace, but even amity with Great Britain. They understand how unavoidably grievances have reciprocally arisen out of the divergence of policies which the two countries have adopted in regard to the present insurrection. This Government thinks it understands, and in some measure appreciates, the difficulties and embarrassments under which her Majesty's Government are laboring, resulting from the pressure of interests and combinations of British subjects calculated to compromise the neutrality which her Majesty has proclaimed, and tending even to involve the two nations in a destructive maritime war. This Government confesses very freely, that it does not regard the present hour as one that is entirely favorable to a calm and candid examination of either the facts or the principles involved in such cases as the Alabama. It looks forward to a period when our intestine war shall have ceased, and the interests and passions which it has awakened abroad as well as at home shall have subsided and disappeared. Though indulging a confident belief in the correctness of our positions in regard to the claims in question, and others, we shall be willing at all times hereafter, as well as now, to consider the evidence and the arguments which her Majesty's Government may offer, to show that they are invalid, and if we shall not be convinced, there is no fair and just form of conventional arbitrament or reference to which we shall not be willing to submit them. Entertaining these views, the President thinks it proper for you to inform Earl Russell that you must continue to give him notice of claims of the character referred to when they arise, and that you shall propose to furnish him the evidence upon which they rest as is customary in such cases, in order to guard against ultimate failure of justice. If he shall decline to receive the evidence, you will cause it to be duly registered and preserved, to be presented when a suitable occasion shall hereafter occur for renewing and urging prosecution of the claims.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

This despatch was in substance communicated to Earl Russell by Mr. Adams, on the 23d of October, as his instructions relative to the presentation of further claims upon the British Government.

On the 26th of October, Earl Russell thus answered:

FOREIGN OFFICE, *October 26th*, 1863.

SIR: I have had the honor to receive your letter of the 23d instant. In that letter you inform me that you are instructed to say that the Government of the United States must continue to insist that Great Britain has made itself responsible for the damages which the citizens of the United States sustain by the depredations of the vessel called the Alabama. But toward the con-

clusion of your letter you state that the Government of the United States are not disposed to act dogmatically, or in a spirit of litigation; that they desire to maintain amity as well as peace; that they fully comprehend how unavoidably reciprocal grievances must grow up from the divergence of the policy of the two countries in regard to the present insurrection. You add further, that the United States frankly confess themselves unwilling to regard the present hour as the most favorable to a calm and candid examination by either party of the facts or principles involved in cases like the one now in question. With this declaration her Majesty's Government may well be content to await the time when a calm and candid examination of the facts and principles involved in the case of the Alabama may, in the opinion of the Government of the United States, usefully be undertaken.

In the meantime I must request you to believe that the principle contended for by her Majesty's Government is not that of commissioning, equipping, and manning vessels in our ports to cruise against either of the belligerent parties—a principle which was so justly and unequivocally condemned by the President of the United States in 1793, as recorded by Mr. Jefferson in his letter to Mr. Hammond of the 5th of May of that year. But the British Government must decline to be responsible for the acts of parties who fit out a seeming merchant ship, send her to a port or to waters far from the jurisdiction of British courts, and there commission, equip, and man her as a vessel of war.

Her Majesty's Government fear that if an admitted principle were thus made elastic to suit a particular case, the trade of ship-building, in which our people excel, and which is to great numbers of them a source of honest livelihood, would be seriously embarrassed and impeded. I may add, that it appears strange that, notwithstanding the large and powerful naval force possessed by the Government of the United States, no efficient measures have been taken by the Government to capture the Alabama.

On our part I must declare that to perform the duties of neutrals fairly and impartially, and at the same time to maintain the spirit of British law, and protect the lawful industry of the Queen's subjects, is the object of her Majesty's Government, and they trust that the Government of the United States will recognize their earnest desire to preserve, in the difficult circumstances of the present time, the relations of amity between the two nations.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c.

This concludes the correspondence during the year on the important subject of claims against the British Government, arising out of the destruction done by the Alabama.

While this correspondence was going on, Mr. Adams was informed that other vessels, some of which were ironclads, were in process of construction in British ports, and intended for the use of the Confederate naval service. These facts were represented to Earl Russell, and a correspondence ensued, which resulted in a determination on the part of the British Government to detain all such vessels, until it was satisfactorily shown that they were not intended for hostile purposes against the United States. The first of the vessels thus detained was called the Alexandra. This case became a subject of investigation in the English courts, and the following is a report of the proceedings:

Case of the Alexandra.

Mr. Adams, on the 26th of March, called the attention of the foreign office of the British Government to the allegations that certain vessels in preparation at Liverpool were designed to carry on hostilities against the United States. In his communication of that date to Lord Russell, he transmitted a copy of an extract of a letter from Mr. Dudley, the U. S. consul at Liverpool. This letter of Mr. Dudley under date of March 24th, gives information of the launch, at Liverpool, of an iron screw steamer called the Phantom, and the arrival of a steamer called the Southerner, with the opinion that they were both intended to be used as privateers. The proper departments of the English Government were requested to make immediate inquiries on the subject, as Earl Russell informed Mr. Adams on March 27th. On the 28th he writes to Mr. Adams that the mayor of Liverpool is instructed to report whether any evidence on oath can be procured showing that the vessels, or either of them, were being equipped, fitted out or armed with intent to commit hostilities against the United States, in order to proceedings being taken under the Foreign Enlistment Act. On the 30th of March the equipment of another steamer called the Alexandra, at Liverpool, was brought to the notice of Earl Russell, and an investigation into the circumstances of the equipment led to her seizure in the first part of April, and the determination by the English law officers to proceed in the first instance against the vessel and not against the persons engaged in fitting her out. An information was filed by the Attorney General on behalf of her Majesty against twelve persons (including the builders of the ship), alleging the forfeiture of the vessel Alexandra, which had been seized while lying in the Toxteth dock, Liverpool, by desire of the Government, by a custom-house officer named Morgan, under the powers contained in the 7th section of the Foreign Enlistment Act, 59th G. III. chapter 69. The ship in question was built by Messrs. Miller & Sons, and as soon as launched was taken into the Toxteth dock, where the defendants proceeded to fit her with engines and a screw propeller. The defendants having made an affidavit that the ship was their property, they were allowed to enter an appearance and defend their claim. The present proceedings involve whether, under all the circumstances, the step taken by the crown was justifiable, and the defendants amenable to the law under the section above referred to. The information contains 98 counts, and is framed upon the above section of the statute; and charges in different forms that the vessel was equipped, furnished, and fitted out with intent to employ her in the service of the Confederate States to cruise against the United States. To these counts the claimants pleaded that the said ship or vessel, furniture, tackle, and apparel did not, nor did any or either of them, or any part thereof, become nor is the same or any or either of them, or any part thereof, forfeited for the several supposed causes, in the said information mentioned, or for any or either of

them, in manner or form as by said information is charged.

The case came on for trial June 22d, in the Court of Exchequer, sitting at Nisi Prius, at Westminster, before the Lord Chief Baron and a special jury.

The Attorney General, in opening the case, said the present proceeding was so far singular that, although the act of Parliament upon which it was founded had been passed so far back as 1819, and though it was true that various proceedings were commenced from time to time under that act, he was not aware until to-day that any question like this had ever been brought to trial. This information was a proceeding on the part of the Attorney General calling for the forfeiture of a vessel called the Alexandra. He should mention that the present case had arisen out of hostilities which were now being carried on between the United States and certain States which were formerly willing members of the Union; he meant the Confederate States. Those being the belligerent portion out of which or with respect to which the present proceedings had arisen, he might mention that, previous to the passing of the Foreign Enlistment Act in this country, the Government of the United States of that day had devised means to the same end; for in 1794, and again in 1818, by acts of Congress, provisions were made similar to those contained in the Foreign Enlistment Act; therefore, in passing our act of 1819 we may be said to have followed the example of the United States. In June, 1861, the Southern States, now familiarly known as the Confederate States, determined to recede or secede from the Union with the Northern States, and a war broke out, which had now unfortunately raged for two years. The war, however, having broken out, it soon became apparent that, although it was on the part of the seceding States a revolt against the government under which they had formerly lived, yet the organization and the power of self-defence and carrying on of military operations, according to the regular rules of war, were such as regarded states not involved in hostilities; although a recognition of the Confederates as an independent power was out of the question, yet it was right they should be admitted by other nations within the circle of lawful belligerents—that is to say, that their forces should not be treated as pirates, nor their flag as a piratical flag. Therefore, as far as the two belligerents were concerned, on the part of this and other governments, they were so far put on a level that each was to be considered as entitled to the right of belligerents—the Southern States as much as the other. On the 13th of May a proclamation was issued. The Attorney General read the proclamation, which stated that Great Britain being at peace with the United States, the subjects of Great Britain were required to preserve a neutrality in the hostilities being carried on by the Northern and Southern States. The Attorney General went on to say, as to the American war, one was a regular Government, long since recognized by the Government of this country, and still at amity with Great Britain. The character of the other was of a different kind. The consequence was, that the position of the Confederate States as belligerents having been conceded, it followed that all the provisions of the Foreign Enlistment Act went to render assistance given to the Confederate States liable to the same punishment as if it had been given to those they opposed; he meant the Government of the United States. This brought them up to May, 1861. The seizure of the Alexandra took place at Liverpool, a commercial resort, before the war, of the traders from all parts of the Union and the South. She was lying at the time at the Toxteth dock, Liverpool. She had been launched from the building yard of Messrs. Miller the month before. At the time of the seizure Miller's men were on board of her. She was a vessel of no great size, being about 120 tons burden. She was strongly built of teak wood, and was in many respects different from vessels employed in the merchant service; and it would be for the jury to say by and by, having regard to the vessel itself and its materials, whether the vessel had been fitted for the merchant service or for warlike purposes. The Attorney General then described from a photograph the position of the ship at the time of her seizure and the appearance she presented. The Attorney General went on to say the vessel had proceeded so far as to leave no reasonable doubt that the destination of the vessel, in whatever quarter of the world she was to be employed, was a warlike destination. The charge against the defendants was that the Alexandra was fitted out or equipped, or permitted to be equipped, to harass and be hostile to the Government and citizens of a State with whom her Majesty was at peace. There were many persons intimately mixed up with the seizure and forfeiture besides those who had put in their claim. Miller & Sons were the builders, and were in actual possession of the vessel up to the time of her seizure, although the defendants had claimed her. The claimants were engineers, and supplied the vessel with engines and guns, and other materials that would be required for the completion of the vessel. There was one gentleman who had interfered in the matter, a Captain Bullock, an officer in the naval service of the Confederate States, and the evidence would go to show that he was, for particular purposes, an agent of the Confederate States. The same remark would apply to a Captain Tessier, who was in the service of Frazer & Co., merchants at Liverpool, who were very much mixed up in the interest of the Confederate Government. There was also a Mr. Hamilton, a naval officer in the Confederate States, standing in the same position as Captain Bullock. All these persons had more or less interfered with the building of the Alexandra. Assuming

all the facts to be made out—and they (the jury) were to adopt the conclusion of skilled witnesses as to the destination of the vessel for warlike purposes—they would have to ask themselves whether it could be doubted that the Confederate Government had an interest—an immediate interest—in the completion of the vessel. The Attorney General then went into the evidence he proposed to call to prove his case.

The testimony in the case was directed, and tended, to prove,

1st. That the vessel, from the nature of her construction, was not intended for the merchant service, but suitable for a vessel-of-war.

2d. That gun carriages and other warlike equipments were being constructed for her.

3d. That her builders had declared she was being built for the Confederate States.

4th. That the persons who contracted for her and supervised her construction, were in the service of the Confederate States.

After the case had been summed up, the Lord Chief Baron said:

This is an information on the part of the crown for the seizure and confiscation of a vessel that was in the course of preparation, but had not been completed. It is admitted that it was not armed, and the question is, whether the preparation of the vessel in its then condition was a violation of the Foreign Enlistment Act. The information is an exceeding long one, but the main question you will have to decide is this, whether, under the 7th section of the act of Parliament, the vessel as then prepared at the time of seizure was liable to seizure. The statute was passed in 1819, and upon it no question has ever arisen in our courts of justice; but there have been expositions of a similar statute which exists in the United States. I will now read to you the opinions of some American lawyers who have contributed so greatly to make law a science, and, indeed, I may say an agreeable one. His lordship then read a passage from Story and others. These gentlemen are authorities which show that when two belligerents are carrying on a war, a neutral power may supply without any breach of international law, and without a breach of the Foreign Enlistment Act, munitions of war—gunpowder, every description of arms, everything, in fact, that can be used for the destruction of human beings.

Why should ships be an exception? I am of opinion, in point of law, they are not. The Foreign Enlistment Act was an act to prevent the enlistment or engagement of his Majesty's subjects to serve in foreign armies, and to prevent the fitting out and equipping in his Majesty's dominions vessels for warlike purposes without his Majesty's license. The title of an act is not at all time an exact indication or explanation of the act, because it is generally attached after the act is passed. But in adverting to the preamble of the act I find that provision is made against the equipping, fitting out, furnishing, and arming of vessels, because it may be prejudicial to the peace of his Majesty's dominions. The question I shall put to you is, whether you think that vessel was merely in course of building to be delivered in pursuance of a contract that was perfectly lawful, or whether there was any intention in the port of Liverpool, or any other English port, that the vessel should be fitted out, equipped, furnished, and armed for purposes of aggression. Now, surely, if Birmingham, or any other town, may supply any quantity of munitions of war of various kinds for the destruction of life, why object to ships? Why should ships alone be in themselves contraband? I asked the Attorney General if a man could not make a vessel intending to sell it to either of the belligerent powers that required it, and which would give the largest price for it, would not that be lawful? To my surprise the learned Attorney General declined to give an answer to the question, which I think a grave and pertinent one. But you, gentlemen, I think, are lawyers enough to know that a man may make a vessel and offer it for sale. If a man may build a vessel for the purpose of offering it for sale to either belligerent party, may he not execute an order for it? That appears to me to be a matter of course. The statute is not made to provide means of protection for belligerent powers, otherwise it would have said you shall not sell powder or guns, and you shall not sell arms; and if it had done so, all Birmingham would have been in arms against it. The object of the statute was this: that we should not have our ports in this country made the ground of hostile movements between the vessels of two belligerent powers, which might be fitted out, furnished, and armed in those ports. The Alexandra was clearly nothing more than in the course of building. It appears that, according to "Webster's Dictionary," equipping is furnishing with arms, and furnishing is given in other dictionaries as the same thing as equipping. It appears to me that if true that the Alabama sailed from Liverpool without any arms at all as a mere ship in ballast, and that her armament was put on board at Terceira, which is not in her Majesty's dominions, then the Foreign Enlistment Act was not violated at all. The most important evidence is that given by Capt. Inglefield, who gave a very moderate statement, and has been spoken of on both sides in the highest terms of approbation, and I think myself his evidence was very fair and candid. After reading some of the evidence, his lordship said if you think that the object was to furnish, fit out, equip and arm that vessel at Liverpool, that is a different matter; but if you think the object really was to build a ship in obedience to an order in compliance with a contract, leaving those who bought it to make what use they thought fit of it, then it appears to me that the Foreign Enlistment Act has not been broken.

The jury immediately returned a verdict for the defendants.

The Attorney General tendered a bill of exceptions to the Lord Chief Baron's ruling.

Mr. Seward, in his despatch of July 11th to Mr. Adams, states the impression produced by the proceedings in the case as follows:

First. You are authorized and expected to assure Earl Russell that this Government is entirely satisfied that her Majesty's Government have conducted the proceedings in that case with perfect good faith and honor, and that they are well disposed to prevent the fitting out of armed vessels in British ports to depredate upon American commerce, and to make war against the United States.

Secondly. This Government is satisfied that the law officers of the crown have performed their duties in regard to the case of the Alexandra with a sincere conviction of the adequacy of the law of Great Britain, and with a sincere desire to give it effect.

Thirdly. The Government of the United States does not descend to inquire whether the jury in the case were or were not impartial. It willingly believes they were so, and it accepts the statement made with so much unanimity by all the reporters of the case, that the judge who presided at the trial made the bench responsible for the verdict by the boldness and directness of his rulings against the prosecution.

Fourthly. Great Britain being a free and constitutional country, and the proceedings in the case of the Alexandra having been thus far conducted by the Government in good faith and according to law, the United States would not be justified in deeming the verdict rendered by the jury a cause of national complaint, provided that the Government prosecutes an appeal to the higher courts until it be determined in the court of last resort whether the law is adequate to the main-

enance of the neutrality which her Majesty has proclaimed, and provided also that in the meantime the Alexandra and other vessels which may be found violating or preparing to violate the law, be prevented, so far as the law may allow, from leaving British ports to prosecute their work of devastation.

The President is not prepared to believe that the judiciary of Great Britain will, with well-considered judgment, render nugatory and void a statute of the realm which, with its counterpart in our own legislation, has hitherto been regarded by both nations as a guarantee of that mutual forbearance which is so essential to the preservation of peace and friendship. Nor shall I incur the hazard of producing irritation on either side of the ocean by criticising the reasoning by which the learned judge who tried the case of the Alexandra justified his conclusions thereon, or by which that portion of the British press which approves the verdict labors to defend it.

If the rulings of the Chief Baron of the Exchequer in the case of the Alexandra shall be affirmed so as to regulate the action of her Majesty's Government, the President will, as he thinks, be left to understand that there is no law in Great Britain which will be effective to preserve mutual relations of forbearance between the subjects of her Majesty and the Government and the people of the United States in the only point where they are exposed to infraction. The fitting out of the Alabama and the Florida, as well as of the Alexandra, will thus receive the sanction of the Government, and the United States will be without any guarantee whatever against the indiscriminate and unlimited employment of capital, industry, and skill, by British subjects, in building, arming, equipping, and sending forth ships-of-war from British ports to make war against the United States.

On the bill of exceptions being tendered to the Lord Chief Baron he declined to sign it, because it imputes to him certain legal declarations which he never made, and objects to him that he did not give instructions which he never were the very ones he did give. As a consequence, a technical barrier was at once raised against further operations, which proved so difficult to remove, that resort was finally had to the extraordinary step of creating a new rule for the purpose of admitting a motion on the part of the Government. Upon a motion made under this new rule, in the Court of Exchequer, on November 5th, before Lord Chief Baron Pollock and Barons Bramwell, Channell and Pigott, for a rule to show cause why there should not be a new trial on the ground of misdirection by the learned judge, and also on the ground that the verdict was against the evidence, a rule *nisi* was granted. After argument of the rule, to show cause why a new trial should not be granted, the Court of Exchequer discharged the rule, thus denying a new trial, and an appeal was brought to the Court of Exchequer Chamber. The case took an unexpected turn at the hearing in this court, in the early part of February, 1864.

When the appeal from the Court of Exchequer was taken there was some discussion as to practice, but it was finally understood that the case was put in such shape that, although the Chief Baron would not sign a bill of exceptions, the legal questions involved in his rulings could go before the higher courts.

The critical questions need not be stated here, as they do not relate to the more important matters connected with the case, and involve the construction of provisions in the "Common Law Procedure Act" and the "Queen's Remembrancer's Act," upon purely technical points. The judgment of the matter of jurisdiction was given on the 8th of February, in the Court of Exchequer Chamber, and disclosed a singular division of opinion. The Lord Chief Justice of the Queen's Bench and three puisne judges of that court who were present, were of the opinion that there was no jurisdiction; the Lord Chief Justice and two judges of the Common Pleas were of opinion that there was jurisdiction, and the former having the majority by one the appeal was dismissed.

The expedient by which, notwithstanding this denial of jurisdiction in the Court of Exchequer Chamber, the case is finally sent to the House of Lords, is thus explained in the London Times of the 29th of February:

Happily, a loophole was discovered by the court, by means of which this grievous sacrifice of justice to an informality may yet be avoided. Instead of simply admitting the preliminary objection and declining to hear the appeal, the form of judgment is that the appeal be dismissed. There will, therefore, be an entry of a decision on the record, and against this decision, although not founded on the merits of the suit, the counsel for the Crown may appeal to the House of Lords. Thus this ignoble break down in our legal machinery is not past remedy if the House of Lords shall agree with the three Judges of the Common Pleas rather than with the four Judges of the Queen's Bench. It may perhaps strike some of our readers that the expedient devised to extricate our courts from the dilemma is not much less technical than the origin of the dilemma itself. The solution is *in pari materia* with the difficulty, and probably neither would have occurred to an unprofessional mind. Where, however, a great mistake has been made in a very serious matter, we must be content to get out of its consequences as best we may consistently with justice and precedent. If the Alexandra case had been stopped in its present stage, not only would a golden opportunity of reducing an important branch of law to certainty have been irretrievably lost, but a new pretext would have been provided, very unseasonably, for impugning the faith of our Goverment. (*See* GREAT BRITAIN.)

FRANCE.—The diplomatic relations between the United States and France appear to have been of a very friendly kind during 1863. No further movements were made by the French Government relative to an acknowledgment of the insurrectionary States, and no vessels, during that period, were allowed to leave her ports for the purpose of destroying the commerce of the United States. The intentions of France in Mexico, and the views of the United States Government on that subject, were explained in the correspondence, as will appear by the following extracts:

On the 26th of September Mr. Seward writes to Mr. Dayton as follows:

It is well understood that through a long period, closing in 1860, the manifest strength of this nation was a sufficient protection for itself and for Mexico, against all foreign States. That power was broken down and shattered in 1861 by faction. The first fruit of our civil war was a new, and in effect, though not intentionally so, an unfriendly attitude assumed by

Great Britain, France, and Spain, all virtually, and the two first named powers avowedly, moving in concert. While I cannot confess to a fear on the part of this Government that any one or all of the maritime powers combining with the insurgents could overthrow it, yet it would have been manifestly presumptuous, at any time since this distraction seized the American people, to have provoked such an intervention, or to have spared any allowable means of preventing it. The unceasing efforts of this department in that direction have resulted from this ever-present consideration. If in its communications the majestic efforts of the Government to subdue the insurrection, and to remove the temptation which it offered to foreign powers, have not figured so largely as to impress my correspondents with the conviction that the President relies always mainly on the national power, and not on the forbearance of those who it is apprehended may become its enemies, it is because the duty of drawing forth and directing the armed power of the nation has rested upon distinct departments, while to this one belonged the especial duty of holding watch against foreign insult, intrusion, and intervention. With these general remarks I proceed to explain the President's views in regard to the first of the two questions mentioned, namely, the attitude of France in regard to the civil war in the United States.

We know from many sources, and even from the Emperor's direct statement, that, on the breaking out of the insurrection, he adopted the current opinion of European statesmen that the efforts of this Government to maintain and preserve the Union would be unsuccessful. To this prejudgment we attribute his agreement with Great Britain to act in concert with her upon the questions which might arise out of the insurrection; his concession of a belligerent character to the insurgents; his repeated suggestions of accommodation by this Government with the insurgents; and his conferences on the subject of a recognition. It would be disingenuous to withhold an expression of the national conviction that these proceedings of the Emperor have been very injurious to the United States, by encouraging and thus prolonging the insurrection. On the other hand, no statesman of this country is able to conceive of a reasonable motive, on the part of either France or the Emperor, to do or to wish injury to the United States. Every statesman of the United States cherishes a lively interest in the welfare and greatness of France, and is content that she shall enjoy peacefully and in unbounded prosperity the administration of the Emperor she has chosen. We have not an acre of territory or a port which we think France can wisely covet; nor has she any possession that we could accept if she would resign it into our hands. Nevertheless, when recurring to what the Emperor has already done, we cannot, at any time, feel assured that, under mistaken impressions of our exposure, he might not commit himself still further in the way of encouragement and aid to the insurgents. We know their intrigues in Paris are not to be lightly regarded. While the Emperor has held an unfavorable opinion of our national strength and unity, we, on the contrary, have as constantly indulged entire confidence in both. Not merely the course of events, but that of time, also, runs against the insurgents and reinvigorates the national strength and power. We desire, therefore, that he may have the means of understanding the actual condition of affairs in our country. We wish to avoid anything calculated to irritate France, or to wound the just pride and proper sensibilities of that spirited nation, and thus to free our claim to her forbearance, in our present political emergency, from any cloud of passion or prejudice. Pursuing this course, the President hopes that the prejudgment of the Emperor against the stability of the Union may the sooner give way to convictions which will modify his course, and bring him back again to the traditional friendship which he found existing between this country and his own, when, in obedience to her voice, he assumed the reins of empire. These designs and purposes do not imply either a fear of French hostility, or any neglect of a prudent posture of national self-reliance.

The subject upon which I propose to remark, in the second place, is the relation of France toward Mexico. The United States hold, in regard to Mexico, the same principles that they hold in regard to all other nations. They have neither a right nor a disposition to intervene by force in the internal affairs of Mexico, whether to establish and maintain a republic or even a domestic government there, or to overthrow an imperial or a foreign one, if Mexico chooses to establish or accept it. The United States have neither the right nor the disposition to intervene by force on either side in the lamentable war which is going on between France and Mexico. On the contrary, they practise in regard to Mexico, in every phase of that war, the non-intervention which they require all foreign powers to observe in regard to the United States. But, notwithstanding this self-restraint, this Government knows full well that the inherent normal opinion of Mexico favors a government there republican in form and domestic in its organization, in preference to any monarchical institutions to be imposed from abroad. This Government knows, also, that this normal opinion of the people of Mexico resulted largely from the influence of popular opinion in this country, and is continually invigorated by it. The President believes, moreover, that this popular opinion of the United States is just in itself, and eminently essential to the progress of civilization on the American continent, which civilization, it believes, can and will, if left free from European resistance, work harmoniously together with advancing refinement on the other continents. This Government believes that foreign resistance, or attempts to control American civilization, must and will fail before the ceaseless and ever-increasing activity of material, moral, and political forces, which peculiarly belong to the American continent. Nor do the United States deny that, in their opinion, their own safety and the cheerful destiny to which they aspire are intimately dependent on the continuance of free republican institutions throughout America. They have submitted these opinions to the Emperor of France, on proper occasions, as worthy of his serious consideration, in determining how he would conduct and close what might prove a successful war in Mexico. Nor is it necessary to practise reserve upon the point, that if France should, upon due consideration, determine to adopt a policy in Mexico adverse to the American opinions and sentiments which I have described, that policy would probably scatter seeds which would be fruitful of jealousies, which might ultimately ripen into collision between France and the United States and other American republics. An illustration of this danger has occurred already. Political rumor, which is always mischievous, one day ascribes to France a purpose to seize the Rio Grande, and wrest Texas from the United States; another day rumor advises us to look carefully to our safety on the Mississippi; another day we are warned of coalitions to be formed, under French patronage, between the regency established in Mexico and the insurgent cabal at Richmond. The President apprehends none of these things. He does not allow himself to be disturbed by suspicions so unjust to France and so unjustifiable in themselves; but he knows, also, that such suspicions will be entertained more or less extensively by this country, and magnified in other countries equally unfriendly to France and to America; and he knows, also, that it is out of such suspicions that the fatal web of national animosity is most frequently woven. He believes that the Emperor of France must experience desires as earnest as our own for the preservation of that friendship between the two nations which is so full of guarantees of their common prosperity and safety. Thinking this, the President would be wanting in fidelity to France, as well as to our own country, if he did not converse with the Emperor with entire sincerity and friendship upon the attitude which France is to assume in regard to Mexico. The statements made to you by M. Drouyn de l'Huys, con-

cerning the Emperor's intentions, are entirely satisfactory, if we are permitted to assume them as having been authorized to be made by the Emperor in view of the present condition of affairs in Mexico. It is true, as I have before remarked, that the Emperor's purposes may hereafter change with changing circumstances. We, ourselves, however, are not unobservant of the progress of events at home and abroad; and in no case are we likely to neglect such provision for our own safety as every sovereign state must always be prepared to fall back upon when nations with which they have lived in friendship cease to respect their moral and treaty obligations. Your own discretion will be your guide as to how far and in what way the public interests will be promoted, by submitting these views to the consideration of M. Drouyn de l'Huys.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c.

On the 9th of October, Mr. Dayton reports his communication of the views expressed in the preceding letter, to the French minister M. Drouyn de l'Huys, as follows:

I brought out your views, however, in the course of a general conversation about Mexican affairs. I asked of M. Drouyn de l'Huys what character of test was to be adopted, with a view to learn the wishes of that country (Mexico) as to its form of Government. He said that the vote of the entire country, and of all its departments, whether the French were or were not in their possession, would be taken, and if upon its registries it should appear that a large majority of the whole population (Spanish and Indian) were favorable to a monarchical form of Government, he supposed that would be sufficient. He thought there would be no difficulty in applying this test, and showing a large numerical majority in favor of the archduke, and that form of Government.

M. Drouyn de l'Huys went on to say, that the dangers of the Government of the archduke would come principally from the United States, and the sooner we showed ourselves satisfied, and manifested a willingness to enter into peaceful relations with that Government, the sooner would France be ready to leave Mexico and the new Government to take care of itself, which France would, in any event, do as soon as it could; but that it would not lead or tempt the archduke into difficulty, and then desert him before his Government was settled. He added, that France could not do that. He said, that the early acknowledgment of that Government by the United States would tend to shorten, or perhaps, he said, to end all the troublesome complications of France in that country; that they would thereupon quit Mexico.

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I told him that, without having any authority from my Government to say so, I should scarcely suppose that France, under the circumstances, would expect the United States to make haste to acknowledge a new monarchy in Mexico, but I would report his views to the Government at home; not suggesting, however, that any answer would be given. In the course of conversation, he took occasion again to repeat, voluntarily, their disclaimer of any purpose to interfere with Texas, or to make or to seek any permanent interest or control in Mexico.

On the 23d of October, Mr. Seward writes to Mr. Dayton acknowledging the receipt of his despatch, and saying:

SIR: I have the honor to acknowledge the reception of your despatch of the 9th instant (No. 361), which brings me the views expressed by M. Drouyn de l'Huys concerning the situation in Mexico. Various considerations have induced the President to avoid taking any part in the speculative debates bearing on that situation which have been carried on in the capitals of Europe as well as in those of America. A determination to err on the side of strict neutrality, if we err at all, in a war which is carried on between two nations, with which the United States are maintaining relations of amity and friendship, was prominent among the considerations to which I have thus referred.

The United States, nevertheless, when invited by France or Mexico, cannot omit to express themselves with perfect frankness upon new incidents, as they occur, in the progress of that war. M. Drouyn de l'Huys now speaks of an election which he expects to be held in Mexico, and to result in the choice of his Imperial Highness the Prince Maximilian of Austria to be Emperor of Mexico. We learn from other sources that the prince has declared his willingness to accept an imperial throne in Mexico on three conditions, namely: first, that he shall be called to it by the universal suffrage of the Mexican nation; secondly, that he shall receive indispensable guarantees for the integrity and independence of the proposed empire; and thirdly, that the head of his family, the Emperor of Austria, shall acquiesce.

Referring to these facts, M. Drouyn de l'Huys intimates that an early acknowledgment of the proposed empire by the United States would be convenient to France, by relieving her, sooner than might be possible under other circumstances, from her troublesome complications in Mexico.

Happily the French Government has not been left uninformed that, in the opinion of the United States, the permanent establishment of a foreign and monarchical Government in Mexico will be found neither easy nor desirable. You will inform M. Drouyn de l'Huys that this opinion remains unchanged. On the other hand, the United States cannot anticipate the action of the people of Mexico, nor have they the least purpose or desire to interfere with their proceedings, or control or interfere with their free choice, or disturb them in the enjoyment of whatever institutions of Government they may, in the exercise of an absolute freedom, establish. It is proper, also, that M. Drouyn de l'Huys should be informed that the United States continue to regard Mexico as the theatre of a war which has not yet ended in the subversion of the Government long existing there, with which the United States remain in the relation of peace and sincere friendship; and that, for this reason, the United States are not now at liberty to consider the question of recognizing a Government which, in the further chances of war, may come into its place. The United States, consistently with their principles, can do no otherwise than leave the destinies of Mexico in the keeping of her own people, and recognize their sovereignty and independence in whatever form they themselves shall choose that this sovereignty and independence shall be manifested. I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

The correspondence with other countries, when important, is noticed in the articles elsewhere on those countries.

DOST MOHAMMED, KHAN, emir of Cabul, born in the country of the Barekzais, about 1785, died under the walls of Herat in May, 1863. The vicissitudes of his career have been rarely equalled except in oriental countries, where the sovereign of to-day may be a wandering refugee to-morrow. The tribe of the Barekzais have been for a long period the largest and most prominent of the Tartar hordes which occupy the western portion of Central Asia, and its chiefs have borne a conspicuous part in the government of that region, and the control of the successive empires which have risen and fallen there within the past three or four centuries. In 1738–'9, Nadir Shah, the most enterprising and energetic of the Persian monarchs in modern times, had conquered Af-

ghanistan, and conferred its government upon one of his viceroys. In 1744 he died, and one of his generals, Ahmed Khan, chief of the tribe of the Abdallehs, seized Afghanistan, and, proclaiming his independence, caused himself to be crowned king or emperor at Kandahar, under the title of Ahmed Shah, *Dour-e-Douran* (pearl of the age), and his tribe thenceforth took the name of Douranis or Douranians. The kingdom of the Afghans, of which he thus took possession, extended from Khorassan to India, and from Beloochistan to Cashmere, and included also Scinde, in the northwest of India. His reign of twenty-nine years was peaceful and without remarkable incidents, and he was succeeded in 1773 by his son Timour Shah, who died in 1793, after a quiet reign of twenty years, leaving several sons, who aspired to the throne. One of the youngest of these, Zeman Shah, having obtained the powerful assistance of Sarferaze Khan, chief of the tribe of the Barekzais, ascended the throne, and for a time succeeded in maintaining his authority, but his brothers, Mahmoud, who had secured the influence of the East India Company in his favor, and Shoudja, both older than himself, conspired against him, and the weak and jealous Zeman Shah, accusing his protector and friend Sarferaze of participating in the conspiracy, put him to death. The eldest son of Sarferaze, Fatteh Khan, to avenge his father, espoused the cause of Mahmoud, and caused him to be proclaimed shah or king of Afghanistan; but Shoudja, the younger brother of Mahmoud, at once commenced intriguing with the East India Company, and in 1809 concluded a treaty with them, against France, by virtue of which he was to be elevated to the throne. Meanwhile, Mahmoud, whose hold upon the kingdom was at first somewhat weak, had, by the energetic efforts of Fatteh Khan, succeeded in deposing Zeman Shah, and in keeping Shoudja in exile, and in 1809 consolidated his power, and with Fatteh Khan, as prime minister, entered upon a vigorous administration, the prime minister restoring order throughout the realm, and keeping foreign powers at a distance. In 1818, he led the Afghan army against a large Persian force, which was marching upon Herat, and repulsed it with heavy loss. This success of Fatteh Khan, however, excited the jealousy of Kamran, the son of the Shah Mahmoud, who, prejudicing the mind of his father against him, caused him to be arrested and his eyes put out. The intelligence of this unjust and inhuman treatment of their beloved chieftain caused the Barekzais to rise at once in rebellion. Mahmoud, causing Fatteh Khan to be brought into his presence, ordered him to cause his tribe to return to their allegiance, but he answered that he was only a poor blind man, and had nothing further to do with the affairs of state. Enraged at this reply, Mahmoud caused him to be hacked to pieces with sabres by his concubines.

Within the next two years the brothers of Fatteh Khan had made themselves masters of the whole of Afghanistan except Herat, and the territory immediately adjacent, which was still held by the Shah Mahmoud and his son Kamran. Dost Mohammed, the eldest of these brothers, reigned at Cabul; four of his brothers, Sir-dil, Raham-dil, Mur-dil, and Kohan-dil, ruled conjointly at Kandahar, and a still younger brother at Peshawur, under the suzerainty of Runjeet Singh, king of Lahore.

Of these brothers, the only one who inherited the intelligence, energy of character, ardent ambition, and capacity for governing of his father and elder brother, was Dost Mohammed. His brothers made themselves odious to the people at Kandahar, and he looked forward with hope to the time when he might succeed in bringing the whole old Afghan empire under his sway. He found the East India Company, however, ready to interpose formidable obstacles in the way of his success. That company were constantly apprehensive of an invasion of India by the way of Cabul and Kandahar, and believing that Dost Mohammed would become an instrument in the hands of the Russian Government to aid in such an invasion, they were disposed to cripple his power as far as possible. For nineteen years he had succeeded in maintaining his authority at Cabul, and had seen his old enemy Kamran deposed at Herat. The British Government meanwhile had allowed a pension to the pretender Shoudja, and in 1839 sent a large army into Afghanistan to drive out Dost Mohammed and his brother, and place Shoudja upon the throne. They succeeded in their object for the time. Dost Mohammed, finding himself unable to contend with so large a force, fled from Cabul, and, though he fought two pitched battles with the English forces, was defeated, and Shoudja was crowned king of Afghanistan. On the 3d or 4th of November, 1840, Dost Mohammed, with an eye to future success, appeared before the gates of Cabul, presented himself before Sir William McNaughton, the British Resident, declared his name, and surrendered his sword. The Resident, touched with his apparent magnanimity, treated him with great respect, and sent him to India.

Meantime, the Government of Shah Shoudja was becoming daily more unpopular, and not the Barekzais alone, but the other Afghan tribes were rising in insurrection, and in the latter part of 1841 a general outbreak took place, in which the English garrison were compelled to fly for their lives; Shah Shoudja was assassinated, Sir William McNaughton slain by the hand of Akbar Khan, a son of Dost Mohammed, who led the insurrection, and the British troops in the country, attempting to retreat to India, were, many of them, destroyed in the defiles of the Himalayas. The English Government in 1842 revenged their defeat by burning Ghuzna, Cabul, Jellalabad, and other towns of Afghanistan, and left the country in a state of anarchy, having placed a son of Shoudja upon the throne. He proved as unfit to rule as his father, and as his downfall was inevitable, the

English Government found themselves reduced to the necessity of treating with Dost Mohammed for his restoration to authority. He had remained in India quietly biding his time, and in 1843 he left Calcutta, furnished by the Government with money, and, remaining for a time at Lahore, where he met his son Akbar Khan, he prepared for his return to Cabul, which he entered in the ensuing summer. Here he exerted himself successfully to repair the injuries which British interference had brought upon his country, reëstablished commerce, and gave his eldest daughter in marriage to Seid Mohammed, who in 1852 succeeded his father Yat Mohammed as king of Herat. An attack having been made by the Persians upon Seid Mohammed, Dost Mohammed sent a force to aid his son-in-law, and, though unsuccessful, he exerted such influence with his English allies, that the Persian Government was compelled to acknowledge by treaty the independence of Herat. One of his brothers, who ruled jointly at Kandahar, died in 1855, and in his will made Dost Mohammed the guardian of his children, and thus opened the way, in part, for him to become master of Kandahar. The same year he concluded a treaty of close alliance, offensive and defensive, with the East India Company. In the autumn of 1855, a nephew of Kamran, and grandson of Mahmoud, the murderer of Fatteh Khan, by treachery introduced himself into Herat, assassinated Seid Mohammed, and seized the throne. Dost Mohammed immediately prepared to march upon Herat to avenge the death of his son-in-law and put to death the usurper; but the Persian Government had meantime sent an army to Herat, which besieged it in the summer of 1856, and captured it on the 26th of October of that year, taking the usurper Mohammed Yussuf Chah-Zudeh prisoner. When Dost Mohammed Khan arrived before the city he found himself unable to accomplish anything directly, and was compelled to return to Cabul. Through his influence with the English Government, however, he procured from the Persians the concession for his nephew Ahmed Khan of the government of Herat. The new sovereign was equal to his uncle in intelligence and ambition, and, allying himself with the Persian Government, he was soon on unfriendly terms with his uncle. In 1862 the governor of Ferah, one of the provinces of the kingdom of Herat, at the instigation of Dost Mohammed, declared himself independent, and Ahmed Khan marched against him. The insurgent governor called upon Dost Mohammed to come to his assistance, and the old khan, proceeding with great rapidity, defeated his nephew at the battle of Heri-Roud, and moved at once upon Herat, which he besieged, and having gained the chief of the Ulemas to his side, soon had a powerful faction in the city in his favor; but Ahmed Khan, ascertaining the facts, hanged the chief of the Ulemas, and some of his fellow conspirators, and soon received assistance from the Persians. The old khan, however, not discouraged, continued the siege for several months, but in May, 1863, was seized with severe illness, from which he died in a few days.

DUNCAN, Philip Bury, Esq., an English scholar and philanthropist, born in South Warnborough in 1772, died at his residence, Westfield Lodge, near Bath. His early education was received at Winchester School, and in 1790 he entered New College, Oxford, where he was associated with the late Archbishop Howley, Bishop Mant, and Sydney Smith, with all of whom he kept up an intimacy and correspondence through life. About the year 1796, he, with his brother, the late John Shute Duncan, was called to the bar of Lincoln's Inn, and, for a few years, attended the Home and Western Circuits. In 1801 his father took up his residence in Bath, and from that time to the date of his death, the subject of this sketch divided his time between Bath and Oxford, and was intimately associated with nearly every local scheme in any way conducive to the welfare of the poor, as well as with all objects of scientific or literary interest. He took an active interest in the affairs of the Bath United Hospital, of which institution he was made president in 1841. With his brother he was one of the earliest promoters of the Bath Royal Literary and Scientific Institution, to whose valuable collection he was a most liberal contributor. But no notice of Mr. Duncan's career would be complete without an allusion to his connection with the University of Oxford, in which a great portion of his useful life was spent. He was the warm advocate and friend of all measures in any way calculated to extend the benefits of university education, or to give a place among the studies to physical science and mathematics, which, until that period, were not recognized in the same degree as ancient literature and philosophy. His experience of men and things was much enlarged by foreign travel and the acquaintance of men of letters on the continent. In 1826 Mr. D. received the appointment of keeper of the Ashmolean Museum, which office had been previously filled with great advantage to the University by his brother. Under the good taste and liberality of these brothers the museum became highly successful, and the valuable collections in the zoological and other departments kept alive in the University the attention to natural science which finally resulted in the erection of the University Museum, at a cost of £60,000, with provision for the proper teaching of the several branches of physiology, zoology, chemistry, experimental philosophy, geology, and mineralogy. The University is indebted to him also for the casts of the best statues of antiquity, wax models in the anatomy school, and models of ancient architecture which are among the chief ornaments of the picture gallery in the Bodleian Library. The poor of Oxford, too, are indebted to his exertions for the foundation of a savings bank,

an anti-mendicity society, and the establishment of public baths and wash-houses, toward the erection of which he contributed, at different times, £2,000. After holding his fellowship at New College for half a century, he resigned his position, thinking that its emoluments were, by this time, due to some more youthful successor, thus adding one more to the long list of acts of unselfish liberality which had characterized his life. He was a man of pure life, simple habits, and noble impulses, and his declining years exhibited a beautiful example of a quiet passage from time to eternity. His published works are "Political and Literary Anecdotes of his own Times," by Dr. William King, Principal of St. Mary's Hall, edited by Mr. Duncan, 1818; "Essays on Various Subjects," "Railway Readings," "Motives of War," "Reliquiæ Romanæ; or, Specimens of the Arts of the Romans found in England and Wales," "Essays on Conversation and on Quackery," 1835, "Literary Conglomerate," 1839.

DUYCKINCK, George Long, an American author, born in the city of New York, October 17th, 1822, died there, March 30th, 1863. He was a descendant of an old Knickerbocker family, dating from the early settlement of the island by the Dutch. His father, Evert Duyckinck, was for many years one of the leading book publishers in New York. He retired from business one year previous to his death, which occurred in 1833, leaving two sons, Evert A. and the subject of our sketch, both of whom inherited his literary taste. George L. Duyckinck was educated at Geneva College, N. Y., and at the university of the city of New York, graduating at the latter institution in 1843. After the completion of his college course, he, in company with William Allen Butler, a classmate, made a tour in Europe in 1848, and on his return became connected with his brother in the editorship of "The Literary World," a journal published weekly, in quarto, and which was continued until 1853, when it closed with its thirteenth volume. Mr. Duyckinck then, still associated with his brother, prepared the "Cyclopædia of American Literature," an able and extensive work requiring great research, the first edition of which was published by Scribner, of New York, in 1856. After visiting Europe a second time, he prepared several biographies, published by the Church Book Society in New York, among which are: "George Herbert," "Bishop Ken," "Latimer," and "Jeremy Taylor." In 1855 he became a corresponding member of the N. E. Historical Genealogical Society. For some years previous to his death, he was threatened with a pulmonary affection, but his energetic nature prevented his yielding to the disease until toward the end.

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EARDLEY, Sir Culling E., baronet, born in Hatfield, in 1805, died at his residence in Bedwell-park, Hatfield, May 21st, 1863. He was a son of the late Sir Culling Smith, baronet; was educated at Oriel College, Oxford, where, in 1827, he was placed in the second class in classical honors, but did not graduate, having conscientious scruples as to subscribing to some portions of the oaths then administered in taking the degree of B.A. He succeeded to the baronetcy in 1829, and represented Pontefract in one short Parliament previous to the Reform Bill. In 1846 he was a candidate for the representation of Edinburgh, in opposition to Lord Macaulay, on the appointment of the latter to the office of paymaster-general of the forces. Sir Culling based his claim chiefly upon his decided Protestantism and his opposition to the Maynooth Grant, but he only polled about half as many votes as his adversary. In 1847 he assumed, by royal license, his maternal name of Eardley, his mother having been a daughter of the last Lord Eardley. He was well known in public life for his zealous assertion of Protestant principles, and for the active part which he took in the proceedings of the Evangelical Alliance and other religious associations. His death resulted from revaccination, which, from some constitutional causes, had not the desired effect.

ELGIN, James Bruce, eighth earl of, and twelfth earl of Kincardine, an English statesman and, at his death, viceroy of India, born in London, July 20th, 1811, died at Dhurumsala, in Cashmere, Nov. 25th, 1863. He was educated at Eton, and from thence went to Christ Church, where he was a fellow-collegian with Lord Dalhousie, Lord Canning, and Mr. Gladstone. He was of the first class in classics, in 1832, and subsequently became a fellow of Merton College, being known then as Lord Bruce. In 1841 he entered Parliament as a member for Southampton, and as a supporter of Sir Robert Peel; and in the same year he succeeded to the earldom, which, being a Scotch peerage, did not interfere with his seat in the Lower House; but this he resigned in 1842, on being appointed to the governor-generalship of Jamaica. When difficulties presented themselves in Canada, Lord Elgin was selected, in 1846, as the best man to manage affairs in that colony. While there he carried out the conciliatory policy of his father-in-law Lord Durham, and by preserving a neutrality between parties, by developing the resources of the country, and by seeking in every possible way to study the wishes of the colonists, he did more than any other man to quell discontent, and to knit the Canadian provinces more closely to the mother country. As a re-

ward of his services he was, in 1849, raised to the peerage, as Baron Elgin of Elgin. From Canada Lord Elgin was transferred to China as special ambassador; and, while on his way to that empire, learning of the Indian mutiny at Calcutta, he at once took the decided step of landing the troops intended for China, that they might take part in the suppression of the rebellion. Arriving at China, though with a weakened force, he succeeded in his aims, saw Canton taken, and negotiated the important treaty of Tientsin with the Celestials, which forms the basis of their present relations with England. In the summer of 1859 he became a member of Lord Palmerston's cabinet, with the duties of postmaster-general. When the outbreak at Peiho occurred in 1860, Lord Elgin was once more despatched to sustain the English authority, and thoroughly fulfilled his mission by entering Pekin in state and compelling the submission of the Celestial chiefs. Scarcely had he gained this triumph when he was appointed to succeed Lord Canning as governor-general of India. In this position he was unceasing in his efforts to develop the resources of that wide territory, some fruits of which are already seen in the increasing quantities of cotton now raised in that country. In the autumn of 1863, Lord Elgin started on a tour of inspection of the north of India, with the intention of visiting Cashmere, accompanied by Lady Elgin, the secretaries and other Government officials. On the 13th of November he incurred an unwonted degree of fatigue by ascending, on foot, one of the Himalayan passes, and was almost immediately seized with illness which caused him to take to his bed, at a secluded hamlet. He was fully aware of his state and made every earthly preparation for his departure, dictated the telegrams to be despatched to England, and gave instructions respecting the return of his family, and, finally, the injunctions relative to his burial at Dhurumsala.

EMIGRATION. It is intended to notice under this title only the number of persons who have left the countries of Europe and landed in the United States for the purpose of settlement during the last few years.

During 1863 the arrivals were 182,808. Of this number 156,844 landed in New York; 4,587 in Maine; 9,030 in Massachusetts; 46 in Rhode Island; 115 in New Jersey; 3,088 in Pennsylvania; 1,176 in Maryland; 140 in Florida; 7,400 in California, and 482 in Oregon. Of the number landed in New York, 84,105 reported their destination to be the State of New York; 10,139 to Pennsylvania and New Jersey; 17,516 to New England; 4,428 to the Southern States; 28,179 to Ohio, Indiana, Illinois, Michigan, Wisconsin, Iowa, Minnesota, and California; 8,281 to Kansas, Nebraska, Canada, &c. The arrivals at New York during eleven months of 1863, to Nov. 30th, and also during nearly five years from Jan. 1st, 1859, to Nov. 30th, 1863, were as follows:

	From January to Nov. 30th, 1863.	Totals 4 years and 11 months.
From Ireland	86,691	224,674
From Germany	32,801	153,849
From England	16,893	52,236
From Denmark	1,567	4,856
From Switzerland	1,058	5,923
From France	1,195	6,663
From Wales	1,083	4,153
From Scotland	1,664	6,957
From Sweden	1,359	3,083
From Italy	405	2,583
From Holland	379	1,867
From Belgium	456	949
From West Indies	242	1,502
From Spain	152	928
Various others	574	2,615
	146,519	472,838

The nativity of those who arrived in New York during the entire year 1863, was as follows: from Ireland, 92,157; from Germany, 35,002; from England, 18,757; from other countries, 10,928. The arrivals in New York in 1862, were 76,306; do. in 1861, 65,529; do. in 1860, 105,164.

The following table, compiled from official sources, shows the accelerated advance of immigration during the period intervening between September, 1819, and December, 1860:

In the 10 years ending September 30th, 1829	128,502
In the 10 years ending September 30th, 1839	538,381
In the 10 years ending September 30th, 1849	1,427,337
In the 11¼ years ending December 31st, 1860	2,968,194
Making a total of arrivals in 41 years of	5,062,414
Adding to this the number returned as arriving previous to 1820	234,000
Total	5,296,414

To appreciate the benefits of future immigration to the United States, an adequate estimate should first be formed of the advantages already derived from the same source. These are no less than the achievements of human labor throughout the United States since the first European made for himself a home on this continent. The American people are either immigrants or the descendants of immigrants, and of a period with which all are sufficiently familiar.

EMMONS, Ebenezer, M. D., an American geologist and author, born in Middlefield, Berkshire county, Massachusetts, in 1798, died at Brunswick, North Carolina, October 1st, 1863. He graduated from Williams College, Mass., in 1818, and having selected the profession of medicine, pursued his course of medical studies at Pittsfield and elsewhere, and received his diploma after the organization of the Berkshire Medical Institute, in 1830. He soon became a successful practitioner, but his tastes led him to cultivate with great assiduity the natural sciences, and in 1833 he was elected professor of natural history in Williams College, the first professorship of that kind, we believe, ever established in this country. In this position he made important contributions to the knowledge of the botany, geology, and mineralogy of New England and the Northern States, and assisted in the natural history survey of

Massachusetts, preparing the "Report on the Quadrupeds" of the State.

When the geological survey of New York was undertaken, Dr. Emmons was appointed one of the "geologists-in-chief," and had also assigned to him the department of agriculture; and his reports constitute some six or eight of the most valuable volumes of the well-known "Natural History of New York" series. It was while engaged in this labor, and subsequently, the interesting incidents hereafter alluded to occurred. Prior to the commencement of the New York geological survey, our knowledge of American geology was exceedingly confused and indefinite, and no clear ideas had been arrived at, as to what were the oldest fossiliferous rocks of the continent, or as to their location, extent, or the nature of the former life evidences contained in them. The survey of Massachusetts and Connecticut had indeed been made, but in neither of these States were the requisite data for making a general classification of the older American rocks to be found. In the broad territory of New York, however, it was seen from the first, that the clue to the enigma was obtainable, and soon after the commencement of the survey, evidence was accumulated, demonstrating that the divisions of the older fossiliferous rocks worked out and established in Great Britain, and on the continent of Europe, could be recognized also in North America, and that the period of their formation was, in part at least, contemporaneous. In conformity with these views, therefore, the New York zoologists adopted the nomenclature of the English classification, and grouped the oldest series of stratified fossiliferous rocks, found in their State, into one system, called the "silurian;" the oldest and lowest member of which, the "Potsdam sandstone," was considered as representing, with its few fossils, the epoch when animal life first dawned on the North American continent. The determination of these data was a matter of very great importance, inasmuch as the position of the oldest and lowest fossiliferous strata is the starting point for the classification of the enormous series of other fossiliferous rocks that are superimposed, and which were consequently formed subsequently. It is also the starting point for reckoning geological time comparatively; and the point from which animal and vegetable life, commencing in few and humble forms, is traced upward, expanding, succeeding, possibly developing and transmuting.

From this opinion, namely, that the silurian system of New York includes the oldest American fossiliferous rocks—an opinion in which all at first acquiesced—Dr. Emmons came gradually to differ, and after continuing his investigations for some years, he at last unhesitatingly announced that beneath the oldest member of the silurian system, there was another series of stratified rocks, of enormous thickness, representing a life period on our continent of much greater antiquity than any before recognized, and an epoch of time, in comparison with which the silurian era seems modern. To this system, from the circumstance that the rocks included in it are extensively developed in Western Massachusetts and Vermont, Dr. Emmons applied the name "Taconic." To it also have been assigned the rocks which constitute the western face of the Green Mountains, extending from Canada to Georgia, the well known Berkshire and Vermont limestones and marbles, and extensive beds of slates and sandstones in the Lake Huron and Lake Superior districts and in Virginia, North Carolina, Tennessee, and Arkansas. The announcement of Dr. Emmons's views was received by geologists and naturalists generally with scepticism, partially, we suppose, through the natural unbelief which almost always attends the promulgation of any startling new truth, and partially because British and continental geologists—the recognized authorities of the time—had not then announced any analogous discovery; and this scepticism, either through jealousy of the brilliancy of the discovery, in case it was substantiated, or ill will at having pet theories rudely knocked over or disturbed, soon ended in persecution. To unscientific readers, persecution may seem rather an exaggerated expression to use as illustrative of the conduct of American scientists toward a colleague, simply on account of a difference of opinion, but no other term will rightfully express their action. For years Dr. Emmons was as good as banished from all scientific society. In public and in private, in print and in speech, he was impliedly or openly alluded to as a mere pretender in science, as a charlatan, and as dishonest. At the Albany meeting of the American Association for the Promotion of Science in 1856, the treatment he received from fellow members was almost brutal; old acquaintances hardly recognized him, and few gave him the right hand of fellowship. A law suit, moreover, grew out of this scientific war, to further which, to the detriment of Dr. Emmons, a learned New England professor left his academic duties and figured conspicuously in a New York petit court. Yet, in spite of all this, Dr. Emmons preserved the most Christian manliness and dignity, and never retorted either in speech or print to the abuse showered upon him except to firmly assert his confidence that the world would ultimately do him justice. This state of things, as we have already intimated, lasted for some ten or fifteen years; and it perhaps should be said that, during all this time, no charge, reflecting on the private character of Dr. Emmons, other than as a scientific observer, was brought against him by the bitterest of his opponents.

But justice, long delayed, came at last. In conducting the geological survey of Canada, instituted subsequent to the New York survey, a Canadian geologist came to the conclusion of Dr. Emmons, that the silurian system did not embrace the oldest and lowest of the American fossiliferous rocks; but, ignoring the former

discovery of that fact, he classified these ante-silurian strata, which are now believed to correspond with the upper and lower groups of Dr. Emmons's Taconic system, as the "Huronian and Laurentian" systems. Following hard upon this, ante-silurian formations of fossiliferous rocks were discovered in Sweden and Bohemia, and distinguished geologists in both these countries, recognizing the correspondence between their primordial formations and their contained fossils, with those described by Dr. Emmons in America, made haste to announce the fact and to award praise and credit to the American geologist for discoveries made, but not believed in, some fifteen years previously. Within a comparatively recent period, also, the Canadian geologists, reviewing their work, have obtained evidence which compels them to admit that their former hypotheses were wrong, and that the opinions of Dr. E. were in all probability wonderfully correct. And indeed so overpowering is the evidence accumulated in favor of the Taconic system, that most of the American scientists have ceased their opposition, and showed themselves ready to award praise and honor where they formerly gave ridicule and contempt. Of the extent to which his reputation and discernment have been vindicated, Dr. Emmons, however, was never probably fully aware. In 1858–'9, he was appointed by the Legislature of North Carolina to conduct the geological survey of that State. Here he rendered further essential service to science by determining the probable geological age of the belt of red sandstones and shales, which, occupying the valley of the Connecticut, stretch along the eastern slope of the United States as far south as North Carolina, and whose period of deposition has always been one of the varying problems of American geology.

The breaking out of the rebellion found Dr. E. still in North Carolina, prosecuting the survey; and here, either through inability to leave, or from a desire to protect certain mining properties, he remained until the time of his death, cut off from all scientific or other communication with his Northern friends and associates. It has been surmised that, on account of his knowledge of the State and its resources, he was detained a prisoner on parole by the Confederate Government. (*See* ANNUAL CYCLOPÆDIA, 1861, TACONIC SYSTEM.)

ENROLMENT AND DRAFT. This process for obtaining men to serve in the national armies, and known in other communities by the term "Conscription," was for the first time adopted in the United States by an act of Congress, approved March 3d, 1863. The leading features of the act were the enrolment; the calling forth by draft; the reception of substitutes; the arrest of deserters. It was provided in the act that the enrolment should begin about the first day of April ensuing, and whenever it was necessary the President was authorized to call for a quota of the men so enrolled.

The plan by which this act was to be carried into effect, was the appointment by the President of a provost-marshal-general, whose office should be at the seat of Government, forming a separate bureau of the War Department. The United States were then divided into districts, of which the District of Columbia constituted one; each territory constituted one or more, and each district for the election of a member of Congress, one. For each district a provost-marshal was appointed, by the President, and made subject to the orders of the provost-marshal-general. With each district provost-marshal there were associated two persons, one of whom was a licensed physician or surgeon. These were also appointed by the President. For the purpose of making the enrolment, each district board was authorized to divide its district into as many sub-districts as might be necessary, and to appoint an enrolling officer for each.

On the 17th of March, by an order of the War Department, Col. James B. Fry, assistant adjutant-general of the United States army, was detailed as provost-marshal-general of the United States, and authorized and required to perform all the duties of provost-marshal-general set forth in the act of Congress, and "all such other duties as may properly pertain to his office." In order to secure the coöperation of State officers and act in harmony with them, officers of the army were detailed to act as provost-marshals-general of States, and directed to take posts at State capitals.

In each district the provost-marshal, examining surgeon and commissioner, constituted the board of enrolment. By the instructions of the War Department, the provost-marshal, as president of the board, was authorized to appoint two deputy provost-marshals, subject to the approval of Col. Fry, with compensation not exceeding $100 per month. The district was subdivided into towns and wards, and an enrolling officer appointed for each, whose duty was to enrol all persons subject to military duty, noting their residence, age, occupation, and color. The act declared that all able-bodied male citizens of the United States, and all persons of foreign birth who had declared on oath their intention to become citizens, between the ages of twenty and forty-five, should be liable to perform military duty, with some exceptions. These exceptions were stated in the second section of the act, which was as follows:

SEC. 2. *And be it further enacted,* That the following persons be, and they are hereby excepted and exempt from the provisions of this act, and shall not be liable to military duty under the same, to wit: such as are rejected as physically or mentally unfit for the service; also, first, the Vice President of the United States, the judges of the various courts of the United States, the heads of the various Executive Departments of the Government, and the governors of the several States. Second, the only son liable to military duty of a widow dependent upon his labor for support. Third, the only son of aged or infirm parent or parents dependent upon his labor for support. Fourth, where there are

two or more sons of aged or infirm parents subject to draft, the father, or, if he be dead, the mother may elect which son shall be exempt. Fifth, the only brother of children not twelve years old, having neither father nor mother, dependent upon his labor for support. Sixth, the father of motherless children under twelve years of age dependent upon his labor for support. Seventh, where there are a father and sons in the same family and household, and two of them are in the military service of the United States as non-commissioned officers, musicians, or privates, the residue of such family and household, not exceeding two, shall be exempt. And no person but such as herein excepted shall be exempt: *Provided, however*, That no person who has been convicted of any felony shall be enrolled or permitted to serve in said forces.

The enrolling officers were directed to enrol all able-bodied persons within the prescribed ages. They were to judge of age by the best evidence they could obtain. They were also required to make two classes in their returns; the first embracing all between twenty and thirty-five years, and the second, all between thirty-five and forty-five years. The enrolling officer was not expected to exercise his judgment under the exceptions. He was not authorized to omit any one between the ages of eighteen and forty-five. It was the object of the provost-marshal-general, on putting this vast organization in force, to ascertain how many men liable to military duty there were on the 1st of July in the United States, and to provide the means to establish between the Government and each district an account of military service, in which a charge should be made of all that was due, and credit given for all that was or should be paid. The enrolment was commenced about the 25th of May. It proceeded rapidly in all the States except Missouri, Kentucky, West Virginia, Oregon, and California. In these States the delay was caused by a difficulty in selecting the necessary officers. Questions of alienage, physical disability, &c., &c., were left to be decided by the enrolling boards. This caused imperfections in the lists or returns. It was stated by Col. Fry, that the opposition encountered in making the enrolment "could not be said to be serious. Some of the officers were maltreated, and one or two assassinated, but prompt action on the part of the civil authorities, aided when necessary by military patrols, effected the arrest of guilty parties, and checked these outrages." In some of the mining districts of Pennsylvania organized bodies of miners for a time opposed the enrolment. Persons arrested for obstructing the officers were turned over to the civil authorities for trial.

The following was issued as an order relative to the enrolment from the provost-marshal-general:

WAR DEPARTMENT, PROVOST-MARSHAL-GENERAL'S OFFICE, WASHINGTON, D. C., *June 6th*, 1863.

The following opinion of the Solicitor of the War Department, has been ordered to be published by the Secretary of War:

Opinion. It is made the duty of provost-marshals to obey all lawful orders and regulations of the provost-marshal-general, and such as shall be prescribed by law, concerning the enrolment and calling into service of the national forces, act of March 3d, 1863, section 7. The 25th section of the same act provides that if any person shall resist any draft of men enrolled under this act, into the service of the United States, or shall counsel or aid any person to resist any such draft, or shall assault or obstruct any officer in making such draft, or in the performance of any service in relation thereto, or shall counsel any person to assault or obstruct any such officer, or shall counsel any drafted man not to appear at the place of rendezvous, or wilfully persuade him from the performance of military duty as required by law, such persons shall be subject to summary arrest by the provost-marshal and shall be forthwith delivered to the civil authorities, and upon conviction thereof be punished by a fine not exceeding $500 or by imprisonment not exceeding two years, or by both of said punishments. To do any act which will prevent or impede the enrolment of the national forces, which enrolment is preliminary and essential to the draft, is to prevent and impede the draft itself. The enrolment is a service to be performed by the provost-marshal in relation to the draft. It is not the act of drawing ballots out of a ballot-box itself, but it is in relation to it, and is the first step that must by law be taken preparatory to the draft. It is therefore clearly within the duty of the provost-marshal to subject all persons who obstruct the enrolment, the meeting of the board, or any other proceeding which is preliminary and essential to the draft, to summary arrest according to the provisions of section 25.

There are many ways of obstructing officers in the discharge of their services or duties in making or in relation to the draft, without employing physical force. The neglect or refusal to do an act required by law to be done may itself be such an obstruction as to subject the offender to arrest. Suppose a person be found standing in a passage through which the drafting officers are required to enter into a place designated by law as the place for the draft, and suppose that his standing in that place would prevent access by those officers to the place of the draft, if they request him to move away and he neglects or refuses to do so for the purpose of preventing the draft, the non-performance of the act of removal would be of itself an obstruction of the draft or of an officer in the performance of his duty in relation to it. Standing mute in civil courts is, under certain circumstances, a punishable offence. And so if a person with intent to prevent the draft refuses to give his true name, when lawfully requested so to do, by any officer whose legal duty it is to ascertain and enrol, it is an obstruction of that officer in the performance of one of his duties in relation to the draft. So, also, is the giving of false names with the same illegal intent, and the offender will in either case be subject to summary arrest by the provost-marshal. WILLIAM WHITING,

Solicitor of the War Department.

JAMES B. FRY, Provost-Marshal-General.

In preparing the accounts with districts, much difficulty existed in equalizing between them the number of troops which had been furnished and those to be furnished. The quotas under which troops had been raised in 1861 and 1862 were based upon population and without reference to equalizing the numbers called for among districts or towns. In raising those volunteers much reliance had been placed upon the enterprise of individuals. Certain localities, by offering bounties and adopting other means to stimulate enlistments, drew many of their own quota from the people of other places. Every new call for troops was also independent of the one which had preceded it. The number of men which each State had furnished at any given date could be as-

certained; but while volunteering was going on simultaneously in several towns and districts of a State, it was found difficult, if not impossible to equalize the draft, at any one time, among the respective districts or towns of that State. Thus very great complaints arose of inequality among towns and districts for which the act itself furnished no remedy, nor was it in the power of the Government to remove the difficulty. In New York the complaints were most serious. (*See* NEW YORK for correspondence of Gov. Seymour and his objections.)

The enrolment was not completed in all the States. So far as it had been made it showed the number of men between eighteen and forty-five not in the military service, but liable to military duty, in the opinion of the enrolling officers, to be 3,113,305. In making this enrolment, students in colleges or schools, teachers, apprentices, sailors, traders, travelling merchants and the like, were enrolled at their legal residence, their temporary absence from which was considered as not forming a cause for exemption. All persons thus enrolled were, by the provisions of the act, subject for two years after July first succeeding the enrolment, to be called into the military service.

For making the draft, one fifth the number of men enrolled in the first class was adopted as the quota of a district. The main object now was to apportion the number among the States, so that those previously furnished and those to be furnished would make a given part of their available men, and not a given part of their population; and a sufficient percentage was called for to make a given number. In consequence of thus basing the calls for men, those States which contained more females than males were really charged with a greater quota than those in which there was an excess of males. Some of the Western States with quotas nearly the same as some of the Eastern, not only furnished their quotas and a large excess besides, but had a larger proportion of males left than Eastern States which had not entirely filled their quotas and were therefore deficient. This deficiency was not probably from unwillingness to answer the call, but from a want of men, while the excess was attributable, in some degree, to the surplus of men. Thus the States to which the largest credits were to be given really had a larger proportion of men remaining than those to which a deficiency was charged.

From the lists, as prepared by the enrolling officer, one fifth of the first class was to make the quota. The boards were required to apportion this quota among the towns and wards forming sub-districts, and in making the draft of the number of men required, fifty per cent. in addition was ordered to be drawn. Each name of the first class in the sub-district was written upon a separate slip of paper, and placed in a wheel, or circular box, which was then made to revolve, and the name taken out and registered. This was continued until the number of names required had been drawn. The public proceedings were then closed. By an order of the provost-marshal-general, dated July 17th, it was declared that "men became soldiers in the service of the United States by the fact of their names having been drawn in the draft." Any subsequent notification served upon them was decided to be merely an announcement of the fact, and an order to report for duty. The following opinion of the Solicitor of the War Department, Mr. Whiting, was also published by the provost-marshal-general, for the information of all concerned:

When a person has been drafted, in pursuance of the Enrolment Act of March 3d, 1863, notice of such draft must be served within ten days thereafter, by a written or printed notice, to be served on him personally, or by leaving a copy at his last place of residence, requiring him to appear at a designated rendezvous to report for duty. Any person failing to report for duty after notice left at his last place of residence or served on him personally without furnishing a substitute or paying $300, is pronounced by law to be a deserter, he may be arrested and held for trial by court-martial and sentenced to death. If a person after being drafted, and before receiving the notice deserts, it may still be served by leaving it at his last place of residence, and if he does not appear in accordance with the notice or furnish the substitute or pay the $300, he will be in law a deserter, and must be punished accordingly. There is no way or manner in which a person once enrolled can escape his public duties, when drafted, whether present or absent, whether he changes his residence or absconds, the rights of the United States against him are secured, and it is only by performance of his duty to the country that he will escape liability to be treated as a criminal.

A reward of ten dollars was also offered to any person for the apprehension and delivery of any deserter. The guard necessarily employed for the purpose were allowed $1.50 per day and their expenses.

In addition to the causes of exemption from service stated above, there were others for which an enrolled person would be discharged. By paying $300 any person enrolled and drafted would be exempt from further liability under that draft; or by furnishing an acceptable substitute to take his place in the draft, or by having such physical disability as would disqualify him for military service. In regard to exemptions of the latter class the following instructions were issued to provost-marshals:

The following diseases and infirmities are among those which disqualify for military service, and for which only drafted men are to be "rejected as physically or mentally unfit for the service," viz.:

1. Manifest imbecility or insanity.
2. Epilepsy. For this disability, the statement of the drafted man is insufficient, and the fact must be established by the duly attested affidavit of a physician of good standing who has attended him in a convulsion.
3. Paralysis, general, or of one limb, or chorea; their existence to be adequately determined.
4. Acute or organic diseases of the brain or spinal cord; of the heart or lungs; of the stomach or intestines; of the liver or spleen; of the kidneys or bladder, sufficient to have impaired the general health, or so well marked as to leave no reasonable doubt of the man's incapacity for military service.
5. Confirmed consumption; cancer; aneurism of the large arteries.

6. Inveterate and extensive disease of the skin, which will necessarily impair his efficiency as a soldier.

7. Decided feebleness of constitution, whether natural or acquired.

8. Scrofula or constitutional syphilis, which has resisted treatment and seriously impaired his general health.

9. Habitual and confirmed intemperance or solitary vice, in degree sufficient to have materially enfeebled the constitution.

10. Chronic rheumatism, unless manifested by positive change of structure, wasting of the affected limb, or puffiness or distortion of the joints, does not exempt. Impaired motion of the joints and contraction of the limbs alleged to arise from rheumatism, and in which the nutrition of the limb is not manifestly impaired, are to be proved by examination while in a state of anæsthesia induced by ether only.

11. Pain, whether simulating headache, neuralgia in any of its forms, rheumatism, lumbago, or affection of the muscles, bones, or joints, is a symptom of disease so easily pretended, that it is not to be admitted as a cause for exemption, unless accompanied with manifest derangement of the general health, wasting of a limb, or other positive signs of disqualifying local disease.

12. Great injuries or diseases of the skull, occasioning impairment of the intellectual faculties, epilepsy, or other manifest nervous or spasmodic symptoms.

13. Total loss of sight; loss of sight of right eye; cataract; loss of crystalline lens of right eye.

14. Other serious diseases of the eye affecting its integrity and use, *e. g.*, chronic ophthalmia, fistula lachrymalis, ptosis (if real), ectropion, entropion, &c. Myopia, unless very decided or depending upon some structural change in the eye, is not a cause for exemption.

15. Loss of nose; deformity of nose so great as seriously to obstruct respiration; ozena, dependent upon caries in progress.

16. Complete deafness. This disability must not be admitted on the mere statement of the drafted man, but must be proved by the existence of positive disease, or by other satisfactory evidence. Purulent ottorrhœa.

17. Caries of the superior or inferior maxilla or the nasal or palate bones, if in progress, cleft palate, (bony); extensive loss of substance of the cheeks, or salivary fistula.

18. Dumbness; permanent loss of voice; not to be admitted without clear and satisfactory proof.

19. Total loss of tongue; mutilation or partial loss of tongue, provided the mutilation be extensive enough to interfere with the necessary use of the organ.

20. Hypertrophy or atrophy of the tongue, sufficient in a degree to impair speech or deglutition; obstinate chronic ulceration of the tongue.

21. Stammering, if excessive and confirmed; to be established by satisfactory evidence, under oath.

22. Loss of a sufficient number of teeth to prevent proper mastication of food and tearing the cartridge.

23. Incurable deformities or loss of part of either jaw, hindering biting of the cartridge or proper mastication, or greatly injuring speech; anchylosis of lower jaw.

24. Tumors of the neck, impeding respiration or deglutition; fistula of larynx or trachea; torticollis, if of long standing and well marked.

25. Deformity of the chest sufficient to impede respiration, or to prevent the carrying of arms and military equipments; caries of the ribs.

26. Deficient amplitude and power of expansion of chest. A man five feet three inches (minimum standard height for the regular army) should not measure less than thirty inches in circumference immediately above the nipples, and have an expansive mobility of not less than two inches.

27. Abdomen grossly protuberant; excessive obesity; hernia, either inguinal or femoral.

28. Artificial anus; stricture of the rectum; prolapsus ani. Fistula in ano is no positive disqualification, but may be so if extensive or complicated with visceral disease.

29. Old and ulcerated internal hæmorrhoids, if in degree sufficient to impair the man's efficiency. External hæmorrhoids are no cause of exemption.

30. The total loss or nearly total loss of penis; epispadia or hypospadia at the middle or near the root of the penis.

31. Incurable permanent organic stricture of the urethra, in which the urine is passed drop by drop, or which is complicated by disease of the bladder; urinary fistula. Recent or spasmodic stricture of the urethra does not exempt.

32. Incontinence of urine, being a disease frequently feigned and of rare occurrence, is not of itself a cause for exemption. Stone in the bladder, ascertained by the introduction of the metallic catheter, is a positive disqualification.

33. Loss or complete atrophy of both testicles from any cause; permanent retention of one or both testicles within the inguinal canal; but voluntary retraction does not exempt.

34. Confirmed or malignant sarcocele, hydrocele, if complicated with organic disease of the testicle. Varicocele and crisocele are not, in themselves, disqualifying.

35. Excessive anterior or posterior curvature of the spine; caries of the spine.

37. Wounds, fractures, tumors, atrophy of a limb, or chronic diseases of the joints or bones, that would impede marching or prevent continuous muscular exertion.

38. Anchylosis or irreducible dislocation of the shoulder, elbow, wrist, hip, knee, or ankle-joint.

39. Muscular or cutaneous contractions from wounds or burns, in degree sufficient to prevent useful motion of a limb.

40. Total loss of a thumb; loss of ungual phalanx of right thumb.

41. Total loss of two fingers of the same hand.

42. Total loss of index finger of right hand.

43. Loss of the first and second phalanges of the fingers of right hand.

44. Permanent extension or permanent contraction of any finger except the little finger; all the fingers adherent or united.

45. Total loss of either great toe; loss of any three toes on the same foot; all the toes joined together.

46. The great toe crossing the other toes with great prominence of the articulation of the metatarsal bone and first phalanx of the great toe.

47. Overriding, or superposition of all the toes.

48. Permanent retraction of the last phalanx of one of the toes, so that the free border of the nail bears upon the ground; or flexion at a right angle of the first phalanx of a toe upon a second with anchylosis of this articulation.

49. Club feet; splay feet, where the arch is so far effaced that the tuberosity of the scaphoid bone touches the ground, and the line of station runs along the whole internal border of the foot, with great prominence of the inner ankle; but ordinary, large, ill-shaped or flat feet do not exempt.

50. Varicose veins of inferior extremities, if not large and numerous, having clusters of knots, and accompanied with chronic swelling or ulcerations.

51. Chronic ulcers; extensive, deep, and adherent cicatrices of lower extremities.

52. No certificate of a physician or surgeon is to be received in support of any point in the claim of drafted men for exemption from military service, unless the facts and statements therein set forth are affirmed or sworn to before a civil magistrate competent to administer oaths.

53. The exempts under the first provision of section second of the act for enrolling and calling out the national forces, etc., will generally be sufficiently well known to the board to obviate the necessity of evidence with regard to them. Should, however, the board consider it necessary in any case, the commission or certificate

of office of any person claiming exemption under the provision mentioned may be required to be shown.

54. To establish exemption under the second, third, fourth, fifth, and sixth provisions of section two of the act for enrolling and calling out the national forces, &c., the board shall require the affidavits of the persons seeking to be exempt, and of two respectable men (heads of families) residing in the district, that the man in question is "the only son of aged or infirm parent or parents dependent on his labor for support," or otherwise according to the particular provision of the section under which the exemption is claimed. These affidavits will be made according to the forms hereinafter prescribed, and must in all cases be taken before a civil magistrate duly authorized to administer oaths. These forms of affidavit shall be published by the board of enrolment in the newspapers of the district, for the information of the public, where a draft is ordered.

55. Persons claiming exemption from enrolment must furnish clear proof of their right to such exemption. They will be enrolled where the proof of their exemption is not clear and conclusive.

There were still other causes of exemption arising from the errors of the enrolling officers. Those who were enrolled and were not citizens of the United States nor had declared an intention of becoming such, were entitled to a discharge if their names were drawn. In some districts large numbers were dismissed for this reason. Again, those who were under twenty or over forty-five years of age were entitled to a discharge if their names were drawn. For all these reasons the proportion of those exempted was large, as compared with those who were held unless they could pay $300 or provide a substitute. The ratio of rejections, however, for mental and physical infirmities in the United States, France, and Great Britain, at the periods stated, was as follows:

	U. S.	France.		G. Britain.		
	In 1863.	From 1831 to 1843.	In 1859.	F'm 1842 to 1852.	In 1860.	In 1861.
Ratio rejected per 1,000...	319.1	324.4	317	335	318	451

On the 19th of October the provost-marshal-general made a report of the results in seventy-three districts where the draft had been completed, or was nearly so. Of those who were drawn, including the fifty per cent. additional, over eighty per cent. reported in accordance with the orders of the boards. Of all examined, about thirty per cent. were exempted on account of physical disability; another thirty per cent. were exempted under the provisions of the second section of the act above quoted, or found not liable on account of alienage, unsuitableness of age, non-residence, etc. About forty per cent. of the men examined have been held to service; about one half of these paid the commutation of $300; about two thirds of the remainder furnished substitutes, and the other third went in person to the field. Thus, if the number drafted is supposed to be 150, then deduct 20 per cent. for those not reported, it becomes 120; then deduct 60 per cent. or 72 for exempts, it becomes 48 who were held for service; then deduct one half for those who paid commutation, and it becomes 24—of this number two thirds (16) furnished substitutes, and the other third (8) went to the field. In this proportion, the enrolment of 3,113,305 would have sent into the field 66,043 as conscripts; 132,686 as substitutes—total, 198,129 men.

Several of the Western States were not subjected to the draft on account of an excess of volunteers, and in other Western States the quota was quite small from the same cause. Of the twenty per cent. who did not report, some were unavoidably absent, others deserted. The amount of commutation money received was $10,518,000. This money was used to procure recruits for old organizations, and as bounties to promote the reënlistment of veteran volunteers then in service. A bounty of $300 was so generally paid by cities, counties and States, that drafted men could either retain it and go to the field, or purchase a substitute who was not liable to military service. Relative to physical disability the following statement of the provost-marshal-general is of interest:

Since the present rebellion began about two hundred thousand soldiers, after entering the service, have been discharged on surgeons' certificates of disability. It is probable that at least one half of them were unfit for service when received. It may be safely said that forty millions of money were uselessly expended in bringing them into the field, to say nothing of their subsequent expense to the Government.

In Great Britain, under the system of voluntary enlistments, the rejections average over twenty-seven per cent. In France, from 1831 to 1842, the average number of exemptions annually was 94,860; so that, to secure the contingent of 80,000 men, 174,860 conscripts were annually examined. Of the recruits who presented themselves for enlistment in our regular army in 1862, seventy per cent. were rejected for physical infirmities, exclusive of age or stature. Between the 1st of January and the 1st of July last more than one half were rejected. These were men who desired to be accepted. These proportions are of interest in connection with the fact that less than one third of the drafted men who desire not to be accepted have been exempted on account of physical unfitness.

The draft was forcibly resisted in New York, Boston, and Troy. (*See* Riots.)

Many writs of *habeas corpus* were served upon the officers connected with the draft. (*See* Habeas Corpus.) The practice adopted in regard to those issued by courts of the United States was to obey the writs and abide the judgment of the court. In the cases of like writs issued by State courts, the practice was to deny the jurisdiction of the State courts and decline to produce the person held. The courts in many cases continued to claim jurisdiction, and regarded the officer making the return as guilty of contempt. The civil courts also assumed jurisdiction in cases of claims for exemption from military duty, both before and after the boards had given final decision on them. The fourteenth section of the act is as follows: "All persons drafted and claiming exemption from military duty on account of disability, or any other cause, shall present their claims to be exempted to the board,

whose decision shall be final." The operations of the officers for making the draft were greatly embarrassed by the action of the courts, and it threatened for a time in several districts to suspend the business of raising troops and of arresting deserters. These difficulties, however, were substantially terminated by the proclamation of the President on September 15th, suspending the privilege of the writ of *habeas corpus* in certain cases. (*See* HABEAS CORPUS.)

Nearly twenty thousand deserters were apprehended by the provost-marshals between the first of May and the first of November. Assuming the number of deserters in October to have been the same as in September, it was found that the number who deserted and absented themselves in September and October was about half as great as the number in May and June.

The first steps taken toward organizing the bureau of the provost-marshal-general showed the necessity for a military force for special service in the bureau. The law prevented calling out and organizing as a reserve corps, or home guard, the men in part or whole of the second class. The organization, therefore, of men as an invalid corps who had been in service and had become unfit for further field duty was resorted to, and was commenced April 17th. General Order 105, dated April 28th, announces the principles upon which the organization would be conducted. The objects to be accomplished by drafting the corps were: 1. To secure the military services for garrison, hospital, and provost duty, of that class of deserving officers and men who, from wounds received in action or disease contracted in service, were unfit for further duty in the field, and who would otherwise be discharged from the service, but yet were able to do light duty, and to bring back for like purposes those who had been previously discharged on similar grounds, and were still unfit for active duty and not liable to draft. 2. To provide honorable and useful occupation and suitable compensation for a class of persons whose claims upon the nation no one could question. (*See* ARMY, UNITED STATES.)

No renewal of the draft was made during 1863. In October a call was issued for volunteers.

The disbursements of the Bureau to November 1st were $1,190,392. The accounts returned for correction amounted to $348,623; making a total of $1,539,015. To this should be added $402,944, being the pay of the district boards.

Numerous attempts were made to obtain a judicial opinion upon the constitutionality of the Conscription Act. Bills in equity were filed in the Supreme Court of Pennsylvania, substantially the same; one of them was filed by William F. Nichols, charging that his rights have been violated, and his personal liberty is about to be invaded by the defendants, under the pretence of executing a law of the United States. The bill then sets forth the Conscription Act, and the complainant avers that he has received no notice, but he is in daily expectation of receiving a notice, and being required immediately to report for duty at a designated rendezvous, on pain of being regarded as a deserter from military service, and of punishment by death under the articles of war. He is advised that the act of Congress under which he was enrolled and drafted for military service, without his consent and contrary to his will, is in derogation of the reserved rights of the States, and of the liberties and rights of the citizens thereof, and that the same is unconstitutional and void, there being delegated by the States and the people thereof to the Federal Government no power to enact such a law. * * *

The bill further charges that the proceedings under the draft are against common justice in this, that the draft is being enforced only in certain of the States not in rebellion and in insurrection, and certain other States and districts and parts of States are not being drafted for, and the plaintiff charges that, by reason thereof, the draft is unlawful.

The bill concludes with a prayer for a writ of injunction against the defendants to restrain them from further proceedings with or under said enrolment, requisition, or draft of citizens of the commonwealth, and of all persons of foreign birth who may have declared their intentions to become citizens, in pursuance of the laws, to perform compulsory military duty in the service of the United States, and from all other proceedings which violate the rights and invade the personal liberty of such persons, under pretence of executing the said law of the United States, and particularly from all proceedings under such pretence against the person of this plaintiff.

The motion for injunction was argued before a full bench on the part of the complainants, the defendants not appearing by counsel.

The decision of the court was, that the law was unconstitutional, Chief-Justice Lowrie and Justices Woodward and Thompson all concurring in this opinion; while Justices Strong and Read dissented. In delivering the opinion of the court, Lowrie, C. J., says:

These are three bills in equity wherein the plaintiffs claim relief against the defendants who, acting under the act of Congress of the 3d of March last, well known as the Conscription Act, claim to coerce the plaintiffs to enter the army of the United States as drafted soldiers. The claim of the plaintiffs is founded on the objection that that act is unconstitutional.

The Constitution, adopting our historical experience, recognizes two sorts of military land forces—the militia and the army, sometimes called the regular, and sometimes the standing army, and delegates to Congress the power to "raise and support armies" and "to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions." But though this act of Congress is intended to provide means for suppressing the rebellion, yet it is apparent that it is not founded on the power of "calling forth the militia," for those who are drafted under it have not been armed, organized, and disciplined under the militia law, and are not called forth as militia under State officers, as the Constitution requires. (Art. 1, 8, 16.)

It is, therefore, only upon the power to raise armies that this act can be founded, and, as this power is undisputed, the question is made to turn on the ancillary power to pass "all laws which shall be necessary and proper" for that purpose. (Art. 1, 8, 18.) It is, therefore, a question of the *mode* of exercising the power of raising armies. Is it admissible to call forced recruiting a "necessary and proper" mode of exercising this power?

The fact of rebellion would not seem to make it so, because the inadequacy or insufficiency of the permanent and active forces of the Government for such a case is expressly provided for by the power to call forth the usually dormant force, the militia; and that, therefore, is the only remedy allowed, at least until it has been fully tried and failed, according to the maxims, *expressio unius est exclusio alterius*, and *expressum facit cessare tacitum*. No other mode can be necessary and proper so long as a provided mode remains untried; and the force of these maxims is increased by the express provision of the Constitution, that powers not granted are reserved, and none shall be implied from the enumeration of those which are reserved. (*Amendments*, 9, 10.) A granted remedy for a given case would therefore seem to exclude all ungranted ones. Or, to say the least, the militia not having been called forth, it does not and can not appear that another mode is necessary for suppressing the rebellion.

And it seems very obvious that a departure from the constitutional mode cannot be considered necessary because of any defect in the organization of the militia, for Congress has always had authority to correct this, and it cannot possibly found new powers in its own neglect of duty. Though therefore this act was passed to provide means for suppressing the rebellion, yet the authority to pass it does not depend on the fact of rebellion. That fact authorizes forced levies of the militia under their own State officers, but not for the regular army.

But it is not important that Congress may have assigned an insufficient reason for the law. If it may pass such a law for *any* reason, we must sustain it for that reason. The question then is—may Congress, independent of the fact of rebellion or invasion, make forced levies in order to recruit the regular army?

If it may, it may do so even when no war exists or threatens, and make this the regular mode of recruiting. It may disregard all considerations of age, occupation, profession, and official station; it may take our governors, legislators, heads of State departments, judges, sheriffs, and all inferior officers, and all our clergy and public teachers, and leave the State entirely disorganized; it may admit no binding rule of equality or proportion for the protection of individuals, States, and sections. In all other matters of allowed forced contribution to the Union, duties, imposts, excises, and direct taxes, and organizing and training of the militia, the rule of uniformity, equality, or proportion, is fixed in the Constitution. It could not be so in calling out the militia, because the emergency of rebellion or invasion does not always allow of this.

But for the recruiting of the army no such reason exists, and yet, contrary to the rule of other cases, if it may be recruited by force, we find no regulation or limitation of the exercise of the power, so as to prevent it from being arbitrary and partial, and hence we infer that such a mode of raising armies was not thought of and was not granted. If any such mode had been in the intention of the fathers of the Constitution, they would certainly have subjected it to some rule of equality or proportion, and to some restriction in favor of State rights, as they have done in other cases of compulsory contributions to Federal necessities. We are forbidden by the Constitution from inferring the grant of this power from its not being enumerated as reserved; and the rule that what is not granted is reserved operates in the same way, and is equivalent to the largest bill of rights.

Besides this, the Constitution does authorize forced levies of the militia force of the States in its original form, in cases of rebellion and invasion, and on the principle that a remedy expressly provided for a given case excludes all implied ones, it is fair to infer that it does not authorize forced levies in any other case or mode. The mode of increasing the military force for the suppression of rebellion being given in the Constitution, every other mode would seem to be excluded. But even if it be admitted that the regular army may be recruited by forced levies, it does not seem to me that the constitutionality of this act is decided. The question would then take the narrower form. Is this mode of coercion constitutional?

It seems to me that it is so essentially incompatible with the provisions of the Constitution relative to the militia that it cannot be. On this subject, as on all others, all powers not delegated are reserved.

Now, the militia was a State institution before the adoption of the Federal Constitution, and it must continue so, except so far as that Constitution changes it, that is, by subjecting it, under State officers, to organization and training, according to one uniform Federal law, and to be called forth to suppress insurrection and repel invasion, when the aid of the Federal Government is needed, and it needs this force. For this purpose it is a Federal force; for all others it is a State force, and it is called in the Constitution "the militia of the several States." (2, 2, 1.) It is, therefore, the standing force of the States, as well as, in certain specified respects, the standing force of the Union. And the right of the States to have it is not only not granted away, but it is expressly reserved, and its whole history shows its purpose to be to secure domestic tranquillity, suppress insurrections, and repel invasions. Neither the States nor the Union have any other militia than this.

Now, it seems to me plain that the Federal Government has no express, and can have no implied, power to institute any national force that is inconsistent with this. This force shall continue, says the Constitution, and the Federal Government shall make laws to organize and train it as it thinks best, and shall have the use of it when needed; this seems reasonable and sufficient. Is the force provided for by this act inconsistent with it? It seems to me it is. By it all men between the ages of twenty and forty-five are "declared to constitute the national forces," and made liable to military duty, and this is so nearly the class which is usually understood to constitute the military force of the States that we may say that this act covers the whole ground of the militia and exhausts it entirely. It is in fact, in all its features, a militia for national instead of State purposes, though claiming justification only under the power to raise armies, and accidentally under the fact of the rebellion. If this act is law it is supreme law, and the States can have no militia out of the class usually called to militia duty; for the whole class is appropriated as a national force under this law; and no State can make any law that is inconsistent with it. The State militia is wiped out if this act is valid, except so far as it may be permitted by the Federal Government. And it seems to me that this act is unconstitutional, because it plainly violates the State systems in this, that it incorporates into this new national force every State civil officer, except the Governor, and this exception might have been omitted, and every officer of all our social institutions, clergymen, professors, teachers, and superintendents of hospitals, etc., and degrades all our State generals, colonels, majors, etc., into common soldiers, and thus subjects all the social, civil, and military organizations of the States to the Federal power to raise armies, potentially wipes them out altogether, and leaves the States as defenceless as an ancient city with its walls broken down. Nothing is left that has any constitutional right to stand before the will of the Federal Government.

This act seems to me to be further unconstitutional in that it provides for a thorough confusion between the army and the militia, by allowing that the regular soldiers obtained by draft may be assigned by the President to any corps, regiment, or branch of service he pleases; whereas, the Constitution keeps the two

forces distinct. Under this law, the President may even send them to the navy.

I am in favor of granting the injunction in favor of each of the defendants for his own protection, but not for the staying of all proceedings under the act.

The dissenting opinion was delivered by Justice Strong:

The complainants rest wholly upon the assertion that the act of Congress is unconstitutional, and, therefore, void. It is denied that there is any power in the Federal Government to compel the military service of a citizen by direct action upon him, and it is insisted that Congress can constitutionally raise armies in no other way than by voluntary enlistments.

The necessity of vesting in the Federal Government power to raise, support, and employ a military force was plain to the framers of the Constitution, as well as to the people of the States by whom it was ratified. This is manifested by many provisions of that instrument, as well as by its general purpose, declared to be for the "common defence." Indeed such a power is necessary to preserve the existence of any independent government, and none has ever existed without it. It was, therefore, expressly ordained in the eighth article, that the Congress of the United States should have power to "provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions." It was also ordained that they should have power to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress. Nor is this all. It is obvious that if the grant of power to have a military force had stopped here, it would not have answered all the purposes for which the Government was formed. It was intended to frame a Government that should make a new member in the family of nations. To this end, within a limited sphere, every attribute of sovereignty was given. This unrestricted power of making treaties involved the possibility of offensive and defensive alliances. Under such treaties the new Government might be required to send armies beyond the limits of its territorial jurisdiction. And, in fact, at the time when the Constitution was formed, a treaty of alliance, offensive and defensive, was in existence between the old Confederacy and the Government of France. Yet more. Apart from the obligations assumed by treaty, it was well known that there are many cases where the rights of a nation and its citizens cannot be protected or vindicated within its own boundaries. But the power conferred upon Congress over the militia is insufficient to enable the fulfilment of the demands of such treaties, or to protect the rights of the Government or its citizens in those cases in which protection must be sought beyond the territorial limits of the country. The power to call the militia into the service of the Federal Government is limited by express terms. It reaches only three cases. The call may be made "to execute the laws of the Union, to suppress insurrections, and to repel invasions," and for no other uses. By the same section of the eighth article of the Constitution, it was ordained, in words of the largest meaning, that Congress should have power to "raise and support armies," a power not to be confounded with that given over the militia of the country. Unlike that it was unrestricted, unless it be considered a restriction that appropriations of money to the use of raising and supporting armies were forbidden for a longer term than two years. In one sense this was a practical restriction. If there be any restriction upon the mode of exercising the power, it must be found elsewhere than in the clause of the Constitution that conferred it. And, if a restricted mode of exercise was intended, it is remarkable that it was not expressed. Of course there can be no presumption in favor of the existence of a power sought to be exercised by Congress. It must be found in the Constitution. But this principle is misapplied when it is used, as is sometimes the case, to restrict the right to exercise a power expressly given.

The powers of the Federal Government are limited in number, not in their nature. A power vested in Congress is as ample as it would be if possessed by any other legislature, none the less because held by the Federal Government. It is not enlarged or diminished by the character of its possessor. Congress has power to borrow money. Is it any less than the power of a State to borrow money? Because the Federal Government has not all the powers which a State Government has, will it be contended that it cannot borrow money, or regulate commerce, or fix a standard of weights and measures, in the same way, by the same means, and to the same extent, as any State might have done, had no Federal Constitution ever been formed? If not, and surely this will not be contended, why is not the Federal power to raise armies as large, and as unfettered in the mode in which it may be exercised, as was the power to raise armies possessed by the States before 1787, and possessed by them now in time of war? If they were not restricted to voluntary enlistments in procuring a military force, upon what principle can Congress be?

It is not difficult to ascertain what must have been intended by the founders of the Government when they conferred upon Congress the power to "raise armies." At the time when the Constitution was formed, and when it was submitted to the people for adoption, the mode of raising armies by coercion, by enrolment, classification, and draft, as well as by voluntary enlistment, was well known, practised in other countries, and familiar to the people of the different States. Yet in full view of such enactments, they conferred upon Congress an unqualified power to raise armies. And, still more than this, coercion into military service by classification and draft from the able-bodied men of the country was to them a well-known mode of raising armies in the different States which confederated to carry on the Revolutionary war.

It is an historical fact that during the later stages of the war, the armies of the country were raised, not alone by voluntary enlistment, but also by coercion, and that the liberties and independence sought to be secured by the Constitution, were gained by soldiers made such, not by their own voluntary choice, but by compulsory draft.

Thus it is manifest that when the members of the Convention proposed to confer upon Congress the power to raise armies, in unqualified terms, and when the people of the United States adopted the Constitution, they had in full view compulsory drafts from the population of the country, as a known and authorized mode of raising them. The memory of the Revolution was then recent. It was universally known that it had been found impossible to raise sufficient armies by voluntary enlistment, and that compulsory draft had been resorted to. If, then, in construing the Constitution, we are to seek for and be guided by the intentions of its authors, there is no room for doubt. Had any limitation upon the mode of raising armies been intended, it must have been expressed. It could not have been left to be gathered from doubtful conjecture. It is incredible that when the power was given in words of the largest signification, it was meant to restrict its exercise to a solitary mode—that of voluntary enlistment—when it was known that enlistments had been tried and found ineffective, and that coercion had been found necessary.

I agree that Congress is not at liberty to employ means for the execution of any powers delegated to it, that are prohibited by the spirit of the Constitution, or that are inconsistent with the reserved rights of the States, or the inalienable rights of a citizen. The means used must be lawful means. But I have not been shown, and I am unable to perceive that compelling military service in the armies of the United States, not by arbitrary conscription, but, as this act of Congress directs, by enrolment of all the able-bodied male citizens of the United States, and persons of foreign birth, who have declared their inten-

tion to become citizens, between the ages of twenty and forty-five (with some few exceptions), and by draft by lot from those enrolled, infringes upon any reserved rights of the States, or interferes with any constitutional right of a private citizen.

The argument most pressed, in support of the alleged unconstitutionality of the act of Congress is that it interferes with the reserved rights of the States over their own militia. It is said the draft takes a portion of those who owe militia service to the States, and thus diminishes the power of the States to protect themselves. The States, it is claimed, retain the principal power over the militia, and therefore the power given to Congress to raise armies must be so construed as not to destroy or impair the power of the States.

I have stated the argument quite as strongly as it was presented. It is more plausible than sound. It assumes the very matter which is the question in debate. It ignores the fact that Congress has also power over those who constitute the militia. The militia of the States is also that of the General Government. It is the whole able-bodied population capable of bearing arms, whether organized or not. Over it certain powers are given to Congress, and others are reserved to the States. Besides the power of calling it forth, for certain defined uses, Congress may provide for its organization, arming, and discipline, as well as for governing such portion as may be employed in its service. It is the material, and the only material contemplated by the Constitution, out of which the armies of the Federal Government are to be raised. Whether gathered by coercion or enlistment, they are equally taken out of those who form a part of the militia of the States. Taking a given number by draft no more conflicts with the reserved power of the States, than does taking the same number of men in pursuance of their own contract. No citizen can deprive a State of her rights without her consent. None could, therefore, voluntarily enlist, if taking a militiaman into the military service in the army of the United States is in conflict with any State rights over the militia. Those rights, whatever they may be, it is obvious, cannot be affected by the mode of taking.

I have said enough to show that the complainants are not entitled to the injunctions for which they ask, and I think they should be denied.

Judge Hall, of the Northern District of New York, in the matter of David J. Crichton, thus considered the constitutionality of the act:

The fourth point of the relator's counsel—that which insists that the act of Congress, under which the proceedings against the relator are sought to be justified, is unconstitutional, was not argued by the counsel for either party; nor has it received, since the argument, the serious attention which should be given to a question of such magnitude in a case where any court or judge is required to declare an act of Congress to be unconstitutional. If I had not before expressed an opinion upon that question, while acting in a judicial capacity, I should now decline to do so; for such questions ought not to be determined, when there has been an opportunity for argument, without the fullest possible argument and the most serious consideration. Nevertheless, as the point was raised by the counsel for the relator, and the counsel for the Government desired an expression of opinion upon that question, there is certainly no impropriety in my reiterating the opinions that I have heretofore expressed to the grand juries of this district, in respect to persons accused of offences against the provisions of that act.

Such grand juries have been instructed that the Constitution of the United States expressly grants to Congress the power "to raise and support armies;" that the manner in which such power is to be exercised is not prescribed by the Constitution; that, therefore, the mode or manner in which such armies are to be raised, is confided to the discretion and prudence of the National Legislature; and that the main provisions of the Enrolment or Conscription Act of 1863, and such of its provisions as authorized indictments by a grand jury, were constitutional and binding. My present opinion is, that Congress may constitutionally provide for raising armies by an enrolment and conscription, under the direct action of the General Government, instead of relying upon drafts from the militia of the different States; and although there are some constitutional restrictions upon that power, there are none that bear upon the questions presented in this case—unless, indeed, there is some foundation for the claim that the relator is, in fact, held as a deserter, in order that he may be tried before a court martial for the purely military offence of desertion. On that point my views will be presented in a subsequent portion of this opinion.

There may be some minor provisions of the act, the constitutionality of which may hereafter be drawn in question, but I feel no difficulty in saying that I do not perceive any reason for holding that the relator in this case is entitled to his discharge upon the ground that the provisions of the enrolment act, under which it is insisted that he can be legally detained, are unconstitutional.

This was an application by Crichton for discharge from arrest by the enrolment board. He had been drafted, examined, and exempted on the ground of disability. The board subsequently reconsidered the action, and declared him subject to the terms of the act, it being alleged that the exemption was procured by a fraud practised on the board. Crichton refused to submit to reëxamination, and was put under arrest. Judge Hall decided that the enrolment board, having rendered their decision in the case, had no right to review that decision.

The statute declares in express terms that the decision of the enrolling board shall be final upon the question of exemption, and it can hardly be presumed that Congress, while declaring the decision of the enrolling board to be final, intended that it should be final only against the party claiming exemption, and not final against the Government. Nor can it be presumed that, while declaring such decision final, they intended that the enrolling board, after having decided against the conscript, should have the power, at any time during the term of the draft, to reverse their own decision, and thus require his discharge from military service. In short, the language of the statute shows that Congress intended the decision of the board, when made and promulgated, should be final and conclusive upon the question of the exemption of any person, subject to the jurisdiction of the board, who might be drafted; whether such decision was in favor of or against the exemption claimed.

The powers and duties of the commissioners in respect to the draft and the exemption of the persons drafted, are purely statutory. They are in part ministerial, and in part quasi-judicial; but whether ministerial or quasi-judicial, they are conferred by the statute alone; and they are subject to the well-established rules of construction and decision which define and limit the powers of all boards and officers having a special and limited jurisdiction, and exercising statutory powers of a similar character.

These powers are in some respects like those conferred in this State upon canal appraisers; upon jurors summoned to determine the amount of damages to be allowed for laying out a public highway, or for land taken for a public street or railroad, or any other public purpose; upon commissioners of estimate and assessment authorized to estimate the damages and assess the benefits of laying out and opening the streets; upon special commissioners to lay out public highways through different towns, or to locate public buildings, or perform any quasi-judicial duty in respect thereto; or upon justices of the peace and county judges in special cases; and it is believed that no court of superior jurisdiction and acknowledged authority has ever sanctioned the doctrine that any such officers, juries, or

commissioners have the power, independent of an express provision of the statute conferring such authority, to revise and alter their determinations, after they have once made, completed and delivered their decision upon the particular questions submitted to their determination.

If these boards are quasi-judicial tribunals, and are to be likened to the ordinary judicial tribunals, they are to be likened to courts of inferior and limited jurisdiction, created by statute, with certain specified powers; and it is a well-settled doctrine, as will be seen hereafter, that no such inferior court has the right to grant a new trial upon the merits, or to revise or vacate its own decisions, unless such power is specially conferred by statute. It is also well settled that when a special tribunal is created by statute, with specified powers and a limited jurisdiction, for the decision of particular questions of law or fact, or both, that whenever the power given is once executed, in respect to a particular case before it, the power of the tribunal is exhausted and its jurisdiction at an end, so far as such case is concerned; that the persons thus invested with power are then *functi officio*, so far as relates to that particular case, and that their powers and jurisdiction cannot be resumed.

But it is said that the duty performed by the Board of Enrolment in this case was purely a ministerial duty, and that their decision may be revised and corrected in this proceeding. It is undoubtedly true, that most of the duties of the officers in the enrolment and draft authorized by the act of Congress under consideration are ministerial, such as the enrolment—the preparation of ballots—the drawing—the giving of notices, &c.; but the duties of the board in deciding upon claims of exemption are quasi-judicial, and not ministerial. If the board should enrol and draft an alien, who had not declared his intention to become a citizen —a citizen under twenty, or one over forty-five years of age, or perhaps enrol a citizen over thirty-five having a family, in the first class instead of the second, the error might be corrected and the party discharged on *habeas corpus*, because, as to those parties, their proceedings would be void, for want of jurisdiction of the person and of the subject matter. But in deciding upon the question of the exemption of a person, otherwise liable, on the ground of physical or mental unfitness for the military service, their acts are most clearly quasi-judicial. The decision of the board, upon this question of fact, declaring the exemption of the person drafted, is, therefore, not one which can be reviewed on *mandamus*, *certiorari*, or *habeas corpus*. A mandamus to such a tribunal is never granted for the purpose of determining how they shall decide such a question, or to compel them to reverse their decision thereon; and on a common law *certiorari* to bring their proceedings before the Supreme Court for review, that court can only reverse their proceedings for want of jurisdiction or for error in law appearing on their face.

But if it should be conceded that the duties of the enrolling board, in determining claims to exemption on the ground of physical unfitness for the service are ministerial, that concession would not, in my judgment, afford any ground for holding that the relator should be remanded. The decision of the enrolling board certainly discharged him from the draft; he was rejected as physically unfit for the service, and the second section of the act as before recited, declares all such to be "excepted and exempt from the provisions of this act, and shall not be liable to military duty under the same." By this decision and direction the board therefore lost jurisdiction of the person of the relator, and, by the very terms of the act, he is no longer liable to do military duty under the draft, any more than a person over the age of forty-five years.

It was said by the counsel for the Government that the Board of Enrolment were only to "relieve" the relator from the draft on a proper showing; and that he was bound to prove that on a "proper showing" they did relieve him from the draft. This proposition, in reference to the decision of a tribunal which the act of Congress creating it has declared shall be final, cannot be maintained. It is substantially saying that when they decide correctly (in the opinion of any other tribunal, before which the question may be raised) their decisions are to be binding and final, but when they decide otherwise their decisions are of no effect. The position is clearly untenable, as the duties of the enrolling board in deciding the question of exemption are, as has been before stated, quasi-judicial, and not ministerial. The cases relating to the acts of boards of county canvassers, which were cited in support of this position, are not pertinent.

But it is urged by the counsel for the Government that the decision of the Board of Enrolment, be it judicial or ministerial, may be impeached for fraud; and he puts this case by way of argument: "Suppose a surgeon, while drunk, should sign a certificate of disability, or should be bribed to do it; or a certificate should be written over signatures given for another purpose, or be obtained by duress; might not the provost-marshal contest it, not only in a case like this, but in various cases?" In the cases thus supposed, no injury would be likely to result to the Government in consequence of the doctrines which are held applicable to the present case. It is the decision of the enrolling board, not a certificate of a drunken or bribed surgeon, which works the exemption; and it would require at least two intoxicated, corrupt, or very stupid members of the board to lead to the improper discharge of persons drafted in the mode suggested. A certificate of exemption written, without authority, over signatures subscribed for another purpose, would be of no validity when it was shown that no such decision had been made by the board; for (as was urged by the counsel of the Government) it is the decision of the board which exempts, and the certificate having the signatures of the board is not conclusive evidence of their decision. If such a certificate were obtained by duress, or improperly written over signatures made for another purpose, it would have no effect, for it would not be founded upon a decision of the board.

But it is insisted that the decision of the enrolling board, if obtained by fraud, can be set aside by the board, or disregarded by the provost-marshal; who, it is alleged, is no party, in his character of provost-marshal, to such proceeding. It is also insisted that it may be disregarded by the Government, and several cases have been cited to show that the decisions and judgments of all courts and special tribunals may be impeached, collaterally, on the ground of fraud.

It cannot be necessary to enter into a critical examination of the cases and authorities cited on this point. The general rule, undoubtedly, is, that parties to the suit or proceedings in which such judgment or decision is made, cannot impeach such judgment or decision collaterally, but must seek their remedy by writ of error, appeal, or other authorized proceeding for the direct setting aside or reversal of such judgment or decision; or, in certain cases, by a suit in equity, for the express purpose of setting it aside. And all persons represented by the parties to such proceedings, or who claim under them, or in privity with them, or who have succeeded to their rights, are regarded as privies and are equally concluded by such proceedings. But other persons, strangers to such proceedings, may impeach such proceedings and decisions collaterally, on the ground of fraud, whenever they are set up to deprive them of their legal rights. (1 Greenleaf's Evidence, sec. 522, 523.)

It was urged on the argument that this is not the proper tribunal to afford redress to the relator, and that the case is properly, if not exclusively, cognizable by a court martial. If the conclusions already reached are correct, it is unnecessary to waste time in the discussion of this point. If the relator is illegally restrained of his liberty, he is entitled to be discharged on *habeas corpus*, and to discuss the sacred character of that right would but lead to a repetition of the words of the most distinguished jurists and statesmen, friends of civil liberty and champions of constitutional rights, from the year 1215, when the barons of Eng-

land and their retainers, "a numerous host, were encamped upon the grassy plain of Runnemede," to enforce their demand that King John should sign, seal, and swear to observe the provisions of Magna Charta, the great charter of English liberties; and the only possible ground upon which I could justify a refusal to exercise the judicial authority of the United States in this case, would be, that the relator was within the jurisdiction and in the custody of the military authorities, and charged with the purely military crime of desertion. Unless he is within their jurisdiction I have no right to remand him to their custody, and that he is not, I have already substantially decided. Besides, the return does not allege that the relator is a deserter, or is held as such, and the facts stated in the return give no countenance to the argument that he is a deserter, or is held for trial for the offence of desertion. It shows in the most direct and unmistakable language that he is held only as a drafted man, and in my judgment he is entirely beyond the jurisdiction of the military authorities.

This opinion has already attained to a length much beyond my anticipations, and, pressed as I am with other duties, I shall not further discuss the questions argued in this case. Some of them, doubtless, have been overlooked, and no one can be more sensible than I am that the discussion of those which have been noticed is imperfect and incomplete. With the frequent interruptions, of more or less length, which have been unavoidable, I could not (without a delay of decision much greater than the counsel were led to anticipate at the time the case was argued) give to the authorities cited such careful and deliberate examination and consideration as were desirable, or devote to the preparation of my opinion the time, care, and deliberation which I wished to bestow upon it. Written in haste, for the information of the parties, and the present justification of my decision, it must now stand as it is; but I indulge the hope that at some future time I may be able to revise, amend, and condense it. Having reached the conclusion that the relator must be discharged, I shall add a few words in reference to a decision which has been published since the hearing in this case.

The decision referred to, that of Judge Cadwallader, of the eastern district of Pennsylvania, in the case of Antrim, is not in conflict with my decision in this case. Judge Cadwallader, in reference to the decision of the enrolling board, says: "Cognizance of the application for exemption, if taken, must be judicial, however special the jurisdiction or summary the proceeding. The point in question is, whether the decision is or is not conclusive elsewhere as to the right of exemption. This depends upon the effect of the word final. It certainly imports that the decision of the board shall not undergo executive or other revision. The decision is, relatively to military jurisdiction, conclusive as well as final. Therefore, a decision in favor of a claim of exemption is necessarily conclusive as to the right of exemption."

It is true that Judge Cadwallader also expresses the opinion that, under the Constitution, Congress has not the power, as against the citizen, to make the decision of the enrolling board conclusive, so as to preclude the citizen from appealing to the judicial department of the Government; but it is believed that no one questions the power of Congress to make such a decision final and conclusive upon their own officers and agents.

Whether, on mature consideration of Judge Cadwallader's opinion, and a full and deliberate examination of the question, I should be able to concur in the opinion that the decision of the enrolling board, refusing exemption in cases within their jurisdiction, is not conclusive upon the citizen as well as the Government, is a question I do not design to anticipate, and it will be a matter of personal congratulation if no examination of the question shall be required.

(*See* NEW YORK, for correspondence between President Lincoln and Governor Seymour relative to the Conscription.)

ETHNOLOGY AND ANTHROPOLOGY. In the scientific investigations, not less than in the general thought, of our times, a large place has come very recently to be occupied by certain questions relating to Man and to Mankind. Among these questions—many of them closely dependent one upon the other—are: 1, that of the origin of man; 2, that of the possible affinity of man with lower orders of creatures; 3, that of the antiquity of man; 4, that of the unity or plurality of human species; 5, that of the degree of possible variability of man, in long periods of time, under climatic or other influences; 6, that of the number of the races of men, the distinguishing characters of such races, their history and distribution, and their probable future career; 7, the question whether man is, or is not, in fact, cosmopolite—that is, whether races are to any extent restricted in their habitat; and 8, that of the effect of intermixture of races. It should be borne in mind, that, in connection with the study of mankind, the terms "species" and "race" are properly employed in very different senses; while the former is to be understood in the exact signification given to it by the zoologist and the botanist, the latter merely implies a collection of individuals exhibiting throughout certain common characters, and which point to their origin at some period from a common stock or under similar conditions. Hence, we may admit many races of men without admitting more than a single species.

Now, among the kinds of evidences that present themselves, and that are sought for, in relation to the questions above proposed, are those afforded by—1, the nature, order, and physical characters of the strata of the earth's crust—the *geological* evidences proper; 2, the kinds of fossils, and their distribution in different regions and strata—the *palæontological;* 3, the monuments, implements, and other remains of the works of man himself—the *archæological;* 4, the phenomena of languages, their growth, affinities, and changes—the *linguistic;* 5, records of changes and events, such as in the main are due to human agency—the *historical;* 6, evidences which in their character are *chemical*, *anatomical*, or *physiological;* and 7, those afforded by the direct study of existing nations and races of men—in other words, the *natural-historical.* Thus, as man is truly the microcosm—the epitome of nature, we find without surprise that the study of man, once fairly entered upon, is calling for the reflection and concentration upon himself of the rays of nearly, if not quite, all the sciences he has hitherto developed.

There is evidently not as yet a science, in the proper sense of the word, either of man considered in his whole nature, or of the races of mankind. But there is going forward in connection with both these subjects an active accumulation of facts and of generalizations; and viewing them therefore as prospective sciences, the former study has received the title of Anthropology (science of man), and the latter that

of Ethnology (science of nations, or of races). The one comprehensive field of research, in truth, is that of Anthropology; and within this Ethnology is embraced as a special department. Accordingly, reserving the former term as the appellation of the comprehensive science of the subject, M. Broca and others recognize under this, for the present, at least two important subdivisions, which they distinguish as Ethnology and General Anthropology. The mere description of races of men, in reference to characteristics of person, customs, arts, and civilization, constitutes Ethnography.

Among the works and periodicals published in relation to these subjects, and within or just previously to the year 1863, there are a few which should here be named, first, because they serve well as exponents of the direction of recent discovery and of current thought in regard to the subjects at issue; and secondly, because their pages afford, in large degree, a *resumé* of the facts and deductions already accumulated in relation to them, up to—in most of the instances—about the close of the year 1862. We select, with a view to such purposes, the following:

a. The Geological Evidences of the Antiquity of Man; *with Remarks on Theories of the Origin of Species by Variation.* By Sir Charles Lyell, F. R. S., &c. London: 1863. (Reprinted in Philadelphia, by G. W. Childs: 1863.)

b. Introduction to Anthropology. By Dr. Theodor Waitz. Vol. I. Translated by J. F. Collingwood, from the First Volume of "Anthropologie der Naturvölker." London: 1863.

c. The Races of the Old World: *A Manual of Ethnology.* By Charles L. Brace. New York—Charles Scribner: 1863.

d. Evidence as to Man's Place in Nature. By Thomas H. Huxley, F. R. S. London: 1863. (Reprinted in New York, by D. Appleton & Co.: 1863.)

e. Prehistoric Man: *Researches into the Origin of Civilization in the Old and the New World.* By Daniel Wilson, LL.D. Cambridge and London: 1862.

f. Description Ethnographique des Peuples de la Russie. Par T. de Pauly. St. Petersburgh: 1862.

g. Lectures on the Science of Language. My Max Müller, M. A. London: 1861. (Reprinted in New York, by Charles Scribner: 1863.)

h. A History of the Intellectual Development of Europe. By John W. Draper, M.D., LL.D. New York—Harper & Bros.: 1863.

i. The Anthropological Review. Quarterly. London. (First number—May, 1863.)

"No subject," says Sir Charles Lyell (*a*), "has lately excited more curiosity and general interest among geologists and the public, than the question of the Antiquity of the Human Race, whether or no we have sufficient evidence in caves, or in the superficial deposits commonly called 'drift' or 'diluvium,' to prove the former coëxistence of man with certain extinct mammalia. For the last half century, the occasional occurrence, in various parts of Europe, of the bones of man or the works of his hands, in cave breccias and stalactites, associated with the remains of the extinct hyæna, bear, elephant, or rhinoceros, has given rise to a suspicion that the date of man must be carried further back than we had heretofore imagined. On the other hand, extreme reluctance was naturally felt, on the part of scientific reasoners, to admit the validity of such evidence, seeing that so many caves have been inhabited by a succession of tenants, and have been selected by man as a place not only of domicile, but of sepulture, while some caves have also served as the channels through which the waters of occasional landfloods or engulfed rivers have flowed, so that the remains of living beings which have peopled the districts at more than one era may have subsequently been mingled in such caverns and so confounded together in one and the same deposit. But the facts brought to light in 1858, during the systematic investigation of the Brixham cave, near Torquay in Devonshire, * * * excited anew the curiosity of the * public, and prepared the way for a general admission that skepticism in regard to the bearing of cave evidence in favor of the antiquity of man had previously been pushed to an extreme.

The following table of the Fossiliferous Strata of the earth's crust, still further abridged from Lyell, and representing the succession of strata from the surface of the earth downward to the non-fossiliferous or azoic rocks, will aid the reader in understanding the bearing of certain geological and palæontological facts upon the question of the antiquity of man:

1. Recent (alluvium)...	Post-Tertiary, or Quaternary.	
2. Post-Pliocene strata.		
3. Newer Pliocene " .	*Pliocene.*	Tertiary, or Cainozoic.
4. Older " " .		
5. (Two gr'ps of strata)	*Miocene.*	
6. (Three " ")	*Eocene.*	
7. (Seven " ")	*Cretaceous.*	Secondary, or Mesozoic.
8. (Eight " ")	*Jurassic.*	
9. (Three " ")	*Triassic.*	
10. (One group of ")	*Permian.*	Primary, or Palæozoic.
11. (Two groups of ")	*Carboniferous.*	
12. (" " ")	*Devonian.*	
13. (" " ")	*Silurian.*	
14. (" " ")	*Cambrian.*	

Now, while animal life has been traced downward through the entire series of strata represented in the preceding table, the remains of man and of the quadrumana had never until very lately been with certainty shown to exist lower down than the most recent formations of the quaternary period, and such as could clearly be brought within the usual chronological reckoning. Indeed, it was asserted by Cuvier, and by many it is still maintained, that true fossils of man and of the ape-tribes have no existence. The discoveries of the last few years, however, appear in the judgment of many other inquirers already to have reversed Cuvier's verdict. Still, Lyell, writing about the close of 1862, and including all the well authenticated discoveries of human remains and works up to that time, shows the comparatively recent period to which these evidences of man were at the time confined, when he remarks, "The only formations with which we shall be concerned in the present volume are those of the most modern date, or the Post-tertiary."

Among the subjects of which Sir Charles Lyell treats, are those of the implements found in the Danish peat; the Danish shell-mounds, or "kjökkenmöddings" (kitchen-middens, or refuse-heaps); the ancient Swiss lake-dwellings, on piles, or "lacustrine habitations" (*see* "New American Cyclopædia," vol. xvi); the Irish lake-dwellings, or "crannoges"; the pottery and burnt bricks taken from great depths in the Delta of the Nile; the relics and remains found in mounds of the valley of the Ohio, of the delta of the Mississippi, &c.; the human and other bones, and implements—consisting largely of

worked flints—found in the cavern of Bize, in France; the contents of the Belgian caves, including the Engis skull; the Neanderthal cave and skull; then, the Post-pliocene alluvium and cave deposits, with flint implements, proceeding from the earlier discoveries of M. Boucher de Perthes, at Abbeville, in the valley of the Somme, and of Dr. Rigollot, near Amiens, and also the exploration of the Brixham cave, down to the latest discoveries, made especially in the former region, up to the time of publication; works of art elsewhere met with in Post-pliocene alluvium of France and Great Britain; the marked bones found by M. Lartet in the Aurignac cave; then, certain supposed fossil men, as that of Denise, of Natchez, &c.; then, the relations of the Glacial Period, and of glacial action to the Human Period, and to the date of the earliest traces of man and other animals; the supposed ages of stone and bronze; and, finally, certain subjects connected with Mr. Darwin's theory of the origin of species by variation and through natural selection, and the possible relation of man to the lower orders of being. A few of the instances of discovery of human remains, &c., just referred to, have—as occurring at recent dates—received mention in this CYLOPÆDIA, 1861, under the title ANTIQUITY OF THE HUMAN RACE; and 1862, in connection with GEOGRAPHY, &c.

Although Sir Charles Lyell expresses his conclusions in respect to the antiquity of the human race with great caution, yet the terms in which he has couched them, not less than the facts on which they are based, appear to open the way for a large extension of the lapse of time since the advent of man on the earth, beyond that admitted in the usual or historical view. Thus, Lyell admits that "Man was contemporary in Europe with two species of elephant, *Elephas primigenius* [mammoth], and *E. antiquus*, two, also, of rhinoceros, *Rhinoceros tichorhinus* and *R. hemitœchus*, at least one species of hippopotamus, the cave-bear, cave-lion, and cave-hyæna, various bovine, equine, and cervine animals now extinct, and many smaller carnivora, rodentia, and insectivora. While these were slowly passing away, the musk buffalo, reindeer, and other arctic species, which have survived to our times, were retreating northward, from the valleys of the Thames and Seine, to their present more arctic haunts." And he adds that "The vast distance of time which separated the origin of the higher and lower level gravels of the valley of the Somme, both of them rich in flint implements of similar shape, * * * leads to the conclusion that the state of the arts in those early times remained stationary for almost indefinite periods;" and then proceeds to parallel this with the fact that "The rate of progress in the arts and sciences proceeds in a geometrical ratio as knowledge increases," the earlier advance being by so much the more slow, "so that the progress of a thousand years at a remote period, may correspond to that of a century in modern times, and in ages still more remote Man would more and more resemble the brutes in that attribute which causes one generation exactly to imitate in all its ways the generation which preceded it."

The author regards Mr. Darwin's theory of the origin of species by natural selection as not inconsistent with the admitted truths of science; and, in harmony with such view, inclines to the doctrine of the unity of the human race.

We now proceed to glean, from the statements of discoveries made and the published speculations of, chiefly, the past year, the portions which appear to possess the greatest importance, and which will serve to show what further light is being thrown upon the questions already presented.

Instances of Human Remains.—A paper was read before the British Association, 1863, Section (E) of Geography and Ethnology, descriptive of a human cranium found near Amiens, in 1861; but which, while it closely resembled the Engis skull, was regarded as presenting no decided test in respect to the question of the antiquity of the race. Mr. G. E. Roberts and Prof. Geo. Busk contributed a paper upon the opening of a cist of the Stone Age at Bennet Hill, on the coast of Elgin. This cist was one of three situated near together and also near to three considerable shell-mounds, or refuse-heaps. Of the other two cists, one had been cut away by the course of a railway, and in the second few bones were found. Of the skeleton found in the least disturbed cist, the cranium was —measured antero-posteriorly—quite short; *i. e.*, of the conformation termed by Retzius the *brachycephalic*. The ratio of the antero-posterior to the transverse measurement, was 1 : .823. In April, Rev. H. F. Rivers presented to the Anthropological Society of London some human remains found at Luton, near Chatham; Prof. Owen remarking at the time that the bones appeared to have been discovered at a depth of six feet within brick earth. May 26th, Professor Busk read a paper in relation to these remains, which greatly diminished the interest attaching to them, by declaring that on closer inspection it was found that the bones were not regularly overlaid by the deposit of brick earth, but were in a soil that appeared as if it had been filled into a pit, and apparently consisted of the rain-wash from a neighboring hill side. There were two skeletons; the crania much alike, long-headed, or *dolichocephalic*, *orthognathic*, but *phænozygous* [the zygomatic arches showing beyond the cranium, as viewed from above]. Thus, their form would not indicate that they belonged to either of the most ancient types of crania found in Great Britain, viz.: the *cymbecephalic*, supposed by Dr. Wilson to be the most ancient; or the *brachycephalic*, supposed by the authors of the "Crania Britannica" to be the true ancient British form. The crania both presented injuries such as would intimate that their pos-

sessors had been killed by cuts of a sharp weapon upon the head.

Chemical Changes in long-buried Bones.—The author last named concluded his paper with an account of the results of chemical analysis performed upon portions of these and of other bones of considerable antiquity; and he is led to assert the following as among the chemical characteristics of such bones: 1. Long-buried bones, whatever the soil or situation, almost always contain a notable amount of *iron*. 2. The amount of organic matter is invariably much diminished. 3. The proportion of carbonates in them is usually much augmented. 4. A still longer abode in the ground, whatever the soil, is attended with the acquisition of a marked quantity of *fluorine*.

Retzius' Classification of Crania, improved by Broca's Definite Measurements.—Prof. Retzius, many years since, found that the most ancient human crania discovered in Denmark and other parts of Europe, could be mainly assigned to two distinct types of conformation. To one of these, characterized by a rounded form, *i. e.*, by the relative shortness of the antero-posterior dimension as compared with the transverse, and having the parietal tubers prominent, and the occiput broad and flattened, he applied the name *brachycephalic* (short-headed); and to the other, which would appear in time to have succeeded the former, and which is characterized by relative length of the antero-posterior dimension, tending to the more modern oval form, and having a prominent and narrow occiput, he gave the name of *dolichocephalic* (long-headed).

It should be remarked that Prof. Nillson has claimed to establish a third type of cranium, having the antero-posterior dimension still longer than in the second, while at the same time marked with greater prominence at the sides. This he regards as having belonged to a Celtic race, who in his opinion introduced the use of bronze. To another variety of conformation, first observed in certain of the most ancient skulls found in Scotland, of which the most marked characteristics are the narrowness and length of the top of the head, the forehead being narrow and retreating, and the occiput narrow and extremely prolonged backward, Dr. Wilson has given the name of *kumbecephalic* (boat-headed), also written *cymbecephalic*.

At a meeting of the London Anthrop. Society, November 3d, 1863, during a renewal of the discussion upon the cranium from the Bennet Hill cist, already mentioned, Mr. C. C. Blake called attention to the uncertainty which still attended Retzius' distinctions of ancient skulls, and then proceeded to state M. Broca's improvement upon that classification, by basing the distinctions upon exact numerical comparisons, and introducing a third or middle class. The term "index," as here used, denotes the ratio of the breadth of a given cranium to its length. Thus, Broca, in arranging certain skulls obtained from a cemetery at La Cité, had adopted the following division:

1. Dolichocephali,	A. Pure Dolichocephali: the index less than .75. B. Sub-dolichocephali: the index from .75 to .776.
2. Mesaticephali,	(*mesatios*, average): the index from .777 to .799.
3. Brachycephali,	A. Sub-brachycephali: the index from .80 to .849. B. Pure Brachycephali: the index .85, and upward.

Antiquities of Northumberland.—Mr. George Tate gave, before the British Association, 1863, an account of the explorations made, during the two preceding years, into the ancient British remains found among the Cheviots, in the valley of the Breamish, and on Yevering Bell and its neighborhood. These are in the wild hilly districts of the northern part of Northumberland, and they consist of fortified towns; strong, small fortlets on the slopes of the hills, and in the high valleys; hut-circles, and barrows, or sepulchres. A fortified town site near Linhope, the most remarkable of its kind, covers twenty acres. Here are found remains of the environing walls, and within these many hut-circles, some of these being flagged with flat stones of porphyry. Some of the hearthstones, which usually appear in the centre of the circles, still retain marks of fire. Strong forts crown many of the higher hills. The so-called fortlets have a diameter of from thirty to one hundred and fifty feet.

All the appearances indicate a period when the hilly country was held by separate tribes and clans, and which were often at war with each other. In various portions of the ruins and barrows are found, pottery; glass ornaments (supposed to have been brought from Phœnicia); bronze and flint weapons; and occasionally rude querns for grinding grain. In one barrow, along with flint implements and potsherds, some lumps of iron slag were found; and similar heaps have long been met with elsewhere through this part of the country, at a distance from modern habitations. The author suggests the probability that iron—with the few who could afford it—was in use earlier than has been supposed in the theory of successive stone, bronze, and iron ages; and that the rarity of iron implements is in part at least to be accounted for by the circumstance of their having perished by rust. The skulls found in the remains here described were all brachycephalic; and this is believed by the author to have been the true type of the Northumbrian Celts.

Ancient Shell-Mounds of Scotland.—The Rev. George Gordon having mentioned, in the "Natural History Review," for April, 1863, the finding, on the shores of Moray Frith, of several shell-mounds somewhat resembling the Danish "kjökkenmöddings," Mr. John Lubbock subsequently visited that region in company with the former—the account of their explorations appearing in the same journal for July following.

Mr. Gordon had discovered little more than the fact of certain refuse heaps consisting mainly of shells, and further that in these the shells of the periwinkle and oyster, and next those of the muscle and cockle, appeared to predominate. The two observers in their later visit found in the Loch of the Clans, about five miles from Nairn, a small "crannoge" of stones bound together with beams of wood; and close to this they picked up a bone awl.

They then visited the shell-mounds at Bennet Hill, near Burghead, on the coast of Elgin; afterward proceeding in the direction of Findhorn, and about the old margins of Loch Spynie. The shells were often to a good degree of different species in the different mounds, the periwinkle, oyster, and muscle being generally most abundant; while in some of the heaps appeared also numerous fragments of bones of the ox, sheep, and pig. No pottery or stone implements were found in any of them, though in and near some of them were picked up one or more fragments of flint. From one mound, near Burghead, they obtained two positive implements of bone, awl-shaped, and a third splinter of doubtful character. At another, between Burghead and Findhorn, they found a fragment of a bronze ring. In some of the mounds marks of fire were abundant, even where there appeared not a single bone or sherd. The absence of pottery and implements, so common in Danish "middens," and in the Swiss Lakes, is not a little puzzling. True, flint is absent from the north of Scotland, but not less is it so from Switzerland. It is conjectured, however, that the Scotch mounds may yet be found to belong to the metallic period.

In fact, in a shell-mound on the "Brigzes" Farm, near the old Loch Spynie, a bronze pin had been found by a laborer; and a Dr. Taylor had discovered two small pieces of pottery, colored red on one side and black on the other. The bronze pin was four and a half inches in length, and rather thick in proportion; the head was small and rounded, but flattened on the sides, each of which was marked by two diagonal grooves crossing each other at about a right angle. Below the head was a second enlargement, of less size; and below this again, four equidistant rows of five small notches each—one row on each side of the pin. This pin is said to resemble those found in the Irish crannoges, and in street-cuttings in Dublin, and which are believed to be of an age of about 1,000 years; *i. e.*, of the date of A.D. 800–900.

Lacustrine Habitations in Wigtonshire, Scotland.—An account of explorations of these was presented before the British Association, by Lord Lovaine.

Dowalton Loch, in which the habitations are found, was an irregular sheet of water, about two miles long by a half mile broad, situated in Wigtonshire, on the western coast of Scotland, and at the end of a narrow valley five miles in extent, occupied by a moss, whose waters flow in part into the loch and in part into the sea. Sir William Maxwell, of Monreith, had, at his own expense, nearly drained the bed of the loch; and this had, when visited (August, 1863), the appearance of an immense sheet of mud, surrounded by a succession of beaches at different elevations. It contained a few small islets.

One of these, being reached over forty yards of the mud, was found to be elevated above the latter about five and a half feet. On each side of it were patches of stone, not touching it; and on its northern side, surrounded by piles driven into the mass, lay a canoe twenty-four feet long. Stones were scattered over the surface of the islet, and teeth, apparently of swine and oxen, were found. A trench being cut around the islet, ashes were turned up, in which were teeth and burnt bones. There were found, also, a piece of a fine yellow earthenware armlet; a large broken earthenware bead, striped blue and white; and a small metal ornament, apparently gilt. Two other pieces of a similar armlet were found on the surface.

On cutting down into the structure, it proved to be wholly artificial, resting on the soft bottom of the loch, and composed of layers of brushwood, branches and stems of trees, mingled with large stones, while at bottom of all, in this and the other islets examined, was a bed of fern about a foot thick. The mass was joined together by poles and stakes of oak and willow, some driven two and a half feet into the bottom. The islet was surrounded also by great numbers of these, and by masses of stone. In some of the islets the stakes were found roughly hewn, and even mortised; and in a few holes had been bored. The leaves and nuts brought up from the lower layers were still in appearance fresh and perfectly distinct. Great quantities of teeth and bones were found upon and within the structures; but no tool or weapon of any sort came to light. The first islet examined was thirty-eight yards in circumference: the largest was thirty-six yards across, and about one hundred yards round. Upon this also a canoe was found, eighteen and a half feet long, and in an extremely decayed state.

The structures would appear to have been raised by successive stages, as the waters of the loch had increased. The quantities of bones and teeth, and of the stakes formed, conveyed to, and used in and about the structures, would alike indicate a considerable population. Upon the rocky eminences which rose at certain points in the loch, no structures had been raised; probably they were founded upon the mud as being thus least accessible.

Prof. Wilson remarked that Mr. Joseph Robinson, of Edinburgh, had collected information showing that a large number of lacustrine habitations existed in that part of Great Britain. He thought the implements of bronze and metal generally belonged to a period much

earlier than antiquarians had yet assigned to them.

Sir Charles Lyell expressed himself as sure that changes of level must have taken place in the lake. The author of the paper had suggested that these changes were brought about by the growth of peat, obstructing gradually the ancient outlet. Why, now, was it not possible to determine a proximate date for these habitations—hence the general rate of growth of peat; and thus to obtain a rule applicable in other cases? If the bronze period must be carried farther back than antiquarians generally had supposed, how very ancient must then be that of stone? And yet, both epochs belonged to a period in which there was not found one of those extinct animals of which geologists had discovered so many unequivocal remains.

Geological Position and Era of the Remains thus far Described.—Few, if any, of the human remains and works described in the sections just preceding, can be considered as going back in geological time beyond the period within which has occurred the latest of the alluvial formations—that known as the "recent," or most modern of the Quaternary deposits. And in respect to human eras, none of these remains date back, certainly, beyond the "stone" age; while it is, in fact, questionable whether the oldest of them go beyond that of "bronze." None of them reach the time of any of the species of animals which have been extinct throughout the historic period; for even though the Urus, or wild bull (*Bos primigenius*), which existed in the stone and bronze ages, including that of the Swiss lake-dwellings, has now been long extinct, yet this animal was seen by Julius Cæsar, and survived after his time.

Now the reader should bear in mind that, not to speak of other instances, the now well-known cases of the human and other bones, and implements of the Belgian caverns, the discoveries made in the Brixham cave, and the yet more familiar discoveries by M. Boucher de Perthes and others, of the sort known up to the close of 1862, in the alluvium of the Somme valley, especially at Abbeville and St. Acheul, as also those of the cave of Aurignac, appear to have (before 1863) traced man back far into the Post-pliocene deposits belonging to the period of the drift; hence, into the earlier formations of the Post-tertiary period. None of these latter discoveries, however, had appeared to carry man beyond this limit, into the Tertiary strata. And M. Broca, at a meeting of the Anthrop. Society of Paris some time since, recognizing this limit, stated in substance that, thus far "the antiquity of Man is reduced to the commencement of the Quaternary period. Positive facts, irrefutable evidence"—he declared—"show that man existed at the time of the diluvium. But this is the first known date in his history; though it is still not impossible that we may find traces of his earlier existence." In most, or all, of the instances last named above, moreover, the flint implements are found associated with the bones of animals extinct from before the historical period; and in respect to human eras, these works and results due to the agency of man take us back far anterior to the date of the stone age, if this were to be determined by such relics only as those of the Danish "middens" and the Swiss lake-dwellings; or, more strictly speaking, they appear to conduct us back through three successive ages of one vast stone period—beyond the most recent *polished* or sharpened stone implements, as those of the Danish mounds, to the hatchets rudely *chipped* (worked), but unground, of the Somme valley, and in some of the instances to those consisting of mere fragments or *flakes* of flint—implements in regard to which such ideas as that of *fashioning*, much less that of *grinding* were not yet to be conceived of for hundreds, perhaps thousands, of years.

Meanwhile, however, it could not fail to be remarked as singular, and the fact is so recognized in terms by Lyell and his reviewers, as well as by others, that while, in the many parts of the south and west of Europe yielding these, at least thousands of genuine flint implements have been discovered, and while, more recently, portions of the skeletons of many extinct animals have been found which show evidences of having been cut and marked by implements used by man, still not a single human skeleton of unquestionably fossil character, not indeed so much as a human tooth, had been discovered in connection with, or as undoubtedly referable to the same age as, these older or post-pliocene remains!

Now, as to the specific question, why fossil human remains have not been found along with the implements and marked bones of the post-pliocene, many answers, more or less satisfactory, had been given. Some had urged that the fact was but an illustration of the extreme imperfection of the geological records; and these have cited as parallel the facts that the bones of the musk buffalo were not until recently found as fossils, and have remarked that the entire assemblage of the fossil quadrupeds of the Picardy alluvium must still be but a small part of the whole number of species with which these were contemporaneous. Others have urged the fact of the extremely small proportion which the districts yet explored bear to the entire extent of the alluvium in which fossils may exist, upon the Eastern, or upon both of the continents. Even Mr. Crawfurd, who appears to covet the attitude of antagonist upon all the later anthropological theories of the time, after stating (in the outset of his paper before the Brit. Assoc. upon the Aryan theory and the races of mankind,) his conviction that the evidences of late years adduced satisfactorily establish for man on the earth an antiquity far beyond the usual estimate, making him the contemporary of animals

such as lions, hyænas, elephants, rhinoceroses, &c., extinct far beyond the reach of human records, then goes on to account for the scarcity of remains of man himself in connection with his works, by the following considerations: In the savage state, man would be few in number in comparison with the wild animals; and when he first appeared, unarmed, without language, and before he had even yet acquired the art of kindling a fire, the disparity would be still greater. In that condition he would have to contend for life and food with savage beasts, with *nothing to depend on but a superior brain and the capacity of wielding a club.* In such circumstances the wonder is, not that man should be few, but that he should continue to exist at all.

Having thus found, as precisely as possible, the limits—downward into the fossiliferous strata, and (the Neanderthal skull only being regarded as yet not decided on) backward in the ages of time—to which man appears with some degree of certainty to have been traced, up to the close of the year 1862, we are now prepared better to appreciate the bearings and significance of two discoveries which have marked the year 1863, namely, the finding of what is (by many) believed to be a fossil human jaw in the Post-pliocene alluvium of the Somme valley, and the finding at St. Prest, by M. Desnoyers, of marked fossil bones of animals within what he regards as unquestionably upper tertiary, or Pliocene, strata. Before describing these, certain speculations assigning an extreme antiquity to the exceptional skull above named, will be given.

The Neanderthal Man.—Prof. Wm. King read before the Brit. Assoc. a paper upon this subject. He gave reasons for believing that this skull belonged to one of a race existing in the glacial or Clydian period. Why should there not have been, in the past, distinct low species of man, little above the anthropoid apes? Why not a pliocene or Clydian species, which could erect a protecting shed, fashion a stone implement, and store up food, and yet be devoid of speech, and of religious feeling. He considered the Neanderthal skull eminently simial in its great characters; and it was probable that the thoughts and desires that dwelt in it never soared above those of the brute. The Andaman islander has but the dimmest consciousness of the existence of a Creator, and of any moral feeling. Still he has enough [Dr. Mouatt declares that he has no religious ideas or feelings whatever: if this be true, he at least has sufficient *capacity* for such notion and feeling] to necessitate our classing him with *Homo sapiens.* We could go no lower than the Andamaner, without coming to brute benightedness. He believed the Neanderthal man to have been, accordingly, a being specifically distinct; and he would propose for him the designation of *Homo Neanderthalensis.*

The Moulin-Quignon, or Abbeville Jaw.—A notice of the discovery of human remains in a gravel-bed at Moulin-Quignon, near Abbeville, in the north of France, and by workmen engaged in quarrying at the place, first appeared in "*l'Abbevillois*," of April 9th, 1863. Near the end of March, a quarryman, named Halatre, brought from this quarry to M. Boucher de Perthes a shaped flint and a fragment of bone, both stated to have been found in the gravel. Upon clearing away the sand in which the latter was partly imbedded, it proved to be a human molar, somewhat damaged. M. Boucher at once proceeded to Moulin-Quignon with Halatre, verified the spot from which the tooth had been taken, ascertained that that part of the gravel deposit was free from infiltration or intrusion, and desired the search continued. He charged the workmen not to disturb anything they might come upon during his absence, but if any remains came to light, to let him know of the fact. On the 28th of March, a workman named Vasseur came to tell him that something resembling a bone was to be seen in the bed of gravel.

M. Boucher went to the place, and there found, enveloped in its matrix, and still in part imbedded in the gravel, a bone, nearly an inch in length of which, however, was already exposed. The bone was carefully extracted whole, by working round it with a pickaxe; and it proved to be a portion of a human jaw, very much discolored, but not injured by rolling. A few inches off from it was a flint hatchet (*hache*), also imbedded in the gravel, whence M. O. Dimpré by aid of the pickaxe removed it. All the spectators were struck with the perfect identity of the *platina* or colored crust which covered not only the jaw and the flint axe, but also the rolled pebbles of the bed; the color of this was a brown approaching to bluish black. The portion of the deposit from which the jaw and accompanying flint were taken, was a horizontal stratum or seam of no great depth, interposed between the chalk below and the ordinary gravel above, consisting of a black mangano-ferruginous matter. This deposit belongs to what Mr. Prestwich calls the "high-level" series, being regarded as the oldest of the Somme valley beds. The jaw and *hache* were found at a depth of five yards below the surface.

A few days after the discovery of the jaw, Messrs. Prestwich, Evans, and Tylor visited M. Boucher. The two latter especially observed circumstances which led them to fear that a deception had been practised by the quarrymen. Mr. Evans thought that the axes, purporting to be from the black band, had been artificially stained with the irony deposit. M. Boucher still maintained a different view of the case. He had extracted the jaw from the substance of the bed itself, and declared that M. Dimpré had taken out the *hache* in the same way, both in presence of a number of spectators; and they felt sure the gravel had not been disturbed. He considered the two workmen concerned to be persons of irreproachable character. Yet it was a fact that M. Boucher had for years offered large

rewards for the discovery of fossil remains in the quaternary deposits; and equally so, that the quarrymen had repeatedly brought to him bones which proved not to be genuine. There are, indeed, bone-bearing beds not far from Abbeville. The quarrymen of Amiens and Abbeville had begun to make sham "drift implements" as soon as it paid them to do so, and of such they had sold thousands. They had acquired such skill as even to deceive in regard to the coating or *platina*, and the discoloration of the surface; and Mr. Christy had bought a large quantity of the spurious *haches*, by insisting that he knew them to be such, for from one to two pence apiece.

An article by Mr. Falconer on the subject of the supposed fossil bone appeared in the London "Times," of April 25th. An animated discussion had soon sprung up, touching the questions as to whether or not the jaw was authentic, and a true fossil; and at length upon the proposition (May 2d) of M. Lartet, a scientific reunion or conference with a view to settling these questions was determined on. Of this, the French members were MM. Quatrefages, Lartet, Delesse, Desnoyers, and Milne-Edwards, the last-named of whom acted as President; while M. l'Abbé Bourgeois and M. Gaudry also took part. The English deputies were Messrs. Falconer and Busk, and Prof. W. B. Carpenter; and after the first sitting also Mr. Prestwich. The members, with this single exception, having reached Paris on the 9th of May, the sittings were commenced at once, and were continued there during three days.

The jaw was sawn across, and washed; the section being made to include a portion of one of the fangs of the solitary tooth remaining in it. The matrix or black coating readily washed off by means of a sponge; there was no appearance of *dendrites* upon the surface or within the mass of the bone; nor was there any infiltration through it of mineral matter. The substance of the bone was dry and friable, but tolerably firm under the saw; the section was fresh-looking, and it emitted distinctly the odor of sawn bone. The surface after washing had a clear, mottled appearance, and was but slightly eroded. The section of the fang of the molar yielded all the characters of freshness which had been previously observed in the "detached molar." It was further noted that the black coating material had not penetrated deeply into the dental canal; and that the latter was lined with a layer of fine gray sand, which appeared to indicate a previous lodgment of the bone in a non-ferruginous sandy bed. Mr. Busk thought the bone like many cemetery bones, but quite unlike fossil bones of the Somme, from Menchecourt, &c., all of which that had been found were covered and pervaded with *dendrites*. Besides, it was found on trial that the material of the *gangue* or matrix, applied soft to any solid, would adhere with great tenacity; so that that upon the bone might be artificial. Most, if not all, of the English members of the Commission maintained that the flint *haches* said to be yielded by the black band were unauthentic; and finally, the confidence of some of the French members of the Commission in the fossil character of the jaw began to be shaken.

At this juncture (May 12th), upon the suggestion of the President, the Commission adjourned to Abbeville. There, after taking precautions to avoid any deception, they made new excavations into the cliff of the gravel-pit of Moulin-Quignon, and in a bed apparently identical with that from which the jaw had been extracted, at a depth of four metres below the surface, there were disengaged under the very eyes of the members many hatchets of flint which were every way similar to those the authenticity of which had just been questioned by the English *savans*. Besides this, direct testimony to the actual occurrence of the jaw in the "black band" was brought forward to the satisfaction of the Commission.

Finally, while all the members agreed in regarding the jaw as authentic, there was not the same unanimity in respect to its age. The dissenting members handed in the following notes:

ABBEVILLE, *May 13th*, 1863.

I am of opinion that the finding of the human jaw at Moulin-Quignon is authentic, but that the characters which it presents, taken in connection with the conditions under which it lay, are not consistent with the said jaw being of any great antiquity.

H. FALCONER.

ABBEVILLE, *May 13th*, 1863.

Mr. Busk desires to add, that although he is of opinion, judging from the *external* condition of the jaw, and from other considerations of a more circumstantial nature, that there is no longer reason to doubt that the jaw was found in the situation and under the conditions reported by M. Boucher de Perthes; nevertheless, it appears to him that the internal condition of the bone is wholly irreconcilable with an antiquity equal to that assigned to the deposits in which it was found.

It will be seen that there are still some points to be cleared up in relation to the position and character of the supposed fossil jaw, and that the question of its antiquity remains open to discussion. When communications detailing the proceedings and results of the conference upon it were, a few days later, laid before the Academy of Sciences, by MM. Milne Edwards and de Quatrefages, M. Elie de Beaumont objected to the views arrived at, stating that in his opinion the gravel deposit of Moulin-Quignon did not belong to the post-tertiary or diluvian age at all, and that he would class it with "deposits laid down upon hill-sides," consequently as more recent than the diluvium, and in fact belonging to the actual or modern period; and he added moreover a statement of his disbelief in the asserted existence of man as a contemporary of the extinct elephants, rhinoceroses, &c., of the post-tertiary period.

M. Milne Edwards, however without wish-

ing to discuss with M. de Beaumont the stratigraphical question, which he considered not in his province, persisted in regarding it as very probable that the jaw from Moulin-Quignon is contemporaneous with the other bones, fossil, obtained from the same quarry. And M. J. Nicklès, in his note on the subject to the "American Journal of Science," speaking of course for Western Europe, declares that, though the point is still in discussion, the opinion just stated is shared by geologists and palæontologists in general.

Certain other speculations in reference to the age of the deposits of the Somme valley, will now be briefly indicated.

Successive Eras of Deposit.—M. Delanoue stated before the Anthropological Society of Paris, his belief that he had shown by the geological constitution of the bed of the Somme valley, that after the first diluvial epoch—which (up to this point) would appear to give us the first date of humanity—the geological conditions determining the superincumbent deposits had changed not less than four times; and the duration implied in these four successive periods he regarded as truly incalculable.

Supposition of Recent Date of the Somme Deposits.—Prof. Phillips, before the British Association, 1863, urged that the existence of the flint implements in the same deposits with bones of extinct animals in the valley of the Somme, might be accounted for upon the supposition that a river there had changed its position; so that the implements found near the bottom of the deposits might formerly have existed near the top. But a more probable hypothesis, in his view, was that there had been an elevation affecting the valley of the Somme. The geography of France, with rivers running in parallel lines across the chalk, he thought favored such a result.

Alluvial Accumulation in the Valleys of the Somme and Ouse.—At the time of the discussion before the British Association, upon a human cranium from Amiens, and which resembled the Engis skull, Mr. R. A. Godwin-Austen remarked that in his opinion the discoveries of Amiens had no bearing on the question of the antiquity of man, because he believed that the whole locality had been a burying place for an enormous period of time. He had visited the locality from which the famous jaw was taken; and he believed that the deposit there was nothing but an accumulation of drift from the chalk hills which overhung that particular spot.

The same author on a later occasion read before the Association a paper having the title of the heading above. The object of this paper was to show that the two river-valleys named belonged to areas over which the geological changes had been so different, that no comparisons of them could properly be made. He argued that the materials of the gravel-beds of the Ouse had, like those of all the rivers of the east of England, been derived from the "boulder formation;" and that the state of the animal remains on the Ouse indicated that they belonged to the fauna of the period antecedent to the boulder clay; and consequently, that, should flint implements be met with in the Bedford gravel beds (those of the Ouse), the fact would not prove that the *Elephas primigenius* and the associated species were contemporary with man.

After the reading of the above papers, Mr. Lyell said that he had expected to hear a greater divergence from his own conclusions, from Messrs. Phillips and Austen, than had appeared. An elevation of the region of the Somme valley would of course make the time since the deposit of the gravel beds there, shorter; but could the fact of such an elevation be shown? As to Mr. Austen's conclusion of an older gravel in the region of the Ouse, he must show that such older formation was really under the drift of the country. But such was not the case; and the hypothesis appeared to him a violent one to get rid of a violent conclusion.

Supposed Evidences of Man in Pliocene Strata.—Mr. C. C. Blake read before the London Anthrop. Society, July 7th, 1863, a paper devoted chiefly to an account and discussion of the discoveries then recently made by M. Desnoyers, at St. Prest, France, and a statement of which the latter had just communicated to the French Academy. The new evidences of extreme antiquity of the human race, chiefly such as afforded by the rejected *débris* of human food, would appear to indicate the existence of man at a far more distant point of geological time than any previously made out —in fact, at a time preceding the great first glacial period.

The author of the paper desired, as a preparation for the understanding of the subject, to define, generally, the horizons or zones of geological distribution of a few of the extinct pachyderms. There are three principal species of European fossil elephant known: the *Elephas primigenius* (mammoth); *E. antiquus*, and *E. meridionalis*. The *E. primigenius* had been discovered in post-pliocene gravels in northern Europe, and in the cave deposits. It had survived through the period of the glacial drift. The oldest known examples are those from the forest-bed of Norfolk. The *E. antiquus* had been found in the pliocene gravel of the Thames valley; in the caves of Kirkdale and Kent's Hole; in the Norfolk forest-beds, and St. Acheul gravels. The *E. meridionalis* had been found in the Norfolk forest-beds; in the Norwich crag; in the deposits of the Val d'Arno; and at St. Prest, near Chartres.

Several species of rhinoceros, also, are characteristic of the later tertiary beds. Former palæontologists distinguished two—the *R. tichorhinus* and the *R. leptorhinus*. But Mr. Falconer's researches have led him to divide the latter into three species: 1, the *Rhin-megarhinus*, found in gravels at Gray's Thurrock, and other localities; 2, the *R. hemitœchus*, accompanying

the *E. antiquus* in most of the oldest British bone-caves, as at Kirkdale, Cefn, and elsewhere; 3, the *R. Etruscus*, the characteristic species of the Val d'Arno deposits, and of the forest-bed and superimposed blue clays of the Norfolk coast, but nowhere as yet found in the ossiferous caves of Britain. The *R. tichorhinus* is a species characteristic of the drift, and is throughout associated with the mammoth.

Now, M. Laugel, in the bulletin of the Paris Geological Society, has minutely described the beds of St. Prest, near Chartres, as forming a characteristically *pliocene* stratum. This view the fossils—*E. meridionalis*, *R. leptorhinus*, &c.—appear to prove correct. Lartet and Falconer also agree in interpreting the stratum there, containing these remains, as pliocene.

In a geological point of view, the beds closely resemble those of the Val d'Arno. They are composed of sands of various colors, ferruginous or white, pure or mixed with clay, with flint pebbles from the chalk, and some boulders of tertiary sandstone. The layers are in alternate masses, irregularly repeated and variously inclined; total thickness, 39 to 50 feet. These are covered by a deposit of loëss, and by the more recent drift deposit (*terrain de transport*). They overlie chalk, and are separated from it by a bed of large flints.

In the beds thus described, M. Desnoyers in his memoir states, the workmen found fossil remains, especially of the rhinoceros. These bones show striæ of various forms, depth, and length, which could not be the result of breakage or of drying, which cut the bone transversely to its axis, and even passed above its ridges, following the line of its contour. "These striæ, or traces of incisions, very clean cuts, some of them very fine and very smooth, the others much larger and more obtuse, as if they had been produced by flat or notched plates of flint, were accompanied by small, elliptical cuts or scratches, sharply characterized, as if they had been produced by the contact of an acute instrument." The cuts were partly covered with ferruginous *dendrites* and with sand, and their edges were slightly bouldered. M. Desnoyers considered these incisions as perfectly analogous to those which have been frequently recognized on the bones of the fossil cave mammalia in the drift (post-tertiary) deposits, in the peat-beds, and even in far more recent deposits, as in case of the Gaulish, Gallo-Roman, and Germanic tombs.

M. Desnoyers next proceeded to investigate the collections of bones from the St. Prest beds, many of them in private hands, which have been excavated since 1849. Of more than 100 specimens which he was enabled to meet with, all presented the same characters. Assisted by M. Lartet, he verified the cuts on bones of the following species of extinct animals: namely, *E. meridionalis; R. leptorhinus; Hippopotamus major*; *Cervus*, many species; *Megaceros Carnutorum; Bos*, a large species; *Bos*, a small species. On the skull of an *E. meridionalis* in the Paris Museum of Natural History, were discovered traces of arrows which glanced from the bone—"the impression of the acute triangular cavity left by the point of the arrow, and the serrated marks left by its edge, are even visible." These marks are very different from those from the teeth of carnivora, and also from marks of floating ice. The skulls of the large deer all appear to have been broken near the base of the antlers by a violent blow on the frontal bone, as in some of the ruminant skulls from the Danish deposits, described by Steenstrup. Other traces of knife-action were visible on the skulls and antlers of deer. More rarely, in the same bed, bones of ruminants are found split open parallel with their axis, as if to allow of extracting the marrow. Such examples are common also in the sepultures of the stone, bronze, and later times. Some of the bones presented also certain other fine striæ, which the authors already named do not refer to the agency of man.

M. Desnoyers summed up in his paper the facts and inferences in seven conclusions: 1. The fossil bones of *E. meridionalis* and certain other species, considered as characteristic of the *upper tertiary* or *pliocene* beds, and discovered in an undisturbed deposit of this bed, bear marks—as above described. 2. These markings are perfectly analogous to those upon the bones of more recent species, in caverns of the drift, and later. 3. The same origin may be affirmed of markings on the more ancient and the more recent bones; at present, he can attribute them only to the action of man. 4. Other finer marks have been due to the action of pebbles, &c. 5. The section of St. Prest, unanimously recognized as anterior to all the quaternary deposits which contain *E. primigenius*, presents numerous bones of *E. meridionalis*, &c., showing the two species of marking. "6. From these facts, it appears possible to conclude, with a great appearance of probability, until some more satisfactory explanation may clear up this double phenomenon, that man has lived on the French soil before the great first glacial period, and at the same time as the *E. meridionalis*, and the other pliocene species, characteristic of the Val d'Arno in Tuscany; that he has been in conflict with these great animals anterior to the *E. primigenius* and other mammalia of which the remains have been found mixed with vestiges or indications of man in the drift or quaternary deposits of the large valleys, and of caverns. 7. Finally, the bed at St. Prest is at present, in Europe, the most ancient example of the coexistence of man and extinct mammalia in geological time."

Mr. Blake, in concluding, thought that M. Desnoyers had made out a fair *prima facie* case in favor of the existence of man in the St. Prest beds. And thus early he would appear, therefore, to have justified that anticipation of Lyell, in which the latter states his belief that

"we need not despair of one day meeting with the signs of man's existence in the [Norfolk] forest-bed, or in the overlying strata [the "fluvio-marine"]. Yet, Lyell himself, speaking of the possible discovery of traces of man *in the Norfolk forest-bed*, had said that such a fact "would carry back the antiquity of man to a distance of time probably more than twice as great as that which separates our era from that of the most ancient of the tool-bearing gravels yet discovered in Picardy, or elsewhere. But even then," such is Lyell's conclusion, "the reader will perceive that the age of man, though preglacial, would be so modern in the great geological calendar (see table of fossiliferous strata, preceding), that he would scarcely date so far back as the commencement of the post-pliocene period."

At the conclusion of the paper, Mr. Charlesworth and others remarked that the facts on which M. Desnoyers proceeded appeared meagre; and they suggested caution in regard to going beyond what was already admitted. Mr. Christy thought that if we could carry the evidence back to the fossil *aurochs* (bison), there would seem to be no reason why it might not be carried back also to the *Elephas meridionalis*.

The Question of the Variability of Man.—On this subject, Mr. Crawfurd remarks that, although Lyell adopts the theory of the unity of the human race, as best according with the hypothesis of transmutation of species, yet neither he nor any one else has ventured to point out the primordial stock from which the many existing varieties proceed. He declared the Ethiopian of Egyptian paintings 4,000 years old to be exactly the Ethiopian of the present day; and that the skeleton of an Egyptian mummy of that date does not differ from that of a modern Copt. The people of a Persian colony, first settled in Western India 1,000 years ago, and refraining from intermixture with the natives, are not now distinguishable from their countrymen at home. The human skeletons of the Belgian caverns, of times coeval with the mammoth and other extinct mammalia, do not depart in a marked way, either in skull or limb, from the modern standard of certain living races. Again, the human skeletons of the Swiss lake-dwellings, computed by some to be 12,000 years old, differ in no respect from those of the present inhabitants of Switzerland. The author proceeds to argue, as he regards the case, the impossibility of distant migrations in early times, thus forbidding that change of conditions which would, upon the single-stock theory, be necessary to the numerous and marked human varieties actually existing. And he then adds that if, in a given location, in 4,000 years, or—supposing this the age of the Belgian race contemporary with the mammoth—in 100,000 years, the change is *zero*, then, if we multiply such periods by any number whatever, it must still be *zero*.

On this subject of variability of man, M. Broca says: The periods [of man on the earth] are no longer counted by hundreds or thousands, but by myriads of years; and we know that our 5,000 years of history are but a short episode in the life of humanity. The types which we are enabled to study *appear* to us permanent: can we say that they are so? Multiply the 4,000 years, during which the ethnic types of the Egyptian monuments *appear* to have undergone no discernible change, by 10, and what then?

Speaking in relation to the variability of man before the British Association, Prof. Wilson said that we have now an illustrative instance showing the development of a new variety of men. The Pilgrim Fathers took to America all the characteristics of Englishmen: about 200 years had passed, and what with the influence of climate, food, and perhaps admixture of Indian blood (?), the American race had grown out of the old stock. Those who challenged Lyell's doctrine of derivation from a single primitive stock, should bear this fact in mind. If 200 years had been sufficient to develop the New Englander, what changes might not thousands upon thousands of years, under similarly altered conditions, effect?

Intelligence of the Primitive Races.—A writer in the "Anthrop. Review," remarks on this subject that mere rudeness of workmanship in the implements left us by the supposed ante-historical peoples does not *necessarily* lead to the conclusion that they were physically or morally inferior to succeeding races. It is doubtful, in case a number of the intelligent people of the present time were cast away on a desert island, without means of procuring a supply of metals, whether they could by percussion and friction manufacture objects better adapted to their purposes than the rude implements of the ante-historical races.

As, then, we cannot form a judgment from the works alone of the primitive peoples, we must search for other indications of their mental capacities. Now, it is generally admitted that mental superiority is in proportion to the development and complexity of structure of the brain; and the capacity for improvement is in a like ratio. Moreover, the interior of the skull gives a fair index of the size and conformation of the brain. Hence, thus far at least [though on this point Prof. Waitz in his recent work demurs], leading anthropologists have adopted the particular shape of the cranium as the great mark of distinction between races. Then, from the observations of their general smallness of skull, large development of the jaws, and other abnormities of cranial conformation, the inference would appear not to be premature that the original races *were* inferior to the succeeding immigrants [said, doubtless, in reference to the countries of Western Europe]; and that the primitive race is now extinct in Europe, having shared the fate of the gigantic animals with which it was contemporaneous.

Distinctions holding between Man and the Anthropoid Apes.—The assumed anatomical distinctions so long insisted on by Prof. Owen as observable on a comparison of the brains of man and of the ape-tribes—namely, the asserted presence in the former, but not in the latter, of a "posterior lobe covering the cerebellum," a "posterior cornu of the lateral ventricle," and in that cornu a "hippocampus minor"—having been, by Prof. Huxley and others, shown to be entirely mistaken and untenable, anthropologists have been led to note whether other distinctions, and perhaps even more radical ones, may not be found in the anatomical or other characters of the two classes of beings.

Prof. Rolleston some time since cited M. Gratiolet as having arrived at four radical cerebral distinctions, two quantitative, and two morphological. These are: 1, In absolute weight of the two classes of brains; 2, In the great *height* peculiar to the human brain; 3, In relative multifidity of the frontal lobes, "popularly, and as this analogy shows, correctly, taken as a fair exponent of man's intelligence;" 4, In the absence of the external perpendicular fissure.

M. Gratiolet has recently been able to detect in certain embryological and pathological characteristics of the brain, a yet more decisive distinction. He first remarks that, man is *man* by virtue of his intelligence; and that he is intelligent by his brain; it is by his brain, therefore, that he should differ from the apes. Now, there is noticeable, first, a great difference in mass of brain in the two orders of beings; and secondly, an unequal richness (in adults) in secondary convolutions. But the more decisive distinction just referred to is this: that in the two the order in which the convolutions are developed is absolutely different. Those convolutions which in the brain of the human embryo appear first, are in that of the ape formed last. The consequence is, that when arrest of development takes place in the brain of a child, the organ does not therefore approximate, but actually differs more and more from, the brain of the apes. This arrest of development—constituting microcephaly—is always attended with more or less complete idiocy.

Now, the brain of *microcephali* is poor in convolutions; and these, not being closely pressed together, leave isolated their impressions upon the internal surface of the bones of the cranium. Led by this discovery, M. Gratiolet sought for analogous facts in the crania of the inferior [human] races; and he had succeeded in finding the same mark of low development in a Totonaque skull, and since then in some negro skulls.

The attempt to found a distinction between man and the lower orders of beings upon the possession by the former alone of the religious feeling and of the idea of a Supreme Being, appears scarcely to be sustained; and that from the apparent fact of absence of such feeling and idea among certain of the least intelligent varieties of mankind. Thus, as already mentioned, Dr. Mouatt denies that the Andamaners have any notions of religion; and a like fact has been declared of the Veddahs of Ceylon. African travellers agree that many of the tribes, both eastern and western, have no knowledge of a God, or hope of a future state. Mr. Bates, who was for many years acquainted with the Indian tribes of portions of this continent, declares that those of the Upper Amazon have no idea of a Supreme Being, and no word to express such idea. [It is not denied, however, that even the lowest men have a capacity of comprehending something of a Supreme Being, and of the feeling of worship toward Him, when knowledge upon these subjects is communicated to them; nor is it claimed that any brute whatever has such capacity, or can be imbued with such idea and feeling. Thus, in the presence or absence of the *capacity* for worship and adoration there appears still to exist a real distinction.] Another writer remarks that among North American tribes, the Algonquins had no word expressing "to love"—a fact which, in his opinion, perhaps more than any other, would serve to show the depth of degradation to which man may descend.

Mr. Crawfurd, in a paper from which quotations have already been made, replies also to Mr. Huxley's views as to the affinity of man and the ape tribes. He asks what is the gain of showing man's and the ape's brains alike, when their working is so different?—less, in his opinion, a matter of degree than of absolute quality. He regards the dog and the elephant, with very different brains, as being quite as sagacious as the most anthropoid ape, if not more so. Again, the brains of the wolf and the dog he declares alike, but not their sense; and so, in like manner, of the sheep and goat. The dentition and digestive organs of man and the apes are singularly alike; yet man is omnivorous; the monkey, by choice, frugivorous. True, monkeys are not, in the proper sense of the word, *quadrumanous*; their feet are true feet, though prehensile; while their hands are also true hands, and in them, more nearly than in the brain, they approach man. But, with their seemingly dextrous hands, they can neither fashion nor use implement or weapon; their brain, anatomically like, but physiologically unlike, forbids. [Mr. Huxley has very recently stated that none of the apes can make up the hand into a proper "fist," so that when they mean mischief they must use their teeth; consequently, he would add *pugilism* to the list of exclusively "human characteristics." Among such characteristics, that of perfect *syndactyly*, the physiological ones of true *laughter* and *crying*, and the psychological one of the impulse and capacity of *bargaining*, had been previously noted.]

Mr. Crawfurd proceeds to state other dis-

tinctions, as found in the circumstances of fertile intermixture of races in man, but not among the monkey tribes; in the existence of man in all climates, while the monkeys are chiefly confined to the tropics; in the fact that the latter only, not the former, is provided with a natural covering of hair; in the fact that the former only provides himself with clothing and a dwelling; in the fact that man alone stores up knowledge for his own use and that of all generations; and in the fact that no race of men has ever been found which had not the capacity of framing a language, while the monkeys are, in this respect, hardly on a level with the parrot and the magpie. Moreover, he thinks that the anthropoid apes most like man in structure, are least like him in intelligence; the gorilla, at the head of the list, being only known as ferocious and untamable; while the orang-outang, in form nearest man, is described as a slow, sluggish, dull, and melancholy animal. Again there are in the New World monkeys with four supernumerary teeth; and on the same continent, there are no anthropoid apes at all. Finally, the author concludes, the monkey tribes have an outward or structural resemblance to man, beyond that of all other animals; but why this is so he considers a mystery beyond our understanding.

Mr. W. Winwood Reade, in a paper before the Anthrop. Society, June 22d, 1863, speaking of the anthropoid apes of Africa, said: The habits of the gorilla do not differ from those of the chimpanzee; though the natives regard the latter as the more intelligent. He would mention a fact not previously made public, namely, that both these apes build nests as lying-in hospitals for their females. These are simply rude layers of sticks and branches.

Finally, it may be regarded as generally admitted, and even among those who adopt the theory of development in accordance with which man might appear to have had his origin from lower orders of creatures, that there are, and especially in the mental constitution of man, unquestionable and great distinctions between him and the most highly developed of those lower creatures. These most radical distinctions are to be found in his intellectual powers, and in his æsthetical, social, moral, and religious natures. And to say that man has, at some indefinite period of past time, emerged even from the level of the higher apes, would not still be to deny that now the actual distinctions between the two classes of beings are practically immeasurable and impassable.

St. Hilaire's Classification of Mankind.—M. Geoffroy St. Hilaire considers that the primary division of mankind, established upon distinctive characters of the first class, constitutes *types*, not *races*; and further, that the determination of these types should be founded essentially upon the conformation of the head.

He admits four types:

1. The Caucasian—characterized by predominance of the superior parts of the head: *i. e.*, by the region of the brain.

2. The Mongolian—characterized by predominance of the middle part of the head, with breadth of the superior part of the face.

3. The Ethiopian, marked by predominance of the inferior parts of the face, the region of the jaws.

4. The Hottentot—marked by predominance of the whole region of the face.

The two elements serving to determine the relative development of the facial regions, are: 1, breadth of the region measured by prominence of the cheek bones; 2, antero-posterior extension, measured by obliquity of the face, or by its forward projection beyond the region of the brain. The now classical terms, *orthognathic* (vertical-jawed) and *prognathic* or *prognathous* (protruding-jawed), express the varieties of the latter character. To express the former—breadth of the superior part of the face—he would coin the term *eurygnathic* (wide-jawed). With these terms we are enabled in few words to characterize the above four types of mankind. Thus, generally, the Caucasian type is orthognathic; the Mongolian, eurygnathic; the Ethiopian, prognathous; the Hottentot, at once eurygnathic and prognathous. These types are subdivided into races distinguished between themselves by characters sufficiently marked. His scheme admits at present twelve races as well established; but he supposes that others will yet be added.

St. Hilaire has been the first to embody in a system the distinction between the hyperborean peoples of the eastern and those of the western continent. It had been supposed that all the peoples situated near the polar ocean, from Lapland round to Greenland, formed—as living in the same conditions of light and heat, and amid closely similar floræ and faunæ—a single race, in characters allied to the Mongolian. But Prince Napoleon brought back from his expedition to the northern seas a series of crania which had served to overthrow that opinion. M. Henry Guérrault, a surgeon on that expedition, first observed the considerable differences between the cranium of a Laplander and that of an Esquimaux. Both these peoples approach the Mongolian type; but the first does so by the globular form of the cranium, the second, by the form of cranium known as the pyramidal: these characters being such as, in the Mongolians, are combined. Thus, there are at least two northern polar races; and St. Hilaire, restricting the term "hyperborean" to the type proper to the polar regions of Europe, applies to that of the same regions in North America the designation of "paraborean."

Gratiolet's Classification of Mankind.—Dr. James Hunt read a paper on this subject before the Brit. Assoc., 1863. He first glanced at previous classifications, from those of Ephorus and Buffon to that of St. Hilaire. He was convinced that in any attempts at such classifica-

tion we must rely on anatomical and physiological characters, not on language. He laid great stress on the forms of cranium, and approved Gratiolet's ternary classification, into: 1, the *Frontal* (European) race; 2, the *Parietal* (Mongolian); 3, the *Occipital* (Negro). These cranial distinctions coincide with the differences of mental and moral character, which Dr. Hunt believed to be solely dependent on man's physical structure. Other secondary physical characters could be made available; as those of color, stature, hair and beard, longevity, diseases, temperaments, odor, entozoa, &c. If we were guided solely by language, we should class the negroes of the West India islands as Europeans; their physical characters alone mark them negroes. We can change the language of a race, but scarcely its religion, or its innate ideas of art. Not yet being able to say how the varieties of mankind have originated, we must for the present class them according to the physical and physiological distinctions now existing between them.

Is Race determinable by Language?—Mr. John Crawfurd read a paper before the British Association on "The Celtic Languages in reference to the Question of Race." He was answered in another paper on the same subject and of greater length, by Mr. R. S. Charnock, in which the latter said:

Race can never to a certainty be determined by language. People of the same race may speak two different languages; while, on the other hand, people of different races may come to speak the same language, or languages which are derivatives from the same source. An example of the latter kind is found in the case of the Italian and French nations, which, though of different races, speak languages having a common origin—in the Latin tongue.

Anthropological Bearings of Language.—Mr. Charnock's paper had previously been read before the London Anthrop. Society; and on that occasion the President, Dr. James Hunt, remarked that, although some were inclined to consider that the field of anthropology did not include the science of language, he could not himself agree in this opinion; but he thought that, through observations upon languages, valuable results might be reached.

Mr. Bendyshe thought the only tenable theory of the origin of human languages was that which Max Müller had designated the "*bow-wow*" theory. The onomatopœia would, in course of the development of a language, become less apparent; yet it could in earlier ages have formed the whole of the language. Picture-writing points to this theory. He thought, further, that in the comparison of languages, hitherto, it had not been sufficiently remembered, when we hear of such a word as *serpens* being like *sarpa*, and *erpō*, and so in other similar cases, that we are hearing these words as they are uttered by the same mouth, and by one accustomed to a particular style of pronunciation.

Mr. Owen Pike alluded to Max Müller's theory that the root-words, to which he conceives all languages to be reducible, express general ideas. He doubted if this view is proved. Müller says also that *general* ideas are peculiar to man. But if the speaker said "cat" to his dog, the latter looked, not after any particular cat, but after cats in general. He concluded that animals have general ideas, and that Müller had confounded *general* with *abstract* ideas. Müller also concluded that because the Aryan roots express general (abstract) ideas, the words composing the original language of mankind represented such ideas. But it is not pretended that the Aryan is the original language; and no one has traced the connections of the immense number of languages not included in the Aryan family. He thought it singular that the theory of the "unity of language" should be so much more popular than that of the "unity of origin of species." But Lyell had shown the remarkable resemblance between the theory of natural selection as applied to organic species, and the history of the origin of dialects and languages.

Schleicher on "Natural Selection" in Language.—M. Aug. Schleicher has recently published, at Weimar, a pamphlet entitled "The Darwinian Theory and Philology." In this he contends that, as Lyell had intimated, there is a close analogy between the genesis of species among organized beings and in language. The philologist, like the naturalist, is often puzzled by the phenomenon of languages possessing well-marked and apparently ineffaceable points of difference, yet at the same time presenting tokens of a unity of origin. It must be supposed that the accidental divergences in speech were at the first well-nigh innumerable. But the very conditions of the existence of words, would tolerate for each meaning only a few. Those best suited to the taste of the users, or to convenience of use, would alone persist—would in the end triumph over their weaker rivals. Thus, from countless varieties in the outset, the tongues from which the Indo-Germanic, the Turanian, and the Semitic have descended, being better fitted than their competitors for the purposes of human society, drove out the others; and these groups now remain as if originally of separate creation. And it is certainly a singular coincidence, that the same ingenious theory should solve mysteries in sciences whose subject-matter is so widely different.

A reviewer of M. Schleicher's pamphlet mentions, as an instance of the triumph of one tongue over others in the "struggle for life," the fact that the Anglo-Saxon is in England gradually rooting out the Celtic, as it has done the Norman French. The same principle is illustrated on a greatly increased scale in the United States, where the same victorious tongue rapidly and surely supplants all the other imported languages and dialects of European countries.

Crawfurd on the Aryan Theory in Language.—The author, in a paper from which we have already quoted under other heads, said on this subject: The Aryan, or Indo-European theory, had its origin and its chief support in Germany. It is to the effect that, in the most elevated tableland of Central Asia there existed, in times far beyond the reach of history or tradition, a country to which (on very slender grounds) the name of Aryana had been given: the people of this country and their language had been called Aryan. This nation, a nomadic one, for some unknown cause betook itself to distant migrations; one section of it proceeding south-westwardly, to people Hindustan, and another north-westwardly, to people western Asia and Europe, as far as Spain and Britain. Müller considered that before that time the soil of Europe had been trodden neither by Celts, Germans, Sclavonians, Romans, nor Greeks. Crawfurd concluded that, according to the theory, the human skeletons found in the caverns near Liege must have belonged to these nomads from Central Asia, or to their descendants; so that the era of the imagined migration carried us back to the time when man was a contemporary of the extinct mammoth, cave-lion, and rhinoceros.

The entire fabric of the Aryan theory was founded on the detection of a small number of words, in mutilated form, as being common to most, though not to all, of the languages of Western Asia and Europe—a discovery remarkable enough, but clearly pointing only to an antiquity in the history of man far beyond the reach of history or tradition (!). The Aryan he regarded as a language of the imagination; and of the existence of which no sufficient proof ever had been, or could be, given. The anticipation implied in the theory is that of ultimately reducing all the languages of the earth to a very few primitive ones. The theory itself proceeds on the principle that all languages are traceable to *monosyllabic roots:* the copious Sanskrit is said to be actually traced to about 1900 such roots. But the languages which Mr. Crawfurd had examined are not so resolvable: they have a majority of dissyllables and trisyllables which are irreducible, and appear to have no recondite sense. In any case, he could not see how the Aryan theory illustrates or bears on that of transmutation of species by natural selection. Of the latter process, the progress must be so slow as almost to escape notice. But of changes in language, the causes are in unceasing and active operation, and the evidences are patent and abundant. Among the causes are social progress, the intermixture of languages through conquest, and the effects of commercial intercourse, and of religious conversions. The author regarded the Aryan theory as a monstrous fiction. Changes in language he considered the exclusive work of man; those in species, by natural selection, if they exist at all, the spontaneous work of nature, unaided by man.

Commixture of Races.—Mr. Crawfurd, in another paper, considers this subject in its relations to the progress of civilization. He argues that, when the qualities of different races of men are equal, no detriment results from their union. Thus, he regards the French and English, both mongrel nations, as equal to the purer breeds of Germany and Scandinavia. But when intermixing races are quite unequal,—in physical, or in mental development,—the deterioration of the higher race is the result. In cases of extreme disparity, however, there is *antipathy;* and consequently, in such cases, no intermixture occurs.

In his lectures very recently delivered before the Royal Institution, London, on the "Classification of the Mammalia," &c., Prof. Thos. H. Huxley has taken occasion to consider the anatomical and ethnological characters of the Negro, and incidentally, his relation to the white race. From the anatomical survey, he concluded that the negro was not in any such sense inferior to the normal man, as that he could be regarded as nearer to the brutes than races generally, or as a "connecting link" between man and the brutes; and he condemned the extreme views which had been for some time argued to this latter effect, and especially very lately by Dr. James Hunt, of London. Yet, at the same time, he showed that between the white races and the negro there are actual physiological differences; and that they are such as, by the light of experience and analogy, are to be interpreted as inferiorities. He alluded to three theories respecting the social position of the negro, as held by those who take the more favorable view of his capacities: first, that the negro is the equal of the white man; secondly, that he is better than, or at least the necessary complement to, the white man, so that an intermixture of the two races is desirable even to the latter; and thirdly, that he is improvable into something like equal capacities and standing with the latter. Admitting at least a probable germ of truth in the third of these opinions, Prof. Huxley remarks on the previous ones,—"The two former propositions are so hopelessly absurd as to be unworthy of serious discussion." In a review of this lecture, in the "Reader," London, March 5th, 1864, the writer, after giving some account of the doctrine of "Miscegenation," which he states has been lately broached in this country, adds: "He [Huxley] appears to hold that general intermarriage of the white and black races would, on the part of the whites, be a culpable consent to a deterioration of the species."

Is Man Cosmopolite?—We are not at this moment able to state who it was that first discussed this question, or that first gave publicity to the doctrine that man is not cosmopolite—in other words, that given races cannot migrate at random to whatever parts of the globe inclination may lead them to; but that, in certain cases, deterioration must be the result. The

late Dr. Robert Knox, of England, however, was a prominent advocate of this theory, in which it is contended that Asia is for Asiatics, Africa for Africans, Europe for Europeans; and, as the corollary is drawn by some writers, America for Americans—meaning by this term the aboriginal or red men.

M. Bondin, in a paper entitled "Non-cosmopolitism of the Races of Mankind," read some time since before the Paris Anthrop. Society, declares that in case of most races—the yellow and a few others being excepted—acclimatization is for each circumscribed. He says it is well ascertained that the European races cannot, without continual reënforcement from the mother countries, maintain themselves in tropical Africa and Asia. MM. Rameau and Quatrefages, in remarking upon this paper, questioned whether the European races preserve their type in America. The observations of the latter would tend to the conclusion that, in some parts of North America, both the European and the African races showed in their physiognomy an approach to the aboriginal type of the country. This opinion Prof. W. B. Carpenter had also expressed, some years since.

M. Martin de Moussy, however, regarding these conclusions as doubtful, opposed to them the instance of a German colony, founded in Paraguay in 1535, by soldiers of Charles V.; this people, although they have since that time received no addition of the German element, being declared to be, to this day, perfectly like the Germans of Europe.

Bollaert on the Populations of the New World.—Mr. W. Bollaert read a paper on this subject before the London Anthrop. Society, May 12th, 1863. He leaned to the polygenist theory; and set down the primitive species of men, distinguishable by color, as the White, Brown, Red, Black, &c. He then considered the several ethnic realms of North and South America, and gave the present numbers and characteristics—in some cases the past also—of the populations of the different countries. Speaking of Mexico, he remarks: "In 1858, the Republic of Mexico had been in existence 38 years, and had had fifty-six violent changes of government." In respect to the negroes in the United States, he declares that, while their number is at present about 4,000,000, during the past three centuries not less than 14,000,000 had been imported from Africa into the country. He thinks the mixture of the white, red, and black species unfortunate—resulting in varieties which are not the best specimens of humanity, if we examine them physiologically, psychologically, or in their political history. The following are the author's conclusions:

1. That, when first discovered in 1492, America had an aboriginal population of probably over 100,000,000: at present that population numbers only about 12,750,000.

2. That in the late Spanish-American colonies, and the present Republics [succeeding them], the whites have not increased in any way approaching the increase of the whites in North America—a fact which he attributes in great measure to difference of climate.

3. That the fusion, or rather, *confusion* of the White, Indian, and Negro elements, particularly shown in the Spanish portion of the continent, is unfavorable to a strong, healthy, and prolific progeny; while it results in numberless varieties of mulattoes and zamboes.

4. That there has been for the last 30 years a continual cry from the South American Republics for European immigration; but that, to such immigration there have been two drawbacks—the generally-continued state of anarchy, and the climate.

5. That the mixed breeds or varieties are not so prolific as pure species.

6. That in many of the (S. A.) Republics, children of European parents are reared with more or less difficulty.

7. That the long wars of independence thinned the male population, and, since their termination, many of the Republics have had long periods of sanguinary civil war; a fact which is to be attributed in great measure to the circumstance of the mixed populations of Whites, Indians, and Negroes.

In the discussion which followed the reading of this paper, Drs. Berthold Seeman and James Hunt confirmed the opinion already named as having been advanced by MM. Rameau and Quatrefages, and by Dr. Carpenter, in respect to the occurrence of a gradual change of type in the European peoples settled in America. The former questioned whether the present population of the United States would not die out, if it were not constantly recruited from Europe. He thought the American people inclining to be moody, but when excited, very vehement; and he stated that among them, in a physical point of view, leanness is prevalent, the calves of the legs not being well developed; and that the hair inclines to grow long and straight, and is only in very rare instances curly. Yet he admitted that in some parts of the United States, as in Kentucky, very fine specimens of men are found.

The President, Dr. Hunt, said that a great change of opinion appeared to be taking place with regard to the acclimatization of man. The same influence unfavorable to the rearing of European children, obtains in India and in Australia, as in South America. These and other facts tend rather to the conviction that man has not that power which has so often been ascribed to him, of living and producing prolific offspring in all the climates of the world.

The North American Climate, and its Effects.—M. E. Desor remarks that the German or Swiss emigrant, upon first landing in New York, thinks the climate much the same as that of his own country. But if he resides there for a time, he soon finds it necessary to change his habits and mode of life. It is about 240 years since the first colonization of

New England, which was made by Englishmen, having all the characteristics of the Anglo-Saxon race. But now, the purely English breed is no longer seen. An Americo-European type has been developed; and this is most marked in the Eastern States, where the race is the least mixed. Hence, it cannot be considered the effect of intermixture; and consequently, again, it must be produced by external influences.

The new type is strongly marked by certain physical characters. Referring the change of type chiefly to the influences of climate, these appear [to explain more definitely M. Desor's statements] to take effect primarily, or in most marked degree, upon the *assimilative* and *nutritive* functions of the body, and upon the *glandular* or *secretory* system; and they are evidenced chiefly in the loss of adipose tissue and shrinking of the muscles, with a general tendency to attenuation of form, to pallor of the surface, and often delicacy of appearance; these conditions being frequently accompanied with marked excitability, and lack of the power of endurance. An absence of corpulence is almost the invariable rule, the exceptions being, more frequently than otherwise, in case of foreigners. The tendency to delicacy of form and lack of endurance, especially in women, is beginning to be deplored by the American people themselves.

The writer thinks that very few Europeans grow fat in the United States; but that Americans residing for a considerable time in Europe grow more hearty and portly, and that the same result is apt to occur to those who return to Europe after a long stay in America. He says that the hair—which, when kept properly moist by the oily secretion of the scalp, inclines to curl—tends in America to dryness, and to grow stiff and lank; and he appears to assert that in American cities hair-dressers are more numerous than in others, as also that the hair of Europeans coming to the country requires more softening with pomade, &c., than it had been wont to do.

As to personal characteristics, the same writer asserts that the people of this country display a general, feverish activity; that every one is in a hurry; and that, as a rule, people do not walk, but run. This activity appears instinctive; it is the result of habit, or of an innate restlessness. He repeats the charge, so often made against us, of fast eating; and he thinks that, in this country, the use of spirituous liquors [and what is to be said of tobacco?] proves more hurtful than in the countries of Europe.

Possible Causes of the Peculiar Action of the North American Climate.—It is not difficult to understand that, of the statements which have been made by European writers on the subject of the climate of North America, and the influences supposed to be attributable to it, some are over-colored; nor, to believe that some of them are even drawn from imagination, or find their secret source in the jealousies of nations and races; and without doubt, to some extent, also, in the much more practical motive of a desire to discourage the emigration to this country, continually and actively going on from the countries of Western and Central Europe, of those who constitute an important portion of the capable and productive members of their own industrial classes. But admitting thus much, there is still left in the statements referred to a residuum of unquestionable fact, and which, moreover, is of such character as to render it of the deepest interest to the people of this country. It cannot, the writer is of opinion, be denied that in the population of the United States, in course of two, or at most three generations, the Teuton ceases to be Teutonic, the Englishman to be English, the Celt to be Celtic, and so on; nor, that all these blend or lose themselves in a new race, which has physiological, physiognomical, and to some extent mental characteristics peculiar to itself; nor, yet again, that these characteristics are in so marked a degree individual and uniform, as to forbid the supposition that they may be the merely incidental result of *combination* of the traits of two or more parent stocks.

It by no means follows that, as some have argued, the new type here developing is but a stage in a physical decay or decline; indeed, it would be easy to cite many facts that go to prove the contrary. In the statement of the physiological and personal characteristics pointed out in the preceding section as marking that type, there is, however, a degree of truth. In the opinion of the compiler of this article, the very nature of the effects which have already been remarked points to the cause or causes by which they are produced, indicating in fact that those causes are *climatic*, or *atmospheric;* and he desires briefly to intimate in this place —and without going into details of argument —what, it has appeared to him, are some of those causes, if they be not indeed the precise ones to which the peculiarities of climatic influence here are to be attributed.

It will be borne in mind that, thus far, the climate of our country may be said to have been by immigrant European races fairly tested only in the Atlantic, the Gulf, and the interior regions, and not as yet in those bordering on the Pacific. Now, the effect of unequal solar heat in different latitudes and of the earth's rotation, combined, it is well known, is to keep up certain great circulations both in the oceans and the atmosphere. The resulting warm ocean currents move at once to the poles and eastwardly, and hence flow to the westward shores of the continents, rendering the climate of these, for any given latitude, warmer than that of the eastern shores, against which on the contrary the returning cold currents tend to move; while another consequence is, that in temperate latitudes generally, the air of the western is also more humid than is that of the

eastern shores. In a word, the climate of western coast regions is, as the rule, the more mild, bland, and genial; while that of eastern coast and interior regions is generally cooler, drier, more bracing or exciting. This dryness and exciting quality of the air of our country is familiar to close observers, as characterizing, more or less, and with few exceptions, all portions of it, at least to the eastward of the ranges of the Rocky Mountains. But the exciting quality can also be noted to be especially intense at certain times, and again less at others. Now, it is well known that dry air is more readily electrified by its own disturbance than is moist, and also that, becoming electrified from this cause or by evaporation or chemical changes at the surface of the earth, it less readily parts with its electric charge, or returns to a condition of equilibrium, than does moist air. Further than this, Mr. Barder has lately stated that, as the result of his observations, "wind which has recently come over the sea is almost invariably heavily charged with *ozone*; while land breezes bring with them little of this agent." And in the great aërial circulation, it will be noted, the trade-winds of the temperate latitudes flowing toward the equator also move westwardly, or, upon eastern shores, from the oceans over the land; those of western coast-regions, the reverse.

Here we appear to have found at least four atmospheric or climatic causes, all of which would tend to produce just the sort of effects which have been referred to above, namely: in some portions of the Atlantic and interior regions of our country, a comparatively *low temperature;* in almost all parts a comparatively *dry atmosphere;* in the same parts, increased liability to *electrical excitation;* in the regions bordering the Atlantic, a comparatively highly *ozonized condition.* For, as to the last-named of these causes, although the nature of ozone is still in dispute (*see* CHEMISTRY), yet it cannot be denied that there is some chemical agent or condition of the air which possesses the powers that have been attributed to ozone, and the tendency of this agent is to favor oxidation; hence, physiologically, to spur on or excite vital actions. In fact, it becomes an interesting question whether the very electrization of a dry atmosphere may not, at the same time, generate this agent; and hence, whether an unusual charge of ozone may not often characterize the air of our country in regions which, like those of Kansas and Minnesota, are far removed from the seaboard. Upon all such questions, however, there is great need still of more extensive and more careful experiments than have yet been performed.

But, granting that there were in our atmosphere such causes of physiological and mental excitation as have now been suggested, could it not be supposed that observation and study should yet reveal to us some measures by which any possibly unfavorable influences of the climate might be neutralized, or the preponderance assured to those of its influences which are favorable in their tendency? Might not, in such case, very much be accomplished toward the end now indicated, by calling into requisition the habitual exercise of an intelligent forethought in regard to the atmospheric conditions we are subject to; by a suitable regulation of the habits of life; by resorting as much as may be to an unexciting, but succulent, and also nutritious and supporting dietary; by calling in the moral power of self-control, to the government of impulses and desires; and finally, by that more general and systematic cultivation of the solider mental powers, which, under the exigencies imposed by the earlier periods in the occupation of the vast and unreclaimed territory of our continent, has up to this time scarcely been practicable?

EUROPE. The following table exhibits the list of States into which Europe was divided at the close of the year 1863, together with their population, according to the last official census:

STATES.	Population.	Census of
Portugal	4,035,330	1863
Spain	16,560,813	1861
France	37,472,732	1861
Austria (including Venetia)	35,018,938	1857
Prussia	18,491,220	1861
The Minor German States* (exclusive of the German provinces of Austria, Prussia, Holland, and Denmark)	17,055,632	1861
Italy	21,776,953	1862
States of the Church	700,000	....
Switzerland	2,510,494	1860
Holland	3,618,459	1862
Belgium	4,782,255	1861
Great Britain (including Gibraltar, Malta, and Heligoland)	29,466,053	1861
Denmark:—		
1. Denmark Proper, the Faroes, and Iceland	1,673,805	1860
2. Schleswig-Holstein, and Lauenburg†	1,004,473	1860
Sweden	3,859,728	1860
Norway	1,490,047	1855
Russia (European possessions)	59,330,752	1858
Turkey	15,730,000	1844
Greece (including the Ionian Islands)	1,325,479	1861

The territorial division of Europe was changed in 1863 by the annexation of the Ionian Islands, which had hitherto been under the protectorate of England, to the kingdom of Greece. (*See* GREECE.) A dispute between France and Switzerland, concerning the frontier, was amicably settled by a treaty. (*See* FRANCE.)

At the beginning of the year, the European nations were deeply agitated by the outbreak of an insurrection in Poland, which spread not only over all the provinces of the kingdom of Poland, but even over the western provinces of Russia. As the governments and nations of Europe generally sympathized with the Poles, it was for some time expected that all Europe would be drawn into this war. This expectation was not realized, but the insurrection con-

* The population of the entire German Confederacy, including the German provinces of Austria, Prussia, Holland, and Denmark, amounted in 1861 to 45,013,034.

† The succession of King Christian IX. of Denmark in the duchies of Schleswig-Holstein, and Lauenburg is disputed by the Prince Frederic of Augustenburg. See SCHLESWIG-HOLSTEIN.

tinued throughout the year. (*See* POLAND.) In August 17th a Congress of the Princes and Representatives of the free towns of Germany met at Frankfort, upon the invitation of the Emperor of Austria, to consider a plan for the reformation of the Federal Constitution of Germany. The Austrian project was adopted by all but six votes; but the refusal of the Prussian Government to take part in the Congress, or to adhere to the Austrian project prevented, up to the end of the year, the introduction of any reforms. (*See* GERMANY.) In November, one of the standing European complications, that of Schleswig-Holstein, suddenly assumed a warlike aspect, in consequence of the disputed succession in those two duchies, after the death of King Frederic VII. of Denmark. The majority of the minor German governments and the German people generally sustained the claims of the Prince of Augustenburg to the succession. Austria and Prussia were willing to acknowledge the claims of King Christian IX. of Denmark, but agreed with the other German States in the opinion, that the Danish Government had in several essential points violated the existing international treaties and the rights of the two duchies. Though differing on the succession question, the two Great German Powers, and the Federal Diet were in favor of a warlike demonstration against Denmark. The Federal Diet of Frankfort, in December, declared in favor of "Federal execution" (execution of the Federal laws) in the duchy of Holstein, and the new year opened with the certain prospect of war. (*See* SCHLESWIG-HOLSTEIN.)

For many years the progress of liberal and democratic tendencies has been steady and uninterrupted throughout Europe, and nearly every government finds it necessary to inaugurate or sanction some liberal reforms, and to make some concessions to the popular spirit. In September, the diet of the Grand Duchy of Finland was opened by the Emperor Alexander of Russia with a speech, in which he avowed a belief in the efficacy of a constitutional form of government, and which was therefore regarded as the inauguration of a constitutional era. (*See* RUSSIA). At the reëlection of the Corps Legislatif in France, the opposition parties gained considerably, electing together 34 members, against 5 in 1857. (*See* FRANCE.) In Prussia, at the reëlection of the Second Chambers, the Party of Progress gained a signal triumph. (*See* PRUSSIA.) In Spain, at the reelection of the Cortes, the majority of the representative party resolved to take no part in the election. (*See* SPAIN.) In Austria, the Government had the satisfaction to see the diet of Transylvania elect, for the first time, deputies to the council of the empire, and to see the Croatians disposed to follow this example. (*See* AUSTRIA.) The crown of Greece, vacant by the expulsion of King Otho, was, after long negotiation, definitely accepted, on April 22d, by Prince Christian of Denmark (now King Christian IX.) for his son William, who ascended the throne under the name of King George I.

The countries of Europe greatly differ as to density of population. While in England and Wales there were 352 inhabitants living in one English square mile, in Russia there are only 10; in Norway, 12; in Sweden, 22; in Greece, 56; in Spain, 89; in Poland, 91; in Moldavia, 100; in Portugal, 104; in Denmark, 119; in Switzerland, 161; in Prussia, 165; in France, 176; in Brunswick, 194; in Holland, 280; in Wurtemberg, 373; in Belgium, 393. However, if we take the population of England alone, leaving out the Principality of Wales, the density is one of 377 individuals to the square mile, and in this case Belgium is the only country in Europe more thickly crowded with inhabitants than England. In England, for the last few years, the proportion of marriages to the population has been one in 123, which is a higher rate than that of most European countries. In Norway the proportion is one in 124; in Hanover, one in 128; in Holland and Denmark, one in 129; in Sweden, one in 135; in Spain, one in 141; in Bavaria, one in 160; and in Greece, only one in 174. Proportionately more marriages than in England and Wales are made in France and Belgium; in both countries the rate is one in 122; in Austria, where it is one in 117; in Russia, where it is one in 111; and in Prussia, where it is one in 106. Rather more fixed is the proportion of births to population. It is one in 28 in England and Wales; one in 29 in Spain and Bavaria; one in 30 in Belgium, Holland, and Norway; one in 32 in Sweden; one in 33 in Hanover, the Hanse Towns, and Denmark; one in 34 in Greece; and one in 38 in France. Consequently the natural increase of population is lower in France, in spite of the high marriage rate, than in any other European State. More fertile than England are only Wurtemberg, where the proportion of births to population is one in 26; Russia, where it is one in 25; Austria, Saxony, and Prussia, where it is one in 24; and Poland, where the proportion is one in 23.

A French statistician, Mr. Blook, in a recent article of the *Revue des deux Mondes*, publishes the following estimates of the population of the principal States of Europe a century hence, if the present rate of increase should continue:

At present.	Millions.	*A century hence.*	Millions.
Russia	66	Russia	135
France	37	Great Britain	58
Austria	35	Austria	55
Great Britain	29	Prussia	47
Italy without Rome and Venice	22	France	46
Prussia	18	Italy	44
Germany	18	Germany	36
Spain	16	Spain	32

EUROPEAN CONGRESS. The speech with which the Emperor of France opened on November 5th the French Chambers, was looked upon by the European papers of all parties as

one of the memorable events in the recent history of Europe. The Emperor made to his fellow sovereigns of Europe the startling announcement, that in his opinion the entire European state system was resting on a decayed foundation, and that unless a new and more durable edifice be erected, the whole fabric must become a heap of ruins. He therefore proposed the assembling of a Congress which was to undertake the arduous task of solving all the great European complications, and, in particular, the redress of the grievances of the oppressed nationalities. The Emperor expressed himself as follows:

Russia has already declared that conferences in which all the other questions now agitating Europe should be debated, would in no wise wound her dignity. Let us note and act upon that declaration. Let it serve us to extinguish, once for all, the fermentings of discord, which are ready to burst out on all sides, and out of the very maladies of Europe, agitated everywhere by the elements of dissolution, let a new era of order and of peace be born. Has not the moment come for reconstructing on new bases the edifice shaken by time and destroyed bit by bit by revolutions? Is it not urgent to recognize, by our conventions, that which the peace of the world demands? The treaties of 1815 have ceased to exist. The force of things has overthrown them, or tends to overthrow them. Almost everywhere they have been violated; in Greece, in Belgium, in France, in Italy, and Germany on the Danube is endeavoring to change them. England has generously modified them by the cession of the Ionian Islands, and Russia tramples them under foot in Warsaw. In the midst of these excessive violations of the fundamental European pact, ardent passions have been excited, and in the South, as in the North, powerful interests demand a solution. What, then, more legitimate or more sensible than to invite the powers of Europe to a congress, in which self-interest (*amour propre*) and resistance would disappear before a supreme arbitration. What more conformable to the ideas of the epoch, to the will of the greater number, than to speak to the conscience and reason of the statesmen of every country and say to them,—Have not the prejudices and rancor which divide us lasted long enough? Shall the jealous rivalry of the great Powers unceasingly impede the progress of civilization? Are we still to maintain mutual distrust by exaggerated armaments? Must our most precious resources be indefinitely exhausted in a vain display of force? Must we eternally maintain a condition of things which is neither peace with its security nor war with its chances of success? Let us no longer attach a fictitious importance to the subversive spirit of extreme parties by opposing ourselves on narrow calculations to the legitimate aspirations of peoples. Let us have the courage to substitute for a sickly and precarious condition of things a situation solid and regular, even should it cost us sacrifices. Let us assemble without preconceived systems, without exclusive ambition, animated alone by the thought of establishing an order of things founded for the future on the well-understood interests of sovereigns and peoples. This appeal, I am happy to believe, will be listened to by all. A refusal would suggest the existence of secret projects which shun the light. But even should the proposal be not unanimously agreed to, it would produce the immense advantage of having pointed out to Europe where the danger lies, and where the safety. Two paths are open—the one conducts to progress by conciliation and peace; the other, sooner or later, leads fatally to war, from obstinacy in maintaining a course which is sinking beneath the feet.

The great significance of this language lies in the fact that the demands thus made upon the college of European princes are the same which the progressive and revolutionary party of Europe have been for a long time making, and which the princes have hitherto rejected as an abominable political heresy. The democrats of Europe generally demand that the entire map of Europe be reconstructed on the basis of the principles of popular sovereignty, and of the right of every live nationality to an independent existence. The princes, on the contrary, refused to make any concessions to these claims, and, in opposition, confined themselves to plead the rights conferred upon them by the treaty of 1815. The speech of Louis Napoleon is the first announcement on the part of one of the great powers of Europe, that the demands of the progressive party of Europe can no longer be successfully resisted. The proposed Congress had not been convoked at the close of the year 1863, but had led to an interesting diplomatic correspondence, which is of lasting importance in the history of our times, as it reveals the views of the several European governments on one of the greatest problems of the age—the reconstruction of the map of Europe.

The proposition of the Emperor for a congress was at once followed, on his part, by an autograph letter addressed to the leading sovereigns (altogether fifteen in number), urging the same views and showing, in the spirit of the speech, that only by such means can war be prevented, and the general stability of society firmly and satisfactorily established. The following is a specimen of these letters:

Most High and Most Illustrious Sovereigns, Princes and Free Towns which constitute the High German Confederation:

In presence of the events which every day arise and become urgent, I deem it indispensable to express myself without reserve to the sovereigns to whom the destiny of nations is confided.

Whenever severe shocks have shaken the bases and displaced the limits of States solemn transactions have taken place to arrange the new elements, and to consecrate by revision the accomplished transformations. Such was the object of the treaty of Westphalia in the seventeenth century, and of the negotiations at Vienna in 1815. It is on this latter foundation that now reposes the political edifice of Europe; and yet, as you are aware, it is crumbling away on all sides.

If the situation of the different countries be attentively considered, it is impossible not to admit that the treaties of Vienna upon almost all points are destroyed, modified, misunderstood, or menaced; hence, duties without rule, rights without title, and pretensions without restraint. The danger is so much the more formidable because the improvements brought about by civilization, which has bound nations together by the identity of material interests, would render war more destructive.

This is a subject for serious reflection; let us not wait before deciding on our course for sudden and irresistible events to disturb our judgment and carry us away despite ourselves in opposite directions.

I therefore propose to you to regulate the present and secure the future in a Congress.

Called to the throne by Providence and the will of the French people, but trained in the school of adversity, I am perhaps bound less than any other to ignore the rights of the sovereigns and the legitimate aspirations of nations.

Therefore I am ready, without any preconceived system, to bring to an International Council the spirit of moderation and justice, the usual portion of those who have endured so many various trials.

If I take the initiative in such an overture, I do not yield to an impulse of vanity; but as I am the sovereign to whom ambitious projects are most attributed, I have it at heart to prove by this frank and loyal step that my sole object is to arrive without a shock at the pacification of Europe. If this proposition be favorably received, I pray you to accept Paris as the place of meeting.

In case the princes, allies and friends of France, should think proper to heighten by their presence the authority of the deliberations, I shall be proud to offer them my cordial hospitality. Europe would see, perhaps, some advantage in the capital from which the signal for subversion has so often been given becoming the seat of the conferences destined to lay the basis of a general pacification.

I take advantage of this opportunity to renew to you the assurance of my sincere attachment and of the lively interest which I take in the prosperity of the States of the Confederation. Whereupon, most high and illustrious Sovereign Princes and Free States which constitute the most exalted German Confederation, I pray God to have you in His holy keeping.

Written at Paris on the 4th of November, in the year of grace 1863. NAPOLEON.

Countersigned, DROUYN DE L'HUYS.

The reception of the proposal of the Emperor in England was generally unfavorable. England could not expect any territorial aggrandizement from the Congress, but only the loss of her European dependencies, and, in particular, Gibraltar. The press almost unanimously discouraged the participation in a Congress. The formal acknowledgment of the imperial proposal was returned on November 11th by the Secretary of State for Foreign Affairs, and it was succeeded on the following day by another despatch addressed to Lord Cowley, the British minister at Paris. In this despatch Earl Russell states that in the view of the British Government the main provisions of the treaty of Vienna are in full force. As to those changes which have been made in Europe in disregard of the treaty of Vienna, and for which the sanction of the great powers has not been obtained, was it proposed by France to obtain that recognition? Again, other portions of the treaty of Vienna are menaced, and upon these the most important questions arise. The French Government was asked to state the nature of the proposals to be made on this subject by the Emperor, in what direction they would tend, and whether, if agreed to by a majority of the powers, they were to be enforced by arms. The practice of the Holy Alliance at the Congress of Vienna was recalled to mind, and the French Government was asked whether that example was to be followed at the present Congress in case of disagreement. "Upon all these points," Earl Russell wrote, "Her Majesty's Government must obtain satisfactory explanations before they can come to any decision upon the proposal made by the Emperor." At the same time it was observed that whatever doubts the Queen's Government entertained referred only to the best means of attaining objects equally desired by both Governments.

The reply of M. Drouyn de l'Huys is dated November 23d. The French minister says;

The Imperial Government have no intention either to apologize for or to criticise the treaties of Vienna. The Emperor declared on mounting the throne that he should consider himself bound by the engagements subscribed to by his predecessors. Lately again, in his letter to the sovereigns, His Majesty showed that the diplomatic acts of 1815 were the foundation on which rests to-day the political edifice of Europe. But this is, he considers, an additional reason for examining whether this foundation is not itself shaken to its base. Now, the Cabinet of London recognizes with us that several of these stipulations have been seriously infringed. Amongst the modifications which have taken place, some have been consecrated by the sanction of all the great powers, and at present constitute a part of international law; others, on the contrary, carried into execution, have not been recognized as law by all the cabinets. As regards the first, we cannot help calling attention to the irresistible power with which they have forced themselves on the acceptance of the governments. The eagerness of England herself to give them her adhesion proves how little the former combinations answered, according to the expression of Earl Russell, the requirements of the lapse of time, the progress of opinion, the shifting policy of governments, and the varying exigencies of nations; on the other hand, are not we authorized in believing that changes so important have diminished to some extent the harmony and equilibrium of the whole? We admit, with Earl Russell, that it is not absolutely necessary to give to these changes a more general and more solemn sanction; but we consider it would be an advantage to clear away the ruins, and re-unite in a single body all the living members. As regards the modifications to which the powers have not given an unanimous assent, they constitute so many causes of dispute which at any moment may divide Europe into two camps. Instead of leaving the decision of these to violence and chance, would it not be better to pursue their equitable solution to a common agreement, and sanction these changes by revising them?

M. Drouyn de l'Huys goes on to say that the Emperor must go into a Congress "free of every engagement." To preserve his impartiality toward the many sovereigns he has invited, he must decline offering previous explanations to any of them. He then briefly reviews the "deplorable struggle" in Poland, the "quarrel" between Denmark and Germany, the anarchy prevailing on the Lower Danube, the hostile attitude of Austria and Italy, the occupation of Rome by French troops, the burden imposed upon the nations of Europe by the disproportionate armaments occasioned by mutual distrust, and designates these as the principal questions which the powers would doubtless judge it useful to examine and decide. He adds, that in the eyes of France it would be illusory to pursue their solution through the labyrinth of diplomatic correspondence and separate negotiation, and that the way now proposed, so far from ending in war, is the only one which can lead to a durable pacification. M. Drouyn de l'Huys refers to the opinion expressed by the Earl of Clarendon at one of the last meetings of the Congress of Paris, and concurred in by the plenipotentiaries of all the courts, that states between

which any serious misunderstanding may arise should have recourse to friendly mediation before appealing to arms. "The solicitude of the Emperor," he says, "goes further; it does not wait for dissensions to break out in order to recommend an application to the actual circumstances of the salutary principle engraven on the latest monument of the public law of Europe, and His Majesty now invites his allies 'to enter into explanations, and to come to an understanding.'"

The final reply of the British Government is dated November 28th. In this despatch Earl Russell enters into a searching examination of the grounds for supposing a general Congress of European States likely to furnish a peaceful solution of the various matters in dispute. He expressed the opinion that at the present moment, after a continuance of long peace, no power is willing to give up any territory to which it has a title by treaty, or a claim by possession. This he thinks, in particular, to be the case with the questions of Poland and Italy; were all the European questions—those of Poland, Italy, Denmark, and the Danubian principalities—to be decided by the mere utterance of opinions, the views of the British Government upon most of them might perhaps not materially differ from those of the Emperor of the French. But the deliberations of a Congress would probably consist of demands and pretensions put forward by some and resisted by others; and, there being no supreme authority in such an assembly to enforce the decisions of a majority, the Congress would probably separate, leaving many of its members on worse terms with each other than they had been when they met. But if this would be the probable result, it follows that no decrease of armaments is likely to be effected by the proposed Congress. "Not being able, therefore, to discern the likelihood of those beneficial consequences which the Emperor of the French promised himself when proposing a Congress, Her Majesty's Government, following their own strong convictions, after mature deliberation, feel themselves unable to accept His Imperial Majesty's invitation."

Austria was as much displeased with the proposal of Louis Napoleon as England. Immediately upon the publication of the Emperor's speech, and the receipt of his letter, the official paper of Vienna contained a declaration that Austria had always respected the treaties of 1815, and still recognized them, so far as they were not modified by subsequent stipulations, as the public law of Europe. The Emperor of Austria, in his reply to Napoleon, dated November 15th, acknowledges the important objects of the Congress for the settlement of the political questions at present pending, and the security of the future, but wishes, before taking part therein, to learn with some accuracy the bases and programme of the deliberations of the Congress. Should the questions to be discussed be indicated beforehand, and the powers agree upon the tendency of the deliberations of the Congress, unforeseen accidents which might overthrow everything would be less to be feared. The dangerous and insolvable problems which would create fresh instead of removing existing complications would then be set aside.

This idea is more minutely explained in a despatch of Count Rechberg to Prince Metternich, the Austrian ambassador at Paris. It says:

It is not sufficient to put forward a programme of a negative character as the basis of such important discussions. The Austrian Government wishes to know how the declaration of the Emperor Napoleon relative to the treaties of 1815 is to be understood.

These treaties have been partially modified, but so far as they have not been altered they are considered as the foundation of public right in Europe. Some improvements are necessary. Let the French Government point out those it considers desirable. Certain remedies might be more dangerous than the evils themselves. The programme of the Congress must fulfil all the conditions for the maintenance of peace, which is the principal object to be attained.

The Emperor of Russia expressed a warm sympathy with the object Napoleon had in view, that of attaining without disturbance the pacification of Europe, but regarded the consent of the other powers and the previous specifications of the questions to be discussed, necessary. The Emperor thus explained his views:

In describing the profound uneasiness of Europe and the utility of an understanding among the sovereigns to whom is confided the destiny of the nations, your Majesty expresses a thought which has always been mine. I have made it more than the object of a desire, I have deduced from it the rule of my conduct. All the acts of my reign attest my desire to substitute relations of confidence and concord to the state of armed peace which weighs so heavily upon the peoples. I took the initiative, too, as far as I was able, of a considerable reduction of my military forces. During six years I released my empire from the obligation of the recruitment, and I undertook important reforms—guarantees of a progressive development at home and of a pacific policy abroad.

It is only in presence of eventualities which might threaten the security and even the integrity of my States, that I have been compelled to deviate from this course. My most ardent desire is to return to it, and to spare my people's sacrifices which their patriotism accepts, but from which their prosperity suffers. Nothing could better hasten this moment than a general settlement of the questions which agitate Europe. Experience proves that the real conditions of the peace of the world rest neither in an impossible immobility, nor in the instability of political combinations that each generation would be called upon to annul or to remodel, at the will of the passions or of the interests of the moment, but rather in the practical wisdom which imposes upon all the respect of established rights, and suggests to all the compromises necessary to conciliate history, which is an ineffaceable legacy of the past, with progress, which is a law of the present and the future.

Upon these conditions a loyal understanding between the sovereigns has always appeared desirable to me. I should be happy if the proposition emitted by your Majesty were to lead to it.

The King of Prussia declared himself ready

to participate in a Congress, the object of which would be to effect the modifications which might be considered necessary in the treaties of 1815, which, however, none the less continue the foundation upon which the political edifice of Europe at present rests. The ministers of the various countries should prepare the propositions which would be submitted to the Congress.

The most sympathetic reply was received from the King of Italy. The Government of Italy has fully and openly espoused the nationality principle, to which the new kingdom owes its origin, and from the exertion of which it expects the annexation to Italy of Venetia and Rome. The King of Italy, therefore, not only accepts an invitation, which seems to presuppose the truth of the nationality principle, but, in emphatic language, expresses his concurrence with the views of the French Emperor. He is even more outspoken on the rightful aspirations of the nations than Louis Napoleon, and looks upon congresses, like that proposed by Napoleon, as a great progress in the history of mankind. He says in his reply, dated November 22d:

A permanent struggle has been established in Europe between public opinion and the state of things created by the treaties of 1815. Hence has arisen a sickly state of things which will increase unless European order is placed upon the basis of the principles of nationality and of liberty, which are the very essence of the life of modern nations.

In presence of a situation so dangerous to the progress of civilization and to the peace of the world, your Imperial Majesty has become the interpreter of a general sentiment by proposing a Congress to settle the rights of sovereigns as well as those of nations.

I adhere with pleasure to the proposal of your Imperial Majesty. My concurrence and that of my people are assured to the realization of this project, which will mark a great progress in the history of mankind.

As soon as the international conferences take place, I shall take part in person, or at least send a representative.

Italy will appear at the Congress in a spirit of perfect equity and moderation. She is convinced that the justice and the respect of legitimate rights are the true foundations upon which a new balance of power of Europe can be founded.

The King of Portugal, the son-in-law of Victor Emanuel, fully agrees with the views of his father-in-law. In his reply (dated November 18th) he says:

It is an agreeable duty therefore to me to announce to your Imperial Majesty that I adhere without hesitation to your conciliatory proposition, and that I subscribe with all my heart to the sentiments which have inspired it.

Congresses after war are ordinarily the consecration of the advantages of the strongest, and the treaties which result, based upon facts rather than upon rights, create forced situations, the result of which is that general uneasiness which produces violent protestations and armed reclamations.

A Congress before war, with the view of averting war, is, in my opinion, a noble thought of progress. Whatever may be the issue, to France will always belong the glory of having laid the foundation of this new and highly philosophical principle.

The youthful King of Greece, who had so recently ascended a throne, which was erected on the basis of "national aspirations" and upon the ruins of the historical rights of another dynasty, and of treaties, could not but applaud the idea of the Imperial Congress. Says King George, in his letter dated November 26th:

This appeal to conciliation which your Majesty has just made in the interest of European order has been inspired by views too generous and too elevated not to find in me the most sympathetic reception.

The noble thought which predominates therein could not be better enhanced than by the frank language and the judicious considerations with which your Majesty has accompanied your proposition.

In accepting it without reserve, I fully share the hopes which I find expressed in your Imperial Majesty's letter. The meeting of the Congress will perhaps be the best solution of the grave questions which justly preoccupy all minds in Europe, and will contribute to develop the general prosperity by the maintenance of tranquillity. Every one feels, indeed, that it is necessary to take into account the spirit of the age, the legitimate aspirations of nations, the circumstances of the time, and to endeavor by all possible means to secure the future by regulating the present, so as to eliminate every element of trouble and discord.

The common work to which your Majesty invites the chiefs of the European States would be, beyond dispute, one of the greatest onward movements of our day. Its success would realize wishes long since formed by the friends of humanity and the noblest minds.

And, with a view to a future collapse of the Turkish empire, he, in conclusion, flatters himself with the hope that the interests and rights of the Christians in the East would find in the Emperor of the French a generous defender in the future International Congress.

The King of the Belgians, who received his own throne from a successful revolution, and expects another one for a son-in-law (Archduke Maximilian) from the arms of the French Emperor, is of course not opposed to the Congress. He assures Napoleon (November 20th) that his Government would be quite inclined, in so far as it could do so, to join in the attempt to settle the existing causes of anxiety in Europe by pacific agreement. The King of the Netherlands (November 29th) expresses himself likewise willing to join all the other sovereigns of Europe in realizing the noble object Louis Napoleon had in view. The King of Denmark eagerly embraced the invitation, as he hoped the Congress would "assure the future of the Danish monarchy," and the Emperor would sustain the Danish claims, as Denmark had always been the constant ally of the Emperor. Switzerland also accepted with eagerness the overture made by Louis Napoleon, for says the letter of the President (November 23d):

The Swiss Confederation, to which nature as well as history and treaties has assigned a neutral position in the midst of Europe, knows how to appreciate all the benefits of peace. It understands the inestimable value of a free and reciprocal consecration of the rights and duties of each—the true base of a sincere and cordial understanding between the nations. We can only, therefore, accept with eagerness the overture your Majesty has deigned to make.

Spain hoped the Congress might aid her in the recovery of Gibraltar, and although her

policy in general has never shown much sympathy with the national movements in Europe, she endorsed the views of the French Emperor, and assured him that Spain would participate in the Congress either at Paris or any other point that may be selected for deliberations. The letter of the Queen (dated November 30th) says:

I agree with your Majesty that the treaties of 1815 are attacked by the debility produced by time and use, besides the forced influence of serious events, which in many cases have resulted in notorious and capital infractions of their letter and spirit.

I also agree with you that if war has always been a great calamity for peoples, it would be still more so now, on account of the disastrous perturbation that it would produce among nations every day more closely united by the community of their moral and material interests.

Spain, with a view to her aggressive policy in America, even expresses the hope that the Congress might be instrumental in consolidating peace and concord in the new as well as the old world.

The Germanic Confederation declared themselves disposed to accept the invitation, but thought that they could not coöperate with any hope of success in the realization of this project, if the treaties which have established the Germanic Confederation, as well as the political edifice of Europe, were not considered as the basis of negotiations.

The Kings of Bavaria, Saxony, Wurtemberg, and Hanover, declared themselves favorable to the project, but made their final decision somewhat contingent upon the decision of the Federal Diet.

The Pope, in his reply (November 10th), concurs in the project of a Congress, and will use his endeavors in order that the principles of justice, unrecognized and trampled under foot, may be reëstablished, and violated rights vindicated. The Pope also states that he should especially demand the reëstablishment in Catholic countries of the real preëminence naturally appertaining to the Catholic religion as being the only true faith.

The sultan replied, on December 5th, thanking the Emperor for the sentiments of sincere friendship expressed in his letter, and assuring him that these sentiments were reciprocated. By his order, the Turkish ambassador at Paris communicated to M. Drouyn de l'Huys a report of the verbal reply given by the sultan to the French ambassador who presented the Emperor's letter, to the effect that the sultan accepted the conference, and was willing to attend the Congress in person in case other sovereigns of Europe did the same.

On December 8th, M. Drouyn le l'Huys addressed a new circular to the heads of all the diplomatic missions of France in Europe, giving a review of the replies of the several European governments. He said:

The refusal of England has unfortunately rendered impossible the first result that we had hoped for from the appeal by the Emperor to Europe. There now remains the second hypothesis—the limited Congress. Its realization depends upon the will of the sovereigns.

After the refusal of the British cabinet we might consider our duty accomplished, and henceforth, in the events which may arise, only take into account our own convenience and our own particular interests. But we prefer to recognize the favorable dispositions which have been displayed toward us; and to remind the sovereigns who have associated themselves with our intentions, that we are ready to enter frankly with them upon the path of a common understanding. A coincidence of views and of action among the principal Powers of the Continent who understand as we do the dangers of the present, and the necessities of the future, would have a great influence upon future events, and prevent alliances or resolutions from being left to chance.

When a general Congress was in question, the Emperor could not, without changing the part he had traced out for himself, draw up a programme, or concert with some of the Powers, in order to submit afterward to the others a plan prepared beforehand, and commence thus with a negotiation distinct from the deliberations in which he had decided to present himself without preconceived ideas, and free from special engagements. But as this reunion cannot now be completed, it will not have the arbitrary authority belonging to a European Congress. We feel, therefore, that before meeting, the sovereigns should instruct their foreign ministers to agree upon the questions to be discussed, in order that the Congress may have more chance of leading to a practical result.

By the end of the year no arrangement for the meeting of a limited Congress had been made. Italy had replied (December 24th) that she was quite ready to take part in a limited Congress, expressing, however, at the same time the firm hope that the Congress would be instrumental in annexing to Italy Venetia and Rome.

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FINANCES OF THE UNITED STATES. Whenever a Government adopts new measures relating to its finances, or is compelled by its necessities to seek for means beyond those obtained from its usual sources of revenue, its movements are always sensibly felt in the financial affairs of the country. If its demands are limited in amount, the enterprises of individuals are soon modified to meet the new circumstances which have occurred. When, however, it becomes involved in a great war, and stands forth having upon its hands the greatest enterprise in the country—larger than those of most of the citizens combined, that of subduing its enemies—the financial movements of individuals must always follow and become subject to this great necessity. Its needs override all personal considerations; its wants take the force of law to all its citizens. But while it is considered that a

Government at war may thus adopt such financial measures as shall be supreme over all others, yet, in the meanwhile, it is no less under those perpetual obligations to promote the prosperity and welfare of its citizens for which it was created. These fundamental considerations appear to have controlled the financial operations of the Government throughout all the extraordinary circumstances which it has been obliged to meet.

When Congress adjourned on the 4th of March, 1861, the expenditures of the Government for the remainder of the fiscal year ending June 30th had been estimated according to the ordinary rates in previous years, and the usual sources of revenue with some small loans were regarded as sufficient to meet its wants. It was the duty of the same Congress to determine the appropriations based on the estimates of the Departments, and to provide the ways of payment during the next fiscal year, commencing July 1st, and ending June 30th, 1862. Notwithstanding the threatening aspect of political affairs, these estimates were all framed, and the appropriations made on the peaceful scale of former years. Thus, for the year 1860–61, the appropriations for the service of the Government were seventy-nine millions, and for the year 1861–62, nearly seventy-five millions. No authority appeared to foresee the enormous demands that were soon to be made on the Treasury, and no provisions whatever were contemplated to meet them. Nevertheless, under this aspect of affairs and without the future occurrence of any very serious difficulties, more than ordinary financial skill was needed to enable the Government to meet promptly the demands upon it. The usual sources of revenue fell off during the last half of the year ending June 30th, 1861, and the confidence of capitalists in the Government, in consequence of the secession of States, and the uncertainty of the future, rendered it difficult to negotiate the small loans authorized. Thus a loan of $10,000,000 was offered in October, 1860, in a five per cent. stock, which was taken at a small premium payable in instalments; the subscribers of $2,978,000 forfeited their deposit of one per cent., which was remitted: only $7,022,000 were issued. In December, Secretary Thomas offered $5,000,000 Treasury notes, payable in a year. On opening the bids on December 28th, only $500,000 had been bid at twelve per cent. There were some offers at twenty-four, and some as high as thirty-six per cent. As the money was needed to pay interest on Federal stock, due January 1st, some bankers took $1,500,000 at twelve per cent., on condition that the money should be applied to the interest. In January, Secretary Dix offered five millions remaining authorized of the same loan of December 17th, 1860, and it was taken at an average of $11\frac{1}{7}$ per cent. on $10,000,000. On Feb. 8th, 1861, Congress authorized a loan of $25,000,000 at 6 per cent., at not less than ten nor more than twenty years. Of this stock, Secretary Dix offered $8,000,000 on February 22d, and the bids amounted to $14,460,250, ranging from 75 to 96.10. He accepted $8,006,250, at rates varying from 90.15 to 96.10. At this time a tariff of high duties was passed by Congress, and a loan authorized. On April 2d, Secretary Chase offered eight millions of the loan of February 8th. Bids, ranging from 90 to 95 on the hundred, were made for it. The Secretary refused all below 94. On the 11th of May he offered the balance of the loan of February 8th, $8,994,000. Bids were made for $7,441,000, at rates from 81 to 93. He accepted $7,310,000, at 85 to 93, average discount per cent. 14.65. By the disposal also of Treasury notes comparative ease for the Treasury was obtained for a moment. Its exigencies, however, were such that the struggle for money was soon renewed. Hostilities had now commenced, and the capitalists and bankers, feeling the necessity of sustaining the Government, coöperated with the Secretary, and loans were obtained to carry the Government until Congress convened on July 4th. On that day, the Secretary required $5,000,000 to carry him along until Congress should devise means. This amount was finally borrowed of the banks at sixty days on pledge of six per cent. notes, as collateral security. During the latter part of this period, many of the States obtained considerable loans at par, or a premium.

These facts show the weakness of the Government credit, in consequence of the apprehensions of the people, and the embarrassing circumstances under which the Secretary was called upon to raise immense sums to enable the dismembered Government to conduct a great war. At the time when he was obliged to borrow five millions with collateral security for sixty days to pay current expenses, the War Department was asking for more than $185,000,000 extra for the year, and the Navy Department more than $30,000,000. Congress had also come together, and relied upon the Secretary to devise the means by which this great emergency could be overcome. A more difficult position than that of Secretary Chase at this moment, few men have ever been placed in. He saw that the Government must be made the master of its circumstances, and while it borrowed with the one hand, it must take largely by taxes with the other. The demand upon him for the next twelve months was $318,519,581, and he recommended that a tax of $80,000,000, equal to the entire annual appropriations of the Government heretofore, should be at once raised directly and indirectly from a people who, except upon one occasion, had never yet paid a dollar in taxes to their Government only in the indirect form of duties on imports, and that $240,000,000 should be sought through loans. The $80,000,000 were to be used to pay the ordinary expenditures of the Government and the interest on loans, with the reservation of $5,000,000

toward a sinking fund. "It will hardly be disputed," said the Secretary, "that in every sound system of finance, adequate provision by taxation for the prompt discharge of all ordinary demands, for the punctual payment of the interest on loans, and for the creation of a gradually increasing fund for the redemption of the principal, is indispensable." With these measures, he further recommended that the ordinary sources of revenue should be modified, so as to yield a greater income. Tea and coffee, hitherto free articles of import, should now be touched by a duty. To these, many others might be added from the free list. Sugar, which was slightly taxed, could bear a heavier burden. A similar modification could be made on many articles. Thus twenty millions extra could be gathered by a single section of an act. He also proposed to Congress that the pruning knife should pass among the current disbursements, and that ten per centum should be shorn from salaries and wages, the franking privilege be abolished, and that the retrenchment be prompt and effective. He also further said: "The Secretary will but illy perform his duty to Congress or the people if he omits to urge the great importance—the absolute necessity indeed—of such full provision of annual revenue as will manifest to the world a fixed purpose to maintain inviolate the public faith, by the strictest fidelity to all public engagements."

Relative to the means to be sought through loans, the Secretary proposed a National loan of not less than a hundred millions in the form of Treasury notes or exchange bills, having a yearly interest of 7.30 per cent., redeemable at the pleasure of the Government, after three years. If the whole needed should not be raised in this manner, he then proposed the issue of bonds or certificates of debt to lenders, at par, to the amount of one hundred millions at 7 per. cent., redeemable at the pleasure of the Government, after a period not exceeding thirty years. As an auxiliary measure, he also proposed the issue of fifty millions of Treasury notes in small sums payable one year after date, with interest at $3\frac{65}{100}$ per cent., and convertible into the 7.30 Treasury notes; or, "should it be found more convenient," said the Secretary, "they may be made redeemable in coin, and issued without interest." This proposition opens the door wide to a Government paper currency; therefore the Secretary immediately added to his recommendation the following caution: "The greatest care will, however, be requisite to prevent the degradation of such issues into an irredeemable paper currency, than which no more certainly fatal expedient for impoverishing the masses and discrediting the Government of any country, can well be devised."

These measures constitute the features of the Secretary's system of finance. The ordinary expenditures, interest, and a sinking fund were to be provided by taxes upon the people—than which nothing more wise could have been recommended. The great necessities of the Government were to be relieved by loans from the people, for which long and short and demand paper was to be provided. Loans to the Government, by the people, in its serious exigencies, may be said to be the law of modern civilization. They are the resort of all Governments; and in times of unforeseen difficulty, like commercial revulsion or war, the Federal Government has always been able to borrow sufficient to meet the occasion, and returning prosperity has always afforded the means of paying off the debt.

Congress immediately took the recommendations of the Secretary into consideration. The loans which he asked for were granted, but on the taxes they faltered. There was granted a national loan of one hundred millions, or any larger sum not to exceed the whole amount authorized, in bonds or 7.30 Treasury notes payable three years after date, and convertible into twenty-year six per cent. bonds; also a seven per cent. loan of a hundred millions, payable twenty years after date, for a foreign loan; also the issue to public creditors, or in exchange for coin, of one-year Treasury notes, with interest at 3.65 per cent. convertible into three-year 7.30 bonds or Treasury notes; also the issue of notes payable on demand and receivable for public dues, to be issued as coin in payment and exchanges. The two last descriptions were limited to fifty millions, in denominations between five and fifty dollars. Authority was also given to issue twenty millions six per cent. Treasury notes, payable in a year. The act limited the rate at which the seven per cent. stock might be sold to par, but a supplemental act allowed the sale of a six per cent. at a rate equal to par for a seven per cent stock.

The provisions adopted for taxes were: a direct tax of twenty millions upon all the United States, which would yield from the loyal States $14,846,018, without deducting the expenses of collection; also a tax of three per cent. upon all annual incomes over $800, since changed to $600, to be levied in April of the next year. The increase of duties on imports embraced cocoa, tea, coffee, sugar, etc., but were less than the Secretary recommended. The direct tax was apportioned among the States and paid out of the States Treasuries to the Federal Government, by crediting the latter that amount on their claims for outfits of volunteers. The people were taxed the next year by the States for these sums. Compared with the necessities of the Government, the amount raised by taxes was insignificant. This tenderness on the subject of taxation manifested by Congress at this time produced serious results, as it caused to be withheld from the Government that confidence in its financial strength and resources to which it was entitled, and thereby greatly embarrassed the action of the Secretary; deprived him of the power to make due

preparation against the crisis of bank suspensions, and to place the finances of the country in an almost imperial position, and forever shut down the gates against an irredeemable paper circulation. Thus the Secretary was obliged to take the field practically crippled, when he should have gone forth with the resources of the country at his command, like a master. Prompt and efficient taxation, by the confidence which it would have inspired, would have relieved the Secretary from the necessity of issuing demand notes—an unusual financial measure which had been the subject of considerable discussion. To add to his embarrassment the military disaster at Bull Run had just occurred, which reawakened the old fears and apprehensions of capitalists for the future.

The first efforts of the Secretary were made to provide for immediate wants. This was done by issuing fourteen millions six per cent. Treasury notes, payable in two years, and nearly thirteen million six per cent. Treasury notes payable in sixty days. His next care was to provide for the regular and continuous disbursements of the war, under the acts of the July session. He tells us "that his reflections led him to the conclusion that the safest, surest, and most beneficial plan would be to engage the banking institutions of the three chief commercial cities of the seaboard to advance the amounts needed for disbursements, in the form of loans for three-year 7.30 bonds, to be reimbursed, as far as practicable, from the proceeds of similar bonds, subscribed for by the people through the agencies of the national loan; using, meanwhile, himself, to a limited extent, in aid of those advances, the power to issue notes of smaller denominations than fifty dollars, payable on demand. Upon this plan he hoped that the capital of the banking institutions and the capital of the people might be so combined with the credit of the Government in a proper provision for necessary expenditures, as to give efficiency to administrative action, whether civil or military, and competent support to the public credit."

Although Congress had bound the Secretary by law to obtain money at a minimum rate, the result was that the banking institutions of New York, Philadelphia, and Boston subscribed at once for a loan of fifty millions, of which five millions were to be paid immediately in coin as needed for disbursement, and to receive the 7.30 notes of $50 and upward, at three years. When this loan was expended, another and similar was to be made, to be followed by still another. The two first were to be reimbursed by the proceeds of the national loan. At the same time books of subscription to the national loan were opened by the Assistant Treasurers, postmasters, and other designated agents in all the cities and towns where subscriptions could be expected. An enthusiasm for this loan was soon awakened, and capitalists and laborers, men and women, in crowds pressed forward to obtain a portion. As the investors were small, the amount taken by December 1st was about $38,000,000. Ultimately, however, when the slow confidence of capitalists was more fully recovered, more than eighty millions went through the agents and first purchasers into the hands of citizens who were then for the first time in their lives holders of national securities. In this manner the banks were partly reimbursed the first loans before the next was made. At the same time an amount of demand notes was issued by the Secretary. The banks had stipulated that none of these notes should be issued, and also that the Secretary should draw on them directly for the proceeds of these loans, thus using their paper for public dues. The Secretary declined both stipulations. He was not financially strong enough to accede to the first and decline the second. Congress had not confined its appropriations to the estimates of the Secretary. The latter were made for an army of three hundred thousand men. But the action of Congress authorized a force of regulars and volunteers amounting to five hundred and fifty thousand men, and any number of major-generals, with sufficient staff and brigadier-generals necessary to insure its efficiency. This increase of expenditures beyond estimates, unless made with extreme care, is a source of inconceivable embarrassment to financial officers. By the use of the demand notes the embarrassments were relieved. When Congress assembled in December the Secretary was able to report that complete success had attended the measures relating to loans, and presented the following results:

Six per cent. 2-year notes	$14,019,034
Sixty-day notes	12,877,750
1st bank loan	50,000,000
2d bank loan	50,000,000
3d bank loan	45,795,479
Demand notes issued	24,550,325
Loans realized	$197,242,587

But while the loans had been successful, the receipts of revenue from imports had not equalled the estimates. This was ascribed to the deviation by Congress in many respects from the measures submitted, through considerations of general policy, and more particularly to the changed circumstances of the country. The estimate for the fiscal year in July was 57 millions. Two quarters had now passed and the estimate of receipts from imports fell to 32 millions. The aggregate of revenue from imports, public lands and taxes for the year, it was now estimated by the Secretary, would be about 25½ millions less than the estimates made in July. In consequence of this decline in the sources of revenue devoted to ordinary expenditures, interest and sinking fund, and in consequence of the expenditures authorized by Congress exceeding the estimates, it was evident the Secretary would come far behind at the end of the fiscal year without new appropriations at this session of Congress.

The aspect of affairs financially, at this time, was quite serious. The magnitude of

the war had begun to be developed, and the vast sums which would be required to create all the appliances of immense armies and fleets made manifest; the decline in the ordinary sources of revenue designed to support the daily existence and credit of the Government, was an evidence of weakness; the loans, thus far being largely temporary discounts of banks, and the limited amount to which the subscriptions to the national loan had as yet reached, showed that the Government had not so far got the command of the resources of the country. At the same time the Secretary was obliged to ask Congress to give him nearly 214 millions additional to carry him to the end of the year on June 30th, 1862, and the War and Navy Departments asked for the ensuing year, beginning July 1st, 1862, more than 410 millions. The banks of the country now suspended specie payments. It was the most formidable picture they had ever looked upon; but the Secretary met the emergency with perfect calmness. In addition to the sums necessary for the current year, he was required to furnish estimates for the fiscal year beginning July 1st, 1862, and terminating June 30th, 1863. He proposed to meet these unusual demands by retrenchment and reform, taxation and loans. This taxation, he proposed as before, should yield adequate provision for ordinary expenditures, prompt payment of interest on the public debt, and for a gradual extinction of the principal. By way of revenue from imports he only urged increased duties on tea, coffee and sugar, and with a sanguine spirit, hoped for an improvement from other articles in future. For the increase of the amount of direct taxes, the Secretary recommended that the law of the previous session should be so amended as to raise from the loyal States 20 millions of dollars; that a tax should be laid on stills, liquors, tobacco, bank notes, carriages, evidences of debt, &c., that would yield 20 millions; also, that the income tax should be so amended as to yield 10 millions; making a total of 50 millions. The real property of the loyal States the Secretary estimated at 7½ thousands of millions, and the personal property at 3½ thousands of millions, and the annual surplus earnings of the people at 300 millions.

For the rest of the money needed, the Secretary said, "the reliance must be placed on loans." The amount required he thus stated:

For the fiscal year 1862, under existing laws.....	$75,449,675
For the fiscal year 1862, under laws to be enacted	200,000,000
For the fiscal year 1863, under laws also to be enacted.....	379,531,245
Total required.....	$654,980,920

This was the estimated amount required through loans on December 9th, 1861, to the close of the fiscal year, ending June 30th, 1863. The Secretary suggested two plans "to enable the Government to obtain the necessary means for prosecuting the war to a successful issue without unnecessary cost." The first contemplated the gradual withdrawal from circulation of the notes of the banks by a tax on their issue, and the extension of the provisions authorizing him to issue demand notes payable in coin, until they reached the average circulation of the country. Of the advantages and disadvantages of this plan the Secretary said: "The Secretary contents himself with observing that, in his judgment these possible disasters so far outweigh the probable benefits of the plan, that he feels himself constrained to forbear recommending its adoption." The several plans contemplated the negotiation of loans, facilitated by the organization of banking associations, whose circulation should consist only of notes uniform in character, furnished by the Government, and secured as to convertibility into coin by United States bonds deposited in the Treasury. On the 30th of December, the banks, as above stated, suspended specie payments. At the same time the delay in military operations, increased expenditures, diminished confidence in public securities, rendering it impossible for the banks and capitalists to negotiate the bonds they had previously taken except at a serious loss, and making it impossible for the Government to negotiate new loans of coin except at a like loss, the Government suspended also on the demand notes in circulation. If the Secretary went into the market now for more loans on his bonds or Treasury notes, all he got for them would be the irredeemable paper of the local banks. The only choice left to him was either to take this bank paper or to issue Government demand notes; for the credit of the Government was not now staunch enough to command coin, except at a high premium. If he looked to the experience of the past to guide him in this extremity, he saw in the Treasury Department millions of bank paper which had become worthless in the war of 1812; if he looked still further back he saw the history of "Continental paper" written in blazing characters. Here were the rocks of Scylla on the one side, and the whirlpool of Charybdis on the other. Yet a passage could be made over the boisterous future if the pilot was capable of commanding the resources of the country. Government paper could be made both useful and safe, if it was sustained by high taxes, and kept within reasonable limits by constant funding, with a measure for its withdrawal. This was the chart now boldly adopted by the Secretary for the future. That he has constantly urged high taxes upon Congress, the language of his reports bears witness. His success at funding the currency will presently be stated. Another measure was also steadily proposed, which was designed to secure ultimately the entire withdrawal of Government currency by substituting the currency of National banks.

At the time when the banks suspended, the Secretary had issued $33,460,000 demand notes of 50 millions previously authorized. Another issue of 10 millions was authorized in February, and both issues amounting to 60 millions, were made receivable for all public dues, including

customs. Soon another issue of 90 millions was authorized by Congress, receivable for all public dues, except customs. Still later in the session a further issue of 150 millions was authorized, of which 50 millions were reserved from issue until actually required for the payment of deposits. The total emission thus authorized was 250 millions, besides 50 millions needed for the payment of deposits, all of which might be available for circulation. An emission of fractional currency, consisting of postage and revenue stamps, was also authorized. The Secretary was also authorized to receive on temporary deposit, at interest not exceeding 5 per cent., any sum not exceeding 100 millions, and to pay such creditors as might choose certificates of indebtedness, payable in one year, at six per cent. interest. Congress also authorized the issue of 500 millions 6 per cent. bonds, redeemable after five and payable in twenty years, with interest payable in specie. These were exchangeable for demand notes.

Such were the measures adopted by Congress. At the close of the fiscal year, June 30th, 1862, $57,926,116 had been received on deposits; $158,591,230 of demand notes had been issued and were in circulation; $49,881,979 had been paid in certificates of indebtedness; and $208,-345,291 had been paid in cash. The Secretary said: "Every audited and settled claim on the Government, and every quartermaster's check for supplies furnished, which had reached the Treasury, had been met, and there remained in the Treasury a balance of $13,043,546."

In July a call was made by the President for three hundred thousand men for three years, and in August another call for three hundred thousand for nine months, and on the first of December the Secretary estimated the amount of the public debt at the close of the fiscal year, June 30th, 1863, would be $1,122,297,403.

When Congress assembled in December, 1862, the results presented were as follows: The actual payments, other than for principal of public debt, were $220,175,370; and the accumulated requisitions beyond resources amounted to $48,354,701. The amount of notes in circulation, including those receivable for customs, was $222,932,111; the amount received on deposit was $80,798,650; the issue of fractional currency was $3,884,800; the issue of certificates of indebtedness was $87,363,241; the issue of 5-20 bonds amounted to $23,750,-000. Thus there remained of the loans authorized at the previous session the following balances, viz.: authority to issue $27,067,889 notes for circulation; in deposits there could be received $20,201,350; it was thought that 40 millions of fractional currency would be needed by the people, therefore $36,115,200 could be issued; if 100 millions of certificates of indebtedness could be put forth, then a balance of $12,636,758 could yet be paid out; a balance of 35, millions of 5–20 bonds, it was estimated, would be taken before the end of the fiscal year. The aggregate of all these sums was $131,021,197, which constituted the total resources available, under the existing laws, up to the end of that fiscal year, June 30th, 1862. The Secretary said: "These credit resources, with actual receipts from like resources, added to revenue in all forms, may supply the Treasury with $511,646,259. There remains a balance of disbursements of $276,912,517 to be provided for."

The estimates for the ensuing fiscal year, commencing July 1st, 1863, beyond resources available under laws then existing was $627,-388,183. So greatly had the expenses of the war against the rebels accumulated, that the Secretary was obliged to ask Congress in December, 1862, to provide for the additional amount of $904,300,700 to meet the expenses until July 1st, 1864.

How was this vast sum to be provided? The danger which lay in the path of the Secretary was now close at hand. He had foreseen it at the outset, and had prepared to meet it. This was an excess of paper circulation. He estimated the circulation of the banks in loyal States to be 167, millions. That of the Government notes was $210,104,000. Total, $377,104,000. One year previous, November, 1861, by his estimate, the circulation was in bank notes, $130,000,000; in coin, including the specie of loyal State banks, $210,000,000. Total, $355,140,000. The difference in the circulation before the suspension, and one year after, was thus $21,964,000 in favor of the latter period. This excess, the Secretary insisted did not "greatly, if at all," exceed the legitimate demands of payments. Yet, with affairs in this posture, he was called upon for more than 900, millions to be raised in the ensuing eighteen months. Only two immediate measures of safety lay before him, and he boldly proposed them both. One was to drive home the State bank paper circulation by a tax, and the other was the funding of the Government notes. Both these measures had been proposed by him at an earlier day, but their necessity had not been seen and felt before by Congress or the people. At the same time the Secretary had proposed, as above mentioned, a system of national bank paper. Taxation, direct and indirect, he reserved as a certain means by which to place the ordinary expenditures of the Government and the interest on its loans, beyond the reach of any peril. There had been a practical difficulty in funding the Government obligations since the suspension of specie payments by the banks. By law bank paper was not receivble by the Government, and coin was at such a premium, that no one would give it for Government bonds at par. The Government notes, which had now come into circulation, were the only medium by which funding could be effected. Said the Secretary: "Under these circumstances, the path of wisdom and duty seems very clear. It leads to the support of a United States note circulation, and to the reduction of the bank note circulation."

He therefore proposed a moderate tax on the State bank circulation, and also proposed that no increase of the issue of Government notes beyond the limits then authorized should be made, unless a clear public exigency should demand it; he further recommended the organization of banking associations for the improvement of the public credit, and for the supply to the people of a safe and uniform currency; he also recommended the repeal of the restrictions which required the 5-20 bonds to be converted at par, and the clauses of the act which authorized their convertibility at will, and a necessary increase of the amount of the bonds. He then said: "If Congress shall concur in these views, the Secretary, though conscious of the great difficulties which vast, sudden, and protracted expenditures impose on him, ventures to hope that he may still be able to maintain the public credit and provide for the public wants." No man was ever put in such a position as that occupied by the Secretary, at this time. $900,000,000 were to be provided in the fiscal half year and year ensuing, at the lowest estimate; his order created millions of notes and bonds; the faith and credit of the Government were in his hand; a failure on his part was not like a reverse on the battle-field, the effects of which might be recovered on the next day—but it would paralyze armies and fleets, and perhaps ruin the cause for which they were fighting. It was not the vastness of the sums required that alone caused all the difficulties the Secretary had to encounter. The public mind was exceedingly sensitive and impatient. Delay or disaster in military operations produced depression and weakened confidence. An uncertain state of foreign relations sometimes added its influence to these causes. Amid all the circumstances, whether of success or disaster, the demands on the energies of the Secretary were constant, and could neither be postponed nor avoided.

Before stating the answer which Congress gave to the propositions of the Secretary, some fuller notice of the system of banks recommended should be made. Its principal features are a circulation of notes having a common impression, and authenticated by a common authority,—the redemption of these notes by the associations and institutions to which they may be delivered for issue; and the security of that redemption by the pledge of United States stocks, and an adequate provision of specie. In its essential features it is similar to the banking system of New York and some other States. The notes are made receivable for all public dues, except import duties, and payable for all public debts, except interest on loans. Such was the plan of the system. Its operation in connection with the present state of the finances of the Government is the view here to be taken of the measure. By the organization of these institutions about $300,000,000 of the Government's notes are returned to the Treasury, and exchanged for 6 per cent. bonds, or their equivalents in bonds, at other rates of interest. To that extent the currency debt of the Government is funded. By the notes which they issue a currency of a uniform character is established in all the States, based upon the obligations of the Government, which is designed to take the place of a currency issued by banks authorized in the various States, and whose solvency is based entirely on the value of their assets, composed of some specie, the obligations of individuals, &c. The currency of the National banks being receivable for public dues, could be accepted by the Government as loans, and used in its payments. It thus would ultimately dispense with the necessity for the Government currency which was now afloat—which could thus be gradually withdrawn on the approach of a resumption of specie payments. The notes are made redeemable in Government notes, and after resumption of specie payments, in coin. The Secretary says: "It is the Secretary's firm belief that by no other path can the resumption of specie payments be so surely reached and so certainly maintained. United States notes receivable for bonds bearing a secure specie interest are next best to notes convertible into coin. The circulation of banking associations organized under a general act of Congress, secured by such bonds, can be most surely and safely maintained at the point of certain convertibility into coin. If, temporarily, these associations redeem their issues with United States notes, resumption of specie payments will not thereby be delayed or endangered, but hastened and secured; for, just as soon as victory shall restore peace, the ample revenue, already secured by wise legislation, will enable the Government, through advantageous purchases of specie, to replace at once large amounts, and, at no distant day, the whole of this circulation by coin without detriment to any interest, but, on the contrary, with great and manifest benefit to all interests."

In answer to the recommendations of the Secretary for the provision of means to meet the expenditures of the remainder of the fiscal year 1863 and the year 1864, Congress, on the 17th of January, 1863, authorized an additional issue of $100,000,000 of Government notes; and in February passed an act to provide a national currency through a national banking system. (*See* CONGRESS, U. S., page 296). By an act, approved March 3d, the Secretary was authorized to issue $300,000,000 for the current fiscal year, and $600,000,000 for the next fiscal year, of 6 per cent. 10-40 bonds, principal and interest payable in coin, and to exchange the same for certificates of indebtedness, or deposit, any Treasury notes or lawful money of the United States; also to issue $400,000,000 of 6 per cent. Treasury notes payable within three years, to be a legal tender for their face value, excluding interest, and exchangeable for and redeemable by Government notes, for which purpose alone an issue of $150,000,000

of the latter was authorized; also to issue $150,000,000 Government notes, including the $100,000,000 authorized in January; also to issue $50,000,000 of fractional notes in lieu of the postage and revenue stamps for fractional currency; also to receive deposits of gold coin and bullion, and to issue certificates therefor; and to issue certificates representing coin in the Treasury in payment of interest, which, with the certificates of deposits issued, shall not exceed 20 per cent. beyond the amount of coin and bullion in the Treasury. A tax was also imposed on the circulation of State banks of 1 per cent. half yearly. Thus, to recapitulate—

On the 1st of December the Secretary estimated his available resources under existing laws for the current year ending Jan. 30th, 1863, at	$131,021,197
To this should be added the balance of 5-20 bonds not deemed available before June 30th, 1863	441,250,000
On Jan. 17th, 1863, Congress authorized Government notes	100,000,000
On March 3d, Congress authorized 10-40 bonds for balance of 1863	300,000,000
do. do. for 1864	600,000,000
do. Treasury notes	400,000,000
do. Government notes	50,000,000
do. balance of $50,000,000 fractional notes in lieu of $20,000,000 postal currency	30,000,000
do. 20 per cent. on gold deposits, say $15,000,000	3,000,000
Total	$2,055,271,197
On the 1st of December there was a balance of disbursements of $276,912,517 to be provided for over and above the available resources of the current year, thus :—	
Resources $131,021,197	
Disbursements 276,934,714	407,934,714
	$1,647,336,483

This was the provision made by Congress for 1863–'64, after clearing away all deficiencies estimated in December, 1862, for the fiscal year ending June 30th, 1863. It was not all passed, however, until the last day of the session. Meanwhile the Secretary was closely pressed, and found it impossible to prevent a gradual increase during the session in the amount of unpaid requisitions, which finally reached $72,171,189.

On the passage of this law, March 3d, 1863, the Secretary proceeded to organize a system of loan agents, the eminent firm of Jay, Cooke & Co., of Philadelphia, being at the head. These were allowed a commission of $\frac{3}{8}$ of one per cent. on all the sales of stocks made by them, of which Jay, Cooke & Co. received $\frac{1}{8}$, and the sub-agents $\frac{1}{4}$. The first had connections in all the States, and effective means were taken to bring before the public the advantages of the Government stocks as investments. The state of affairs brought about by the emission of paper money, causing a great rise in prices, and a liberal realization of stocks of goods at those high prices in paper, eminently favored the views of the loan agents. Those who had sold goods and realized money, were desirous of so investing it, that it would not again depreciate in value. If they repurchased goods, and specie payments should be again approximated, they would lose as much as they had made in the rise. Whereas invested in a stock, which was to be paid interest, if not principal, in gold, it would retain its value. The same abundance of money, and rise in commodities, had induced farmers and others indebted, to economize the use of high-priced goods, and sell their own commodities, applying the proceeds to debts and mortgages. The insurance companies and others receiving these payments, became thus equally anxious to place the money on a specie basis of investment.

All circumstances thus combined to facilitate the efforts of the agents, and by the 1st of May the Secretary had raised from the 5-20 bonds 39 millions; upon certificates of indebtedness, 7 millions; by the issue of United States notes and fractional currency, 92 millions, and on temporary loans, at 4 and 5 per cent., 31 millions; making in the aggregate 169 millions. The Secretary said: "The loan act and the national bank act were followed by an immediate revival of public credit. Success quite beyond anticipation crowned the efforts of the Secretary to distribute the five-twenty loan in all parts of the country, as well as every other measure adopted by him for replenishing the Treasury. The result was that within two months after the adjournment of Congress the whole mass of suspended requisitions had been satisfied, all current demands promptly met and full provision made for the pay of the army and the navy." The long and tedious struggles of the Secretary had now achieved a great success, of which he thus speaks: "During the remainder of the fiscal year no embarrassments attended the administration of the finances except those which are inseparable from vast expenditures." During the fiscal year thus closed, the Secretary for the first time had the gratification to see that the disbursements did not greatly exceed, while the increase of the public debt did not equal the estimates submitted to Congress. Thus, while it was estimated that the public debt of the 30th of June, 1863, would reach the sum of $1,122,297,463, its actual amount on that day was $1,098,793,181; and while the disbursements for the year were estimated at $693,346,321, the real total was $714,709,995.

The receipts from the ordinary sources of revenue during the fiscal year ending June 30th, 1863, were $124,443,313, while the estimates of the Secretary of these receipts for the year were $180,405,345. From the customs, land sales and miscellaneous sources, the receipts were much above the estimates. But from the direct tax and internal revenue they were enough less to make the difference between the receipts and estimates. The Secretary expected to receive from these two latter sources $97,677,020, whereas he actually received during the year only $39,951,130. It is to his credit that he expected to receive such a large amount from taxes, as it shows that he was unhesitating to use largely this real source of the strength of the national finances. The

real discrepancy, however, was less than appears above; thus the direct tax was estimated to yield $11,620,717, whereas only $1,485,103 appears on the books to have been received into the Treasury, but nearly the balance was received in the form of payments for military supplies and services by the States, for which they were entitled to credit beyond their several proportions of the tax. The discrepancy between receipts and estimates of the internal revenue arose from the imperfection of the machinery to raise the tax. Thus the Secretary says: "A part of the deficiency may be attributed to the imperfect execution of the law, and a part to the changes made in it by Congress after the estimate was made; but it is not probable, had neither course operated to reduce receipts, that the revenue from this source would have exceeded half the estimated amount. It is clear that the law, unless materially amended, will not produce the revenue expected from it." The additional sums, actual or estimated, necessary to meet disbursements were, of course, derived, or estimated as derivable, from loans.

The receipts and expenditures for the fiscal year ending June 30th, 1863, may be summarily stated as follows:

RECEIPTS.

From customs	$69,059,642 40	
From lands	167,617 17	
From miscellaneous	3,046,615 35	
From direct tax	1,485,103 61	
From internal revenue	37,640,787 95	—$111,399,766 48
From loans:		
Bonds—7.30, 3 years	17,263,450 00	
" 6, 5-20	175,037,259 44	
" 6, 20 years	76,560 00	
Treasury notes, 2 years	1,622 00	
U. S. notes	291,260,000 00	
U. S. stocks, Oregon loan	145,050 00	
Temporary loan deposits	115,226,762 21	
Certificates of indebtedness	157,479,261 92	
U. S. fractional currency	20,192,456 00	—776,682,361 57
Total receipts		$888,082,128 05
Balance, July 1st, 1862		13,043,546 81
Total resources		901,125,674 86

EXPENDITURES.

The Civil Service	$23,253,922 08	
Pensions and Indians	4,216,520 79	
War Department	599,298,600 80	
Navy Department	63,211,105 27	
Interest on debt	24,729,846 61	
Total	$714,709,995 58	
Debt paid, Treasury notes	2,211,700 00	
Temporary loan	67,516,993 48	
U. S. stocks of 1842	2,580,743 36	
Bonds, 7.30	71,500 00	
Oregon debt	69,550 00	
U. S. gold notes	56,177,390 00	
U. S. notes	2,099,000 00	
Certificates of indebtedness	50,359,758 23	—895,796,630 65
Balance in treasury, July 1st, 1863		$5,329,044 21

Of the sums raised by loans $181,086,635.07 were applied to the payment of existing funded and temporary debt, which was only an exchange of new debts for old ones. Of the sum thus exchanged 54¼ millions contracted in former years and making with interest about $56,000,000, are not chargeable to the expenditure account proper of 1862–'63. The actual receipts and expenditures were therefore as follows:

Receipts, taxes, bonds, &c., and balance on hand	$124,443,313.48
Current expenditures	714,709,995.58
Deficit	$590,266,682.10

This deficit, or amount paid by loans, added to $508,526,499.08, the amount of the debt on July 1st, 1862, makes the amount of the debt July 1st, 1863, as before stated, viz.: $1,098,793,181.37.

Under the system adopted by the Secretary for conducting the finances, they were divided into two branches; the ordinary receipts and expenditures, and the extraordinary receipts and expenditures. It may not be amiss to notice more particularly the results of his management of the former during the fiscal year ending June 30th, 1863. The revenue derived from all the ordinary sources, including direct taxes and internal revenue, amounted to $111,399,767. The ordinary expenditures were—for the civil service, pensions, and Indians, $27,470,442; estimating the disbursements for the War and Navy Departments at 50 per cent. above those of the last year of peace, they would amount to $41,884,375. The interest on the public debt was $24,729,846. Total $94,084,663, leaving an excess of $17,315,104 over and above all ordinary expenses and interest of the public debt, old and new, accruing in and for the year. If to this be added the deficit in receipts arising under the direct tax and internal revenue laws, in consequence of their defective operation, and the credit to States, amounting to over 57 millions, the excess of ordinary receipts over ordinary disbursements would have been about 75 millions. This might have been applied to the extraordinary expenditures, or set apart as a sinking fund for the reduction of the public debt. At the close of the previous fiscal year ending June 30th, 1862, the ordinary receipts had fallen short of the ordinary expenditures over thirteen millions. The national stock sold at 106¼ on the 1st of July, and at 107 before the end of the month.

The confidence of the people in the credit of the Government was strikingly exemplified during 1863 by the sale of the 5-20 bonds. On the 1st of May only about 64 millions had been taken. From that time forward the sales averaged 48½ millions per month, until the entire loan was taken. At the same time other loans and credits were negotiated, which together give an average of 55½ millions every month for nine months.

By the table at the top of the next page, compiled from the statements of the Register's Office accompanying the Secretary's Report, it appears that the receipts of revenue from all sources for the five months ending November 30th, 1863, amounted to $452,959,392, and the expenses and payments during the same period were $469,862, 375. The returns of the receipts for November not being complete, the sum of $800,000 is added by the Register for the deficiency.

	3 months to Sept. 30.	Oct. and Nov.*	Total five months.
Customs	$22,562,018 42	$15,336,418 93	$37,898,437 35
Lands	136,182 09	46,003 10	182,185 19
Internal revenue	17,599,713 59	17,435,751 71	35,035,465 30
Miscellaneous	641,542 04	2,011,529 44	2,653,071 48
Add for part of November not included		800,000 00	800,000 00
Total	$40,939,456 14	$35,629,703 18	$76,569,159 32
LOANS:			
Stocks, 5-20	$84,639,628 51	$111,952,957 79	$196,592,586 30
" 20 years	241,500 00	....	241,500 00
Deposits' certificates	32,690,013 84	11,097,251 23	43,787,265 07
5 per cent. legal tender	13,000,000 00	35,032,800 00	48,032,800 00
United States notes	15,452,000 00	15,508,880 00	30,960,880 00
Fractional currency	....	238,000 00	238,000 00
1 year certificates	14,865,000 00	21,113,000 00	35,978,000 00
Drafts	....	20,559,201 98	20,559,201 98
	$160,888,142 35	$215,502,091 00	$376,390,233 35
Total	$201,827,598 49	$251,131,794 00	$452,959,392 49
EXPENSES:			
Civil, &c	$7,216,939 31	$4,078,134 88	$11,295,074 19
Interior	1,711,271 95	1,124,123 22	2,835,395 17
War	144,387,473 97	110,247,413 96	254,634,887 93
Navy	18,511,618 86	18,806,172 64	37,317,791 50
Interest	4,283,628 37	12,504,886 46	16,788,514 83
Total	$176,110,932 46	$146,760,731 16	$322,871,663 62
PUBLIC DEBT:			
United States gold notes	$1,258,500 00	....	$1,258,500 00
1 year certificates	12,345,804 16	$33,430,437 49	45,776,242 65
Deposit certificates	27,203,017 44	66,336,223 53	93,539,240 97
Stamps, Treasury notes, &c	1,813,329 00	4,604,400 00	6,417,729 00
Total	$42,620,650 60	$104,371,061 02	$146,991,712 62
Total paid	$218,731,583 06	$251,131,792 18	$469,862,375 24

The following table shows how this 5-20 loan was placed, and the subsequent table shows the same facts relative to the British loan of former years:

NUMBER AND AMOUNT OF THE BONDS ISSUED UNDER THE ACT OF JULY 17TH, 1861, AND FEB. 25TH, 1862.

3 year 7 3-10 per cent. loan.

Act of July 17th, 1861.	Date.	$50.	$100.	$500.	$1,000.	$5,000.	$10,000.
....	Aug. 19th, 1861.	71,626	90,000	24,200	22,922	1,080	....
....	Oct. 1st, 1861.	82,892	104,141	47,508	39,378	1,861	....
	Total	154,518	194,141	71,708	62,300	2,941	....

5-20 6 per cent. loan.

Act of Feb. 25th, 1862.	Registered.	1,006.	6,834.	4,307.	15,601.	4,399.	3,283.
Date of subscription stamped upon the interest coupon first due. Interest payable, 1st of May and 1st of November.	Coupon, 1st ser's	30,698	43,571	40,010	74,103	....	....
	do. 2d do.	27,793	66,646	41,373	71,259	....	....
	do. 3d do.	17,874	54,928	30,963	78,132	....	....
	do. 4th do.	22,000	80,529	39,252	95,703	....	....
	Total	98,370	245,674	151,598	319,197	....	....

Denomination.	3 year 7 3-10 per cent. loan.		5-20 6 per cent. loan.		Total.	
	Number.	Amount.	Number.	Amount.	Number.	Amount.
$50	154,518	$7,725,900	99,376	$4,968,800	253,894	$12,694,700
100	194,141	19,414,100	252,508	25,250,800	446,649	44,664,900
500	71,708	35,854,000	155,905	77,952,500	227,613	113,806,500
1,000	62,300	62,300,000	334,798	334,798,000	397,098	397,098,000
5,000	2,941	14,705,000	4,399	21,995,000	7,340	36,700,000
10,000	....	....	3,283	32,830,000	3,283	32,830,000
Total	485,608	$139,999,000	850,269	†$497,795,100	1,335,877	$637,794,100

RATIO OF NUMBER OF BONDS ISSUED AND OF VALUE PER CENT.

Denomination.	3 year 7 3-10 per cent. loan.		5-20 6 per cent. loan.		Total.	
	Ratio of number of bonds issued.	Ratio of amount per cent.	Ratio of number of bonds issued.	Ratio of amount per cent.	Ratio of number of bonds issued.	Ratio of amount per cent.
$50	31.8	5.6	11.7	1.0	19.00	2.0
100	40.0	13.2	29.7	5.1	33.50	7.0
500	14.8	26.0	18.3	15.6	17.04	17.8
1,000	12.8	44.6	39.4	67.3	29.70	62.4
5,000	.6	10.6	.5	4.4	.56	5.7
10,000	....	....	.4	6.6	.20	5.1
	100.0	100.0	100.0	100.0	100.00	100.0

* November partly assumed.

† Total subscription to 5-20 loan, $510,738,100—remainder not yet issued on March 3d, 1864.

Number of Persons having a direct interest in the British Funds on each Description of Public Stock, and on each Description of terminable Annuities, showing the number of those whose dividends in the half year did not exceed the sums noted in heads below: the Dividends due to Public Companies, or to more than a single name.
(Par. Paper, Sess. 1833.)

Dividends.	£5.	£10.	£50.	£100.	£200.	£300.	£500.	£1,000.	£2,000.	£3,000.	Co. and joint accounts, £2,000.	Co. and joint accounts, £3,000.	£4,000.	Co. and joint accounts, £4,000.	£5,000 and upward.	Total.
On £3 per cent. reduced annuities	10,347	4,745	11,681	3,473	2,175	742	453	231	53	9	24	5	5	3	12	33,958
On £3 10s. per cent. reduced annuities	7,019	4,362	10,173	2,909	1,561	411	251	112	15	5	21	4	nil.	1	5	26,849
On £3 10s. annuities, 1818	198	162	399	211	127	57	38	30	3	nil.	3	nil.	nil.	1	5	1,232
On £4 per cent. annuities, 1826 *	1,601	993	2,044	512	312	92	59	15	4	2	1	1	nil.	nil.	nil.	5,636
On long annuities	9,078	4,212	8,361	1,516	725	187	99	34	4	1	1	1	1	1	nil.	24,221
On annuities for terms of years	1,519	787	1,682	351	178	56	32	20	4	2	nil.	nil.	nil.	nil.	2	4,583
On £3 per cent. consolidated annuities	28,722	13,749	32,601	9,612	6,286	2,141	1,424	709	153	16	18	20	7	13	21	95,555
On £3 per cent. annuities, 1726	120	74	180	40	27	4	2	nil.	nil.	nil.	nil.	nil.	nil.	nil.	nil.	447
On new £3 10s. per cent. annuities †	26,881	14,698	29,370	6,648	3,129	765	431	204	28	4	20	1	2	4	9	82,194
On new £5 per cent. annuities	35	31	107	36	20	3	4	nil.	1	nil.	nil.	nil.	nil.	nil.	nil.	287
On annuities for terms of years	1,656	833	1,757	333	161	37	34	12	1	1	nil.	3	nil.	1	8	4,839
No. to whom dividends were payable	87,176	44,648	98,305	25,641	14,701	4,495	2,927	1,367	266	40	151	35	15	24	60	279,751

* Dividends payable 10th of October. † Dividends payable 5th of January.

The largest English loans were made in 1812 and 1813, during the wars with Napoleon and the United States. In these two years the British exchequer borrowed 534 millions of dollars, being an average of 22¼ millions per month. In these two years it raised from loans only 34 millions more than the United States Treasury raised in nine months. At that period the received authorities estimate the wealth of the United Kingdom to have been 10,212 millions of dollars. By the census of 1860, the wealth of the loyal States, deducting slaves, is returned at 10,716 millions of dollars. Both these calculations are doubtless too low, but they are perhaps equally so. They indicate nearly equal wealth in the two nations in their respective periods of trial. In England, then, as in the United States now, the business of the country was carried on with a currency below the par of gold. The premium on gold in Bank of England notes stood at 41¼ per cent. from December, 1812, to March, 1813. It had been at 38½ per cent. from September to December, and averaged 30 per cent. during the years 1812 and 1814. Thus under remarkably similar fiscal conditions the Government of Great Britain borrowed much less than half as much money as that of the United States in equal times, and at an average interest 57 per cent. higher than the normal rate of her loans, while the latter pays but 20 per cent. increased interest upon the loans of the last two years of the rebellion, if 5 per cent. is taken to be the standard of government credit in its best condition. In 1813 and 1814 the United States Treasury sold $42,269,776 of 6 per cent. stock at a discount of $6,282,014, a little less than 15 per cent. In about twice the length of time in which these loans were made, the present Secretary, Mr. Chase, has raised about 900 millions on loan, for longer or shorter periods, which, if charged with the whole amount of discounts upon those negotiated below the par of 6 per cent., would amount to about one per cent. discount upon the principal at 6 per cent. interest. This result is based upon the fact that a large amount of Government notes was issued without interest and convertible into bonds at par.

The rate of interest paid by Great Britain upon 3,309 millions of dollars borrowed between 1793 and 1816, and unredeemed at the latter date, was 5 per cent. and a fraction upon the cash received for all the stock issued. In 1815 a loan of 175 millions of dollars was made at 5 and sixty-two hundredths on the cash received. In four years of her largest borrowing she raised but 89 millions of dollars at these rates. Great reliance was also placed by that Government on taxes; thus in 1815, when the expenditures reached 555 millions of dollars, about 190 millions were raised by loans; thus more than three-fifths of the whole expenditures of 1815 was raised by contemporaneous taxes, and less than two-fifths by loans. In 1863 little more than one-sixth of the expendi-

ture of the Treasury Department was raised by taxation, and nearly five-sixths of the remainder was sought by loans. Nevertheless the fluctuation in English stocks was often very great. In 1737 stock was at 107, but during the rebellion of 1745 went down to 76. In 1781, at the close of the American revolution, it fell to 54; and in 1797, on the failure of a treaty with France, and on the occasion of a mutiny in the navy, it fell to 47⅜. In 1854 and 1855, under the pressure of the Crimean war upon the exchequer, the average price of consols for two years was 85 to 86¼. When the exchequer borrowed 80 millions to clear up the floating debt of that war consols fell to 90, and the loan was taken at the equivalent of 87½ on the hundred, at 3 per cent. interest, corresponding to 5 in the United States. The loans and conversions of old debts into new in two years and a half made by the Federal Treasury amount to 1,800 millions.

Thus the operations of the Secretary during

UNITED STATES FEDERAL DEBT.

Loan of	Redeemable.	Interest.	Specie price at issue.	Authorized.	Outstanding. March 4th, 1861.	Outstanding. June 30th, 1863.	Sept. 30th, 1863.
1842...	After Dec. 31, 1862.	6	Par.	$17,000,000	$2,883,364 11	$302,620 75	$242,620 75
1847...	" " 31, 1867.	6	"	23,000,000	9,415,250 00	9,415,250 00	9,415,250 00
1848...	" July 1, 1868.	6	"	16,000,000	8,908,341 80	8,908,341 80	8,908,341 80
1854...	" Dec. 31, 1864.	5	"	10,000,000	3,461,000 00	3,461,000 80	3,461,000 00
1858...	" " 31, 1873.	5	"	20,000,000	20,000,000 00	20,000,000 00	20,000,000 00
1860...	" " 31, 1870.	5	"	21,000,000	7,022,000 00	7,022,000 00	7,022,000 00
1861...	" June 1, 1881.	6	"	25,000,000	1,981,000 00	18,415,000 00	18,415,000 00
1861...	" July 1, 1881.	6	"	2,800,000	....	1,021,300 00	1,016,000 00
1861...	" June 30, 1881.	6	89⅓	* 50,000,000	....	50,000,000 00	50,000,000 00
1861...	" " 30, 1881.	6	Par.	* 50,000,000	....	28,500 00	320,000 00
1862...	" April 30, 1867.	6	66	500,000,000	....	168,880,250 00	278,511,500 00
Total stock issues, interest in gold.....				$684,800,250	$53,670,955 91	$287,454,262 55	$397,311,712 55

	Redeemable.	Interest.	Specie price at issue.	Authorized.	Outstanding. March 4th, 1861.	Outstanding. June 30th, 1863.	Sept. 30th, 1863.
A'd Treas. notes.	Demand.	6	Par.	....	$104,811 64	$104,561 64	$104,511 64
1857, " " ..	1 year.	5½	"	$20,000,000	4,636,800 00	13,000 00	12,900 00
1860, " " ..	1 "	6 @ 12	"	10,000,000	10,000,000 00	1,600 00	600 00
1861, " " ..	2 "	6	"	22,468,100	....	776,750 00	512,900 00
1861, " " ..	3 "	7.30 g'd	"	*150,000,000	....	139,970,500 00	139,679,000 00
Total Treasury notes, interest in gold....				$202,468,100	$14,741,611 64	$140,866,411 64	$140,309,911 64

	Redeemable.	Interest.	Specie price at issue.	Authorized.	Outstanding. March 4th, 1861.	Outstanding. June 30th, 1863.	Sept. 30th, 1863.
1862, certificates.	Aft. 10 d's.	4 @ 5	Paper.	$100,000,000	....	$102,384,085 30	$104,934,102 70
1862, "	One year.	6	"	No limit.	....	156,784,241 65	156,918,437 49
Total certificates, interest after March 1, 1864, paper.....				....	....	$259,168,326 95	$261,852,540 19

	Authorized.	Outstanding. March 4th, 1861.	Outstanding. June 30th, 1863.	Sept. 30th, 1863.
1861, demand notes, legal tender.....	$50,000,000	....	$3,351,019 75	$2,022,173 00
1862, " " " "	10,000,000			
1862, February, demand notes, legal tender..	150,000,000	....	147,767,114 00	147,767,114 00
1862, July, " " " " ..	150,000,000	....	150,000,000 00	150,000,000 00
1863, March, " " " " ..	150,000,000	....	89,879,475 00	104,969,937 00
1862, July, postal notes, legal tender.....	No limit.	....	20,192,456 00	17,766,056 00
1863, March, fractional notes, legal tender...	* 50,000,000	....	....	....
1863, March, 3 years, 6 per ct.....	400,000,000	....	....	50,000,000 00
Total legal tender.....	$960,000,000	....	$411,190,064 75	$472,525,280 00
RECAPITULATION.				
Stocks, interest in gold.....	$684,800,250	$53,670,955 91	$287,454,262 55	$397,311,712 65
Treasury notes, interest in gold.....	202,468,100	14,741,611 64	140,866,411 64	140,309,911 64
Certificates, interest in paper.....	260,000,000	....	259,168,326 95	261,852,540 19
Legal tender.....	560,000,000	....	411,190,064 75	472,525,280 00
" " with interest.....	400,000,000	....	....	50,000,000 00
Total.....	$2.207,268,350	$68,412,567 55	$1,098,679,065 89	$1,269,999,444 48
1863, March, after 1873, 6 per ct.....	† 500,000,000	....	....	....
1863, March, legal tender.....	‡ 150,000,000	....	....	....
Total authorized.....	$2,857,268,350	$68,412,567 55	$1,098,679,065 89	§ $1,269,999,444 48

* Part of $250,000,000. † In lieu of postal currency. ‡ None yet issued. § To exchange for interest-bearing legal tender.

nearly three years show a gradual advance from a condition of great weakness up to the highest point of national credit. At the outset he was hardly able to obtain the insignificant loans necessary to the ordinary wants of the Government, and in some instances he was more indebted for these to the impulses of patriotism in the citizens than to their confidence in the national credit; now he commands hundreds of millions, the whole resources of the country are at his service; the enterprises of individuals, the capital of the banks, and the energies of all the citizens are subservient to the great necessity. At the same time the prosperity of the people has kept pace with the progress of the Government in its great enterprise, and has been more universally diffused than ever before.

The foregoing table (on page 405) is an official statement of the public debt, made at the first of December, 1863:

The following statement from the "National Almanac" exhibits the aggregate amount of internal revenue paid by each State and Territory on account of articles on which an *ad valorem* duty is levied—licenses, specific duties, tax on dividends, &c., to July 1st, 1863:

Maine	$514,636 38	Illinois	$2,012,592 46
New Hampshire	483,692 09	Michigan	344,418 97
Vermont	202,336 44	Wisconsin	409,306 83
Massachusetts	4,830,500 86	Iowa	285,962 71
Rhode Island	826,950 42	Minnesota	59,561 27
Connecticut	1,552,614 85	Kansas	38,906 46
New York	9,241,038 60	California	631,831 83
New Jersey	1,227,444 10	Oregon	61,304 39
Pennsylvania	5,226,486 25	Louisiana	154,341 15
Delaware	167,467 52	Nebraska Ter'y.	12,338 45
Maryland	961,406 38	New Mexico "	9,318 00
Dist. of Columbia	45,349 77	Utah "	6,140 96
Virginia	91,116 15	Colorado "	21,078 85
Kentucky	1,382,771 89	Nevada "	22,904 60
Missouri	1,184,325 90	Washington "	8,263 40
Ohio	3,217,480 72		
Indiana	924,904 21	Total	$36,158,792 98

The revenue from the six New England States was	$8,410,731 00
Three Middle Free States	15,694,969 00
Five border Slave States	3,787,088 00
Eight Western States	7,293,134 00
Pacific States	972,871 00

MONTHLY PRICES OF STOCKS.

	Jan.	Feb.	March.	April.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.
United States 5's, 1874, coup.	86	97	96¼	96	97½	98	97	95	96	98¼	98	99
" 6's, 1867, reg.	95¼	107	103	105½	106	102	104	105	103	107	105	105
" 6's, 1881, reg.	92¼	100¼	104¼	105	108	102	105¼	106	106½	108¾	108	104⅝x
" 6's, 1881, coup.	94	102¼	105	105	108	107½	106¼	107	106½	110	109	110
" 7-30, 3 years	102	104½	107⅛	105⅞	107½	104	106⅝	107⅛	107⅝	107⅝	106½	106½
" 6's, 5-20	....	....	....	....	....	100½	100⅛	101⅛	102½	99¾	100½	101⅛
" 6's, certificates gold	94	98¾	100	102	101¾	100½	100⅞	101¼	101½	102	101½	102¼
" 6's, " paper	....	....	....	99½	99½	97	98⅛	99¾	99⅝	99½	98	97¾
STATE STOCKS.												
New York 6 per cent. per 1867	115½	115½	115	116	117	115	115	114½	115	115	114	114½
California 7 "	130	136¾	125¼	128	130½	125	117½	116	123	122½	122	124
Georgia 6 "	79	....	....	....	....	82	84	80	80	80	....	....
Illinois 6 "	109	108	106	106½	106½	107	105	105	107	108½	104	....
Louisiana 6 "	71	75½	87½	87½	65	66	65	63	65	65	....	....
Missouri 6 "	65¾	64¼	61½	62¾	71	65½	71	71⅛	68¾	67	68	66¼
North Carolina 6 per cent.	75	78	75	72	69	68	69	65½	66	61½	59	53
Ohio 6 per cent. per 1870	118	118	109½	110	109½	107	105	106	106	106	....	....
Tennessee 6 per cent.	63	63	60½	59½	62	58¼	66¼	66	63	63	59½	58
Virginia 6 per cent.	71	68	62½	65	66½	65	61½	60	61	61	55	38½
RAILWAY STOCKS.												
Erie 1st mortgage	120	123	120	114¾	114½	111½	111	110	110	110⅛x	110	109
" 3d "	122	118¾x	114	115	113	111	110	115½	112	112	111	114
" 4th "	112½	111½	109¼	108	110	109	107½	109	111	108¾	105¼	109
Hudson River 1st mortgage	120x	125	116	116¼	118	118	119	117	112	117	115	114
Illinois Central Const.	125	128	122	121	118	119	115½	115	117½	116	117	119½
Michigan Central 8 per cent. Sink. Fund	128	130	124	120	121	119	120	120	118x	122	121	122
Michigan Southern Sink. Fund	113½	113	111	113	109½	109¼	108½	108	113	109x	109	108½
Milw. & Prairie du Chien 1st mort.	110½	110½	110½	108	108½	103	104	104½	105	107	106½	107
Pitts., Fort Wayne & Chicago 1st mort.	117½	117	110	109	108	107	107½	102½	108	110	109	109
Chicago & Rock Island	91½	93	93½	95	102⅛	94½	105¼	113	106x	111½	103¾	122½
Chicago, Burlington & Quincy	110⅛	107	108¾	107½x	115	114½	116	120	123	124x	116½	116½
Cleveland & Pittsburg	70¾	68¾	68¾	83¼	94½	81	95½	103⅝	100½	114	102¾	108½
Cleveland & Toledo	90½	94¼	95¼	106½	115	108	114	120	118	119½	113	121½
Erie Stamm-	76¼	77⅞	77½	84	95⅞	94⅛	103⅝	119⅝	106¼	109⅞	105⅝	108
Erie bevorz	107	101⅝	97	101⅞	105½	101¼	104	108½	104¼	105¼	101⅛	103
Galena & Chicago	93	93	93	96	106	92	99½	112¾	108	113⅝	107	106
Harlem Stamm-	35	35¾	47	76¼	108	94½	124⅝	166	141	111	91¾	89
Harlem bevorz	68¾	76½	85¾	94	112	95	120	150	130	111	110	109
Hudson River	94	97	102	115¾	134	143¼	150½	154	130¼	134¾	123	127¾
Illinois Central	94	92½	89	94½	110	100⅝	112¾	133¾	125¾	125¾	118	117¼
Michigan Southern	59½	60¾	56⅛	67⅛	77¼	73⅞	88¼	108½	77½	87¼	79½	89
Michigan Southern bevorz	105	104½	98	109¾	116¾	114	114⅞	138	136	154½	135	135
Michigan Central	97	99½	100	104½	117	107	114½	124	120	128¼	124	119⅞
Milwaukee & Prairie du Chien	39¼	37	36	42½	50	50½	67	78½	66	71	55	59
New York Central	119¾x	118¼	113½	116⅝	124	119½	125x	136	133⅝	137⅞	134¼	132⅝
Panama	185	191	186	184	188	189x	190	189	188½	188	187	200
Pittsburg, Fort Wayne & Chicago	67¼	62½	59½	69	75½	62½	76⅞	92¼	82¾	91	81¾	86
Reading	92½	92	88¼	94½	113⅝	94	109⅞	122¾	118⅝	127½	122⅛	111⅝

The following table contains the prices of fifty-five leading articles sold in the New York market, as quoted in the prices current:

PRICES OF FIFTY-FIVE ARTICLES IN THE NEW YORK MARKET.

	Dec. 31st, 1861.	Dec. 31st, 1862.	April 1 to Dec. 31, rise per ct.	July, 1863.	Dec. 31st, 1863.	Advance per cent. in 1863.
Sterling Exchange	110½ a 113	145 a 147	36	137 a 138 00	165½ a 166½	19
Gold	par.	132 a 133	31½	122 a 125 00	152 a 152½	19
Copper, Amer. Lake, 100 lbs.	26 00 a 27 00	32 50 a 33 00	33	30 50 a 32 00	38 75 a 39 00	20
Coal, ton	4 25 a 5 00	8 00 a 8 50	75	8 00 a 8 50	9 50 a 10 00	20
Iron, American pig, ton	21 00 a 23 00	31 00 a 32 00	44	35 00 a 36 00	43 00 a 43 50	38
Cordage, Manilla, 100 lbs	9 00 a 10 00	12 00 a 13 00	25	14 50 a 14 75	16 00 a 17 25	30
Lead, Galena, 100 lbs	7 00 a 7 10	8 25 a 9 50	30	7 37 a 7 50	10 00 a 10 75	20
Nails	2 50 a 3 00	4 75 a 5 00	40	4 75 a 5 00	5 00 a 5 25	5
Ashes, pot	6 00 a 6 25	8 00 a 8 50	25	6 87 a 7 00	8 37 a 8 50	
Indigo	1 25 a 2 50	1 85 a 2 20	15	1 60 a 2 50	1 60 a 2 25	
Coffee, Brazil, 100 lbs	17 25 a 19 50	28 00 a 31 00	40	22 50 a 28 50	33 00 a 34 75	60
Cotton, Middling, Fair	37 00 a 38 00	70 00 a 71 00	150	70 00 a 72 00	84 00 a 85 00	20
Dry Cod	2 62 a 3 75	4 37 a 4 75	20	5 25 a 6 12	6 50 a 6 75	45
Flour, new	5 70 a 5 80	6 60 a 6 95	25	4 40 a 5 00	6 90 a 9 25	10
India Rubber	48 a 50	87½ a 90	70	70 a 72	80 a 82½	
Gunny Cloth, 100 yards	11 00 a 11 50	14 75 a 15 00	12	15 00 a 15 52	13 75 a 14 00	
Corn, Mid. Western, 100 bush.	63 00 a 64 00	81 50 a 83 00	40	67 50 a 68 00	130 00 a 131 00	60
Hay, 100 lbs	75 a 80	95 a 1 00	18	90 a 95	1 35 a 1 40	22
Wheat, bushels	1 26 a 1 35	1 50 a 1 65	15	97 a 1 25	1 46 a 1 52	3
Hemp, American dressed cut	10 50 a 11 00	12 50 a 14 00	22	11 00 a 13 00	13 75 a 15 00	8
Barley, bushels	70 a 85	1 30 a 1 55	60	1 20 a 1 30	1 35 a 1 55	2
Oats, bushels	40 a 42	67 a 69	72	59 a 62	79 a 88	32
Hides, Rio, 100 lbs	21 00 a 21 50	27 50 a 28 50	12	25 00 a 26 50	28 00 a 28 50	
Plaster of Paris	1 50 a 1 75	2 65 a 3 00	80	3 25 a 3 50	3 75 a 4 00	40
Hops, 100 lbs	16 00 a 23 00	18 00 a 25 00	26	15 00 a 21 00	20 00 a 23 00	
Clover Seed, 100 lbs	7 50 a 8 00	10 50 a 11 00	34	7 50 a 8 00	12 00 a 12 50	15
Leather, Oak Middling	27 00 a 30 00	32 00 a 35 00	17	38 00 a 39 00	41 00 a 42 00	22
Mahogany	35 00 a 45 00	45 00 a 50 00	20	45 00 a 55 00	100 00 a 110 00	120
Lime, bbl	65 a 75	85 a 90	40	85 a 90	1 25 a 1 35	50
Molasses, No. gallons	50 a 55	52 a 58	30	35 a 45	65 a 70	20
Turpentine, Spirits	1 40 a 1 42	2 50 a 2 60	150	2 75 a 2 85	2 75 a 3 00	13
Rosin, common	6 00 a 6 50	13 50 a 16 00	140	27 00 a 28 00	27 00 a 30 00	50
Oil, Whale	47 a 50	83 a 85	68	1 40 a 1 50	1 08 a 1 10	30
Oil, Seal, refined	37 a 45	40 a 42	33	60 a 62	52 a 53	25
Silk, raw, lb	5 00 a 5 50	7 75 a 8 00	50	8 50 a 9 00	9 00 a 9 50	15
Pork, Mess	12 00 a 12 50	14 25 a 15 25	10	11 50 a 13 50	18 25 a 19 50	30
Beef, Mess, ref. W.	11 50 a 12 00	7 00 a 9 00	28	10 50 a 13 50	12 00 a 14 50	49
Lard, 100 lbs	8 00 a 8 62	9 50 a 10 25	25	9 62 a 10 25	12 00 a 13 00	25
Cassia, 100 lbs	31 00 a 32 50	41 00 a 42 00	14	37 00 a 38 00	45 00 a 46 00	7
Whiskey, 100 gallons	19 50 a 20 00	40 00 a 42 00	70	45 50 a 45 75	89 00 a 93 00	125
Gin	26 00 a 27 00	47 00 a 48 00	42	50 00 a 51 00	100 00 a 105 00	115
Sugar, Cuba, 100 lbs	6 87 a 8 75	8 25 a 10 25	33	10 25 a 13 00	12 25 a 13 00	33
Tallow, city, 100 lbs	9 00 a 9 12	10 75 a 11 00	27	10 25 a 10 37	12 12 a 12 25	15
Tin, Banca	30 00 a 32 00	43 50 a 44 00	40	49 00 a 50 00	51 50 a 52 00	20
Spelter	5 50 a 5 70	7 50 a 8 00	12	6 75 a 7 00	9 00 a 9 25	17
Tobacco, Ky	8 50 a 10 00	14 00 a 30 00	60	9 00 a 23 00	14 00 a 30 00	
Whalebone, N. W., 100 lbs	67 50 a 70 00	150 00 a 160 00	120	150 00 a 166 00	150 00 a 155 00	
Wool, fleece, 100 lbs	50 00 a 52 00	63 00 a 66 00	20	70 00 a 72 00	80 00 a 85 00	29
" pulled, "	46 00 a 48 00	64 00 a 67 00	48	70 00 a 72 00	70 00 a 75 00	20
Cotton Shirting, No. 100 yds.	9 00 a 11 00	28 00 a 30 00	220	32 00 a 33 00	28 00 a 33 00	5
" Sheeting, " "	10 00 a 13 00	26 00 a 27 00	120	25 00 a 33 00	32 00 a 39 00	35
" Drills, " "	15 00 a 16 00	28 00 a 29 00	110	30 00 a 30 00	38 00 a 41 00	40
Satinetts, 100 yds	30 00 a 60 00	50 00 a 90 00	58	50 00 a 80 00	80 00 a 100 00	30
Flannels, "	15 00 a 30 00	40 00 a 45 00	90	40 00 a 60 00	47 50 a 70 00	40
Prints, "	8 00 a 11 00	12 00 a 20 00	80	18 00 a 22 00	20 00 a 23 00	32
" Cloths, 100 yds	8 00 a 9 00	11 00 a 15 00	116	12 50 a 14 50	16 75 a 17 00	30
Duck Ravens	9 50 a 10 00	18 00 a 19 00	50	12 00 a 21 00	13 00 a 14 00	
Total	791 04 a 818 89	1,224 11 a 1,400 79		1,245 62 a 1,401,40	1,642 40 a 1,744 60	29

This comprises most articles of importance, and shows that the rise has been universal. Each article was affected, as well those of which the supply has been cut off by the war as those of which the supply has been increased by the war, like western farm products, which, losing their accustomed markets down the Mississippi, came East in greater than their usual abundance. If we compare the average aggregates with the premium on gold, and the quantity of paper outstanding at different dates, we shall have results as follows:

	Gold.	55 articles.	Rise per cent.	U. S. notes outstanding.
Jan. 1...1862	par	$804		$20,550,326
April ...1862	1½ prem.	844	5	105,880,000
Jan.....1863	35 "	1,312	63	244,366,251
March...1863	72 "	1,524	90	345,553,500
July....1863	25 "	1,323	64	411,190,064
Oct.....1863	54 "	1,455	80	422,525,280
Jan. 1...1864	52 "	1,693	110	478,000,000

It thus appears that gold under a speculative action in February, 1863, rose too rapidly, and that the same speculative action was imparted to goods, causing their rapid conversion into paper money, which was invested in the gold interest bearing stocks of the Government. There was a reaction from that speculation, and as usual in such cases, the prices fell below their natural level, gold touching 25 in July, a fall of 47 per cent., while goods fell but 26 per cent. The recovery from that point was more rapid in goods than in gold, because the supply upon the market diminished faster. Consequently at the close of the year, 1863, the rise in goods was 110 per cent. over the value of January, 1862, while gold was only 52 per cent. The following table shows the closing quotations for gold on every business day of the year, also the price of bankers' sterling for every steamer day throughout the year:

Date.	Gold.	Sterling.
Jan. 2	34¾	147 —148
3	34⅝	
5	34⅞	
6	34½	148 —149
7	35	
8	36	
9	38	151½—152
10	38⅓	
12	42	
13	43⅞	157 —158
14	47¼	
15	48	
16	46⅝	161 —162
17	46⅝	
19	48	
20	47½	162 —163
21	47¾	
22	47⅞	
23	47⅞	162 —162¾
24	49¾	
26	51⅛	
27	53⅞	168 —170
28	52¾	
29	54⅞	
30	57¼	173½—174½
31	59	
Feb. 2	56⅞	
3	55	171 —172
4	57⅛	
5	57⅛	
6	57⅛	172½—173½
7	56⅝	
9	55⅛	
10	52¼	169 —170
11	56	
12	54⅛	
13	55⅞	171 —172
14	55¾	
16	57⅜	
17	58⅞	173½—174½
18	61½	
19	63	
20	63¾	179½—180½
21	62½	
23	64⅞	
24	71¼	187— 188
25*	71¾	
26	71½	
27	71	187 —188
28	71¾	
March 2	71⅛	
3	71⅜	188 —189
4	65¾	
5	57¼	
6	52½	168 —170
7	54¾	
9	57¼	
10	60	178 —179
11	57⅞	
12	60⅛	
13	59⅛	176½—177½
14	57⅞	
16	54½	
17	54⅝	170 —171½
18	54¾	
19	55⅞	
20	54⅝	170 —171
21	53⅞	
23	51	
24	45½	160 —162
25	40	
26	39⅜	
27	40⅞	153 —154
28	43¼	
30	47¼	
31	49⅞	163 —164
April 1	57¾	
2	53¼	
3	53⅛	167 —169

Date.	Gold	Sterling.
April. 4	55¼	
6	52⅝	
7	50¼	167 —167½
8	46½	
9	47¾	
10	47⅝	160 —162
11	52⅛	
13	57¼	
14	55	169 —171
15	53¾	
16	53¾	
17	53¼	167 —168
18	51¼	
20	48¾	
21	46⅞	160 —161
22	47⅝	
23	50	
24	51½	163 —165
25	54	
27	50¼	
28	50⅝	163 —165
29	50⅝	
30	§	
May 1	51	165 —166
2	50	
4	48½	
5	50	164 —165
6	52¼	
7	55⅜	
8	53	167 —168
9	50	
11	48¾	
12	49¼	163 —164
13	49¾	
14	49⅞	
15	50	164¾—165¼
16	50	
18	49⅞	
19	49⅛	163 —164
20	48⅔	
21	50	
22	48½	163½—164
23	49	
25	44¾	
26	44⅞	157 —158
27	44¼	
28	43¾	
29	44¾	158 —158½
30	45¼	
June 1	47	
2	46⅞	160½—161½
3	46¾	
4	46¼	
5	46	159½—160
6	45⅛	
8	43	
9	42⅜	156 —157
10	40¾	
11	41⅞	
12	41⅜	155 —155½
13	42½	
15	46½	
16	48½	160 —161
17	45¾	
18	44⅝	
19	43⅛	156 —157
20	43½	
22	43½	
23	43⅜	156 —157
24	44	
25	45¾	
26	44⅞	157½—158¼
27	45	
29	47¼	
30	46⅜	160 —161
July 1	44¾	
2	44	
3	44	157½—158½
4	§	

Date.	Gold.	Sterling.
July. 6	39¼	
7†	32½	152 —153
8	31½	
9	31¼	
10	32⅝	145½—146
11	32⅛	
13	31¼	
14	31¼	143½—144½
15	28⅞	
16	26	
17	25¾	138½—139½
18	25¼	
20	25⅜	
21	26	138 —139
22	25¾	
23	25¾	
24	26¼	138½—139
25	25¾	
27	27½	
28	27⅝	140 —140½
29	27½	
30	27⅝	
31	29	141½—141¾
Aug. 1	29¾	
3	27¾	
4	28¼	141 —141½
5	27⅞	
6	§	
7	27	140 —140½
8	26¼	
10	26⅛	
11	26⅛	138½—139
12	26¼	
13	26⅞	
14	25½	138 —138½
15	25⅜	
17	25⅝	
18	25⅝	138 —138½
19	24¾	
20	24⅞	
21	25⅜	137¾—138¼
22	24¾	
24	24	
25‡	22½	136 —136½
26	23½	
27	24⅞	
28	24	136½—136¾
29	24⅞	
31	27	
Sept. 1	26⅞	140 —140½
2	28	
3	31¼	
4	33½	146 —146½
5	31½	
7	33⅛	
8	32	145¾—146¼
9	32⅜	
10	31⅛	
11	29⅜	142¼—142¾
12	28⅞	
14	31⅝	
15	31⅛	145 —145½
16	32¼	
17	32¼	
18	33¾	146¾—147¼
19	34	
21	39⅜	
22	37¼	152 —152½
23	37½	
24	37	
25	38⅓	152 —152½
26	39	
28	39⅝	
29	43½	157½—158
30	41¼	
Oct. 1	40⅛	
2	42⅝	157 —157½
3	42¾	
5	44¾	

Date.	Gold.	Sterling.
Oct. 6	47	161½—162½
7	46½	
8	45¾	
9	47	161½—162
10	48⅜	
12	50¼	
13	54¾	171 —172
14	53⅝	
15	56⅞	
16	54½	169 —170
17	49⅞	
19	51¼	
20	49⅝	164½—165½
21	45¾	
22	44¼	
23	46¼	160½—161
24	46⅞	
26	49⅛	
27	46	160 —161
28	46¼	
29	47	
30	46	160 —160½
31	46¼	
Nov. 2	46½	
3	46¼	160 —161
4	46⅛	
5	47¼	
6	48	162½—163
7	47⅜	
9	46¼	
10	45¾	159½—160
11	45¾	
12	46⅝	
13	47¾	161½—162
14	47	
16	47	
17	48½	162 —163
18	49¾	
19	51	
20	52⅞	167 —168
21	54	
23	53	
24	50⅝	166 —167
25	48¾	
26	§	
27	43	157 —158
28	44⅝	
30	48⅜	
Dec. 1	47¾	162 —163
2	48⅜	
3	52⅜	
4	52¼	166½—167½
5	52	
7	51	
8	49½	164 —165
9	48¼	
10	49⅝	
11	51⅜	165½—166
12	50	
14	50⅜	
15	50¾	165 —165½
16	49¾	
17	50½	
18	52½	166 —166½
19	51⅞	
21	52⅜	
22	52¼	166 —166½
23	52	
24	51⅝	165½—166
25	§	
26	51½	
28	52⅝	
29	52¾	166½—167
30	51¾	
31	51⅞	166 —166½

* On this day the price was the highest, touching 74 at the public board.

† Gold fell this day 6 *a* 7c.

‡ This was the lowest point for the year.

§ Holiday.

The amount of gold received at the mint and branches during the fiscal year, 1863, was $23,149,495.41; silver, $1,674,605.90. The new mines are very prosperous and are being rapidly developed. The amount received at the mint from California from its discovery to the close of 1863, was $528,145,666; Colorado, $4,753,049; Arizona, $21,500; Utah, $80,067;

Nebraska, $1,402; New Mexico, $54,929; Oregon, $963,458; Nevada, $53,846; silver, do, $1,973,400; other sources of gold, $82,732; silver, $107,584. For the year, 1863, the receipts of gold were $23,149,495; silver, $1,674,606. The old mines are prolific and new ones seem to rival them. Idaho was set off as a separate territory at the last session of Congress. It lies north of Colorado and Utah, and takes in the northern ranges of the Rocky Mountains, with the head waters of the Missouri, Columbia, Yellow Stone, and North Platte rivers. The localities, where workings have been commenced, are numerous, but many of them have not been reported or described. They must be various and widely separated, judging from the characteristic varieties in the quality of their productions. Among the deposits received at the mint were grades of fineness from 795-1000 to 949-1000, the latter in considerable quantity, from Salmon river, a tributary to the Columbia. The quality of the gold produced from the mines of Idaho is equal to that in the older gold regions of country, and the quantity appears to be inexhaustible.

Not less promising are the mines opening in Oregon and Washington Territory. The workings are numerous, and constantly increasing in number. The characteristic energy of the people will, no doubt, soon develop the mineral wealth of those far distant regions.

In Oregon the fineness of gold seems to be tolerably regular and steady, and nearly equal to the average of California. In the gold from Washington Territory the variation is great, ranging from 650-1000 to 938-1000.

The returns from Oregon and from Idaho and Washington territories are, as yet, imperfect; but enough is known to warrant the statement, that in quantity and quality the gold of those regions will rival, if not surpass, the productions of the California mines. Arizona is now yielding both gold and silver. The amount, as yet, is small, but every new opening strengthens the assurance that the quantity of those metals is also unlimited.

From British America were received at the mint several deposits of Canadian gold, which, in some instances, yielded as high as 947-1000 fine. The mines of Nova Scotia do not yield as at first anticipated. A small portion only of the product of those mines reaches our institutions—the greater part being sent to the British mint.

RECEIPTS AND EXPORTS OF GOLD IN NEW YORK FOR 1863.

	California.	Foreign.	Private.	Total.	Exported.	Remain in banks.	Price per cent.
January	$2,337,082	$101,906	$1,609,382	$4,048,370	$4,624,574	$38,894,840	33⅝ @ 60¼
February	951,833	213,971	3,455,505	4,621,299	3,965,664	39,512,256	54⅛ @ 72⅛
March	1,697,176	123,616	1,052,999	2,873,791	6,585,442	34,317,691	39 @ 71¾
April	724,934	107,061	2,267,383	3,099,378	1,972,834	37,175,067	45½ @ 57⅞
May	776,122	197,217	2,837,478	3,810,817	2,105,679	37,692,634	43½ @ 54⅛
June	809,176	109,997	2,929,224	3,848,397	1,367,774	38,271,702	40½ @ 47⅛
July	726,027	182,245	1,363,751	2,272,023	5,268,881	35,910,227	23¼ @ 45
August	831,113	113,877	888,063	1,833,053	3,465,261	32,030,055	22½ @ 29¾
September	750,259	78,231	3,786,333	4,614,823	3,480,385	30,008,566	26⅞ @ 43⅛
October	1,032,899	78,053	4,322,998	5,433,950	6,210,156	28,124,921	40⅝ @ 56¼
November	713,021	103,144	3,099,137	3,915,302	5,438,363	27,555,175	43 @ 54
December	857,688	118,961	5,427,748	6,404,397	5,259,053	25,541,603	48⅛ @ 52¼
Total 1863	$12,207,320	$1,528,279	$33,040,001	$46,775,600	$49,754,056	.....	.....
" 1862	25,079,787	1,396,277	43,907,975	59,437,021		35,954,550	1 @ 39
" 1861	34,485,949	37,088,413				29,030,000	par

By reference to page 471 of the Cyclopædia for 1862, the table for that year will be found. It will be observed that the amount of specie drawn from the interior into the banks was largest in the month of July, when the rise of gold first became important, and that for a year it reached the sum of $43,907,975. This year, with a much greater rise in price, the sum so drawn in has been much less. The largest amount obtained was in October, when the desire to invest in Government stocks became very great, and the price of gold rose rapidly after the fall in summer. The amount drawn in from circulation and shipped out of the country in two years, has been, it appears, nearly $75,000,000. There has been, in addition, a large amount shipped to Canada, and also from other ports than New York. The whole amount that has left the country will not fall short of $120,000,000.

The natural fluctuations of gold were interfered with to a considerable extent by the movements of speculators, who, at some periods, as in February and March, caused the price to rise to a very considerable extent above what the mere action of paper and purely commercial agencies would have produced. In order to prevent this movement, which it was supposed was undermining the national credit by causing a large apparent difference between the Government paper and the metals, the following law was passed by the Legislature of the State of New York:

"Any and all banks, insurance companies, trust companies, savings institutions, and other moneyed corporations, shall be and are hereby prohibited from making or continuing any loan or loans, in money or otherwise, upon gold coin or bullion, or any paper representations of these *or either of them*, or upon any foreign *bill or bills of exchange* whatsoever, under the penalty of a forfeiture of their charter or articles of association, as the case may be; and any such loan or loans so made, or continued to be made, shall be absolutely void, and no action for the recovery thereof shall lie in or be entertained by any court of justice of this State." Section 2 provides that this act shall take place immediately.—*Feb.* 18*th*, 1863.

These laws, passed when gold was at the

highest, of themselves were of little influence in stopping its rise. They served, however, to turn the current of speculation from operations for a rise to operations for a fall, which caused gold to become cheaper, and therefore to favor the interests of those who sent it out of the country, thereby producing ultimately a greater scarcity of the metals. It is obvious, that with the rise and fall of gold the value of all goods was changed in respect of the foreign trade. A fall in gold favored remittances, and stopped the exports of the regular produce of the country, because it lessened the ability of the shipper to sell his bills, and it was equivalent to a virtual rise in the price of imported goods. It nevertheless affected business, because buyers of goods claimed a reduction in the prices as the consequence of a lessened cost of importation. It also by its effect on the prices of stocks caused a large amount that had been held abroad to come home, and induced the realization of a considerable amount of debts due here to foreigners, who seized the moment of a favorable state of exchanges to get home what was due them. The decline in the price of gold then checked the exports of produce, induced capital to leave the country, and stocks to come home, and promoted the export of specie, all of which caused a renewed rise in the price, which again reversed the movement of international trade. It has been seen in the table of prices above that commodities did not fall so much as gold, for the reason among others, that there was no depressive speculative action exerted upon them. The renewed rise in gold was simultaneous with a very active fall trade. The rise in bills induced active shipments of produce which enlarged the supply of bills. The same cause promoted an active speculation in exchange. The rapid rise induced numbers of operators to buy in order to benefit by the rise. But the large importers had also provided for their own wants by buying options of bills from banks, who covered their sales by purchases of commercial bills, or by the export of gold. The season was, on the whole, a very successful one with merchants, and closed with smaller stocks of goods on hand than in many former ones.

If there was little speculative action among merchants, there was a great deal among stock operators. The transactions under each general head for each month through the year are seen in the following table:

SALE OF STOCKS AT THE NEW YORK BOARD.

	Public Stocks.	Railroad Bonds.	No. of Bank Shares.	No. of Coal Shares.	No. of Railroad Shares.
January	$16,891,000	$7,308,500	$6,326	$44,651	$1,276,589
February	9,894,000	3,119,500	6,464	10,584	640,568
March	8,242,500	3,424,500	4,365	8,144	645,996
April	4,993,500	2,167,000	2,537	15,261	915,697
May	8,210,500	5,157,000	7,073	67,884	1,770,568
June	4,184,500	1,995,000	2,611	32,320	993,751
July	3,246,000	1,279,500	1,525	19,830	665,896
August	3,502,000	2,186,000	2,062	32,745	1,330,754
September	2,262,500	1,374,500	1,633	32,119	1,017,697
October	2,994,200	2,131,700	2,364	62,590	1,453,977
November	2,588,600	1,478,600	1,320	64,899	1,108,868
December	3,396,650	1,160,300	1,247	90,655	1,037,965
Total, 1863	$70,405,950	$31,782,600	$39,527	$481,682	$12,863,226
" 1862	76,025,900	32,986,500	33,133	60,098	5,326,546
" 1861	54,769,000	7,883,000	23,101	12,601	3,281,560
" 1860	23,012,400	14,574,000	30,063	45,557	5,577,063
" 1859	29,796,600	10,190,600	31,947	75,753	4,074,077

The approximate value of the transactions for the year was $1,437,075,050, against a value of $651,090,165 in the preceding year. The transactions, as measured in number of shares sold, are by far larger than ever before. There was some subsidence in the quantity of public stocks that changed hands. These were mostly State stocks. The heaviest transactions were in the months of May and October. The coal stocks were greatly affected by the invasion of Pennsylvania by the enemy in the summer. Many, who had invested largely in that description of property, rather than to trust promises, were alarmed, and sought other material wealth as a means of investment. Nevertheless, the continued and rapid rise in coal sustained the desire to hold that description of property, and the values again rose after the retirement of the enemy. The following table exhibits the quarterly returns of the New York city banks:

NEW YORK CITY BANKS.

	Loans.	Cash items.	Stocks.	Circulat'g notes.	Specie.	Liabilities due.		
						Circulation.	Depositors.	Banks.
December..1859	$120,856,938	$15,924,951	$12,006,208	$1,292,265	$19,565,873	$8,251,197	$73,542,108	$22,693,703
December..1861	127,087,902	17,040,100	38,275,244	874,842	26,182,210	8,976,710	91,474,817	24,126,988
March.....1862	98,536,943	19,865,119	44,906,265	1,764,070	31,087,652	5,870,385	87,789,110	30,430,134
June.....1862	118,318,371	32,701,487	42,568,105	7,699,166	30,406,518	8,817,749	112,197,068	41,848,781
September..1862	96,201,023	36,174,337	77,741,165	22,270,248	37,165,848	9,710,016	142,398,012	50,395,734
December..1862	107,647,671	44,339,003	77,707,719	20,101,000	36,328,561	9,712,445	141,305,410	47,492,759
March.....1863	111,126,942	47,959,826	73,808,695	21,309,207	34,854,461	8,472,864	167,904,358	44,674,237
June.....1863	111,146,526	48,070,477	76,801,701	10,248,378	38,426,463	6,161,826	166,989,679	40,850,168
September..1863	119,231,704	51,292,468	94,069,228	25,014,632	29,352,863	5,344,718	200,440,927	39,978,798
December..1863	104,477,849	56,776,363	72,446,988	21,234,899	25,557,430	6,186,261	167,133,239	35,193,604

The following table shows the circulation of the State banks in the Northern States up to July, 1863:

The course of banking in the year was somewhat affected by the passage of a law authorizing the formation of National Banks. This law will be found in full at page 296 of this volume.

BANK CIRCULATION OF THE SEVERAL STATES.

State.	January, 1861.	January, 1862.	January, 1863.	July, 1863.
1. Maine	$4,313,000	$4,047,000	$6,488,000	$5,674,400
2. New Hampshire	3,332,000	2,994,000	4,192,000	3,769,300
3. Vermont,	3,784,000	2,522,000	5,621,000	5,230,200
4. Massachusetts,	22,086,000	19,517,000	28,957,000	28,326,000
5. Rhode Island,	3,772,000	3,306,000	6,413,000	6,163,200
6. Connecticut,	6,661,000	6,918,000	13,843,000	11,350,200
7. New York,	28,240,000	30,553,000	39,182,000	32,096,800
8. New Jersey,	4,164,000	3,927,000	8,172,000	8,602,100
9. Pennsylvania,	15,830,000	16,384,000	27,689,000	22,817,000
10. Delaware,	1,080,000	445,000	678,000	1,246,300
11. Maryland,	3,558,000	3,794,000	6,650,000	6,437,600
12. Kentucky,	10,873,000	7,405,000	9,035,000	8,240,000
13. Missouri,	8,204,000	6,511,000	4,037,000	3,109,800
14. Illinois,	11,010,000	1,415,000	620,000	225,800
15. Indiana,	5,755,000	6,844,000	6,782,000	4,591,800
16. Iowa,	938,000	1,281,000	1,249,000	1,066,300
17. Michigan,	47,000	120,000	131,000	139,500
18. Ohio,	8,143,000	9,217,000	9,057,000	7,192,400
19. Wisconsin,	4,310,000	1,420,000	1,643,000	2,235,100
———	8,000	81,000	198,000	62,600
	$146,008,000	$128,701,000	$180,637,000	$158,576,400

Under this law, small banks began to form in many of the States. The Secretary of the Treasury stated, in his annual report, 134 new banks in all the States, with a capital of $16,081,200, or an average of $120,000 each. The amount of capital paid in by 134 banks was $6,784,710, and the amount of stock lodged for notes ordered was about $3,675,275.

The following instructions were issued by the Comptroller of the Treasury for the guidance of those desiring to form National Banking Associations:

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE CURRENCY,
WASHINGTON, *July, 7th*, 1863.

For the instruction and guidance of those who may desire to form Banking Associations under the act entitled "An act to provide a National Currency, secured by a pledge of United States Stocks, and to provide for the circulation and redemption thereof," approved February 25th, 1863, the following information is given:

1st. The corporate names of the associations will be National Banks, and they will be designated as the First, Second, Third, &c., &c., National Bank of the place in which they may be located. Even where there is but one in a particular town, and no prospect of another, it will still be designated as the First National Bank.

2d. On the preliminary or organization certificate a five cent stamp is required. The original Articles of Association must be stamped with a five cent stamp for each sheet of paper used, and the copies of the articles to be sent to this office must show that the originals have been legally stamped, and must be certified to as being true copies by some officer of the association. The certificate and oath required by the 10th section of the act must be stamped, each requiring a five cent stamp, one stamp to be attached to the certificate and the other to the oath.

3d. It is important that organization or preliminary certificates of association should be carefully prepared and executed; that the names of the stockholders should be written in full, and that there should be no erasures or interlineations therein. It will be borne in mind that these certificates are not subscription papers, and while the parties to them must sign them with their own hands, and acknowledge them in person, it is not necessary, nor exactly proper, for them to enter their own names in their own hands, in the 4th article.

The right of a partner to seal and acknowledge for a co-partner is at least questionable. It is therefore important, if partners unite in the preliminary certificate for the organization of a National Bank, that they should sign, seal and acknowledge the same individually, and not as co-partners. It is also desirable that the same rule should be observed in the Articles of Association.

4th. Before a certificate is given by the Comptroller, authorizing an association, organized under the act, to commence the business of banking, according to the provisions of the 10th section of the act, the following requirements of the act must have been complied with: 1st. A copy of the Articles of Association must have been forwarded to the Comptroller, and also the statement of oath contemplated by the 9th section, and the oaths of Directors required by the 39th section. 2d. United States interest-bearing bonds to an amount equal to not less than one-third of the capital stock paid in, must have been transferred and delivered to the Treasurer of the United States.

5th. The United States bonds held by the National Banks, and that part of their capital invested in these bonds, are, it is understood, exempt from National and State taxation. For the amount of national tax to which they will be subject on their circulation, and on their profits, and for license, reference is made to the laws of Congress relating to the internal revenue.

The 19th section of the act, as far as the amount of taxation is regarded, is superseded by the 7th section of an act to provide ways and means for the support of the Government, approved March 3d, 1863.

6th. Circulating notes of the highest style of engraving, and printed on the best quality of paper, will be furnished to the National Banks at the expense of the Government, under the provisions of the act, at the earliest day practicable, and in the order in which the banks are organized. The notes will first be supplied to the first associations organized under the act; and inasmuch as serious doubts seem to be entertained in regard to the power of Congress to enlarge or increase the privileges of corporations created by the State authority, it may be deemed best to have these doubts removed by the opinion of the Attorney-General, or the decision of a competent court, before the national currency is furnished to existing State banks, under the 62d section of the act.

7th. The act provides that the preliminary certificate, with a copy of the Articles of Association which shall have been adopted, shall be forwarded to the

Comptroller, &c. This would seem to indicate that these instruments should bear date about the same time, and, as near as may be, be concurrent acts.

8th. Section 11 of the act seems to require that the Articles of Association should limit or fix the time for which the association is to continue.

9th. On the certificate of each bond (coupon or registered) to be deposited with the Treasurer, as the basis of the National Currency to be issued thereon, there must be written or printed (to be signed by the President or Cashier of the Association depositing the same) substantially the following words:

"This bond is deposited with the Treasurer of the United States by the (Here insert the No.) National Bank at (Here insert the name of the place) in trust for said bank, under the act of Congress entitled "An Act to provide a National Currency, secured by a pledge of United States Stocks, and to provide for the circulation and redemption thereof, approved February 25th, 1863."

When registered bonds are deposited they must be issued to the Treasurer of the United States, in trust for the bank depositing the same.

It is desirable that no bond of a less denomination than one thousand dollars should be offered for deposit.

A description of the bonds thus deposited will be entered upon the books of the Treasurer and on the books of the Comptroller, and the bonds will be kept in the fire-proof vaults of the Treasury.

With these precautions on the part of the National Banks, and the proper officers of the Government, it is difficult to conceive of any contingency by which any loss or injury can result to the owners of bonds by reason of their having been deposited with the Treasurer.

10th. Except in special cases, which in the judgment of the Comptroller may render an actual examination necessary, the statement, under oath, of the President or Cashier, and a majority of the Directors of the respective National Banks, setting forth the place of residence of the Directors, and the amount of stock held and owned by each, the amount of capital actually paid in, and the fact that the requirements of the act have been fully and in good faith complied with, will be considered sufficient evidence to entitle the associations to commence the business of banking; and on the receipt of such statement, the Comptroller will give to the associations, respectively, the certificate contemplated by the 10th section of the act.

11th. Whenever a new Director or Directors are elected, the oath taken or subscribed by him or them, and duly certified, must be forwarded to the Comptroller, according to the requirements of section 39 of the act.

12th. Before circulating notes will be delivered to any bank organized under the National General Banking Law, the Comptroller must have satisfactory evidence, by the report of an examiner, or otherwise—1st. That the Bank is located in some city, town, or village which is easily accessible, and not in some out of the way, inaccessible place, selected for the purpose of making the return of its notes difficult or expensive. 2d. That the bank is supplied with a suitable banking room or banking rooms, unconnected with any other business, and also with a vault, or safe, for the safe keeping of its funds. 3d. That the bank has procured such books as may be required for the transaction of a regular banking business, one of said books to be a record or minute book, in which shall have been recorded its Articles of Association, copies of which shall have been forwarded to this Department, and in which the proceedings of the Board of Directors shall be entered and preserved. 4th. That the bank shall have adopted by-laws for the management of its business approved by the Comptroller. 5th. That the amount of its capital stock required to be paid in, has been so paid, and that the same remains in bank, in cash, or with some safe depositary, subject to sight check, or has been invested in United States bonds, or in some other satisfactory manner. 6th. That the bank has in its employment competent officers for the transaction of its business, that its Directors are men of fair standing, and that the bank has been organized to carry on legitimate banking.

The Comptroller will afford every aid and encouragement in his power to banks organized for the purpose of carrying into effect the spirit and intention of the law, but it will discountenance and prevent, as far as practicable, all attempts to pervert the law from its proper object, by establishing banks upon fictitious capital, which, by their inability to meet promptly their engagements, may at any time bring the system into disrepute.

NOTE—Under the late act of Congress, all communications addressed to the Department must be prepaid.

The rise in the prices of all commodities, and also of rent, accompanied by a drain of labor from nearly all pursuits, forced upon working people the necessity of higher wages, and at the same time presented the opportunity of making the demand successfully. To give the rise in rents in large cities is rather difficult. In many parts of New York city a dense population has rapidly filled up places which a few years before were waste, or sparsely settled. In other sections, on the east side for example, quarters which were formerly occupied as places of residence by wealthy families, have been invaded by tenement houses, and the character of the neighborhood entirely changed, while other places, formerly occupied as residences, have become great business centres, and have experienced an enormous rise in their local rentage.

Where none of these or other causes have interfered to change the character of the section; where localities remain about the same, and have experienced only the effect of the steady increase of productive real estate, rents may be said to have advanced from twenty-five to fifty per cent. within the past fifteen years. In many instances, however, even in the more unchanged sections of the city, a higher percentage than this has been reached, and in some the rate of augmentation has not been so great. But these figures will cover, for the most part, the increase in the price of the middling class of houses.

In tenement houses, the price of rooms and floors hardly averages as much now as in the years preceding the war. Many former occupants have enlisted or been drafted, the tide of immigration, until quite recently, had somewhat lessened, and other causes have combined to prevent this class of houses from being crowded. At the commencement of the war, rents fell very low, and continued so during 1861. Many landlords did not profess to insist on stipulated rents, but took what they could get. This was especially the case in tenement-houses. But in 1862 rents began to rise again until tenement rates have now reached almost their old figure.

The rate of increase in wages from 1845 until 1863, is perhaps best exhibited in relation to carpenters, a class whose pay is generally the last to be increased, and the first to be lowered, on the occasion of any change in the condition of the affairs of the community. The wages of this body of laborers will be seen to have reached the price which they held at the beginning of this year, in 1851; and to have undergone no change except in 1854 and 1857, which

were exceptional years, especially 1854, in regard to almost everything:

1845 to 1849	$1 38	to	$1 50	per day.
1850	1 63	"	1 75	"
1851 to 1853	1 75	"	1 88	"
1854	2 00	"	2 13	"
1855 to 1856	1 75	"	1 88	"
1857	1 63	"	1 75	"
1858 to 1863	1 75	"	1 88	"

A general movement among the working-classes took place in the autumn months of 1863, and resulted in an increase of pay. The following table will show the wages of a number of occupations:

WAGES OF LABOR IN NEW YORK.

Occupations.	Old Rates of Pay.	New Rates of Pay
'Longshoremen, per day	$3 50 *a* —	$3 50 *a* —
Blacksmiths	1 50 *a* 1 75	2 25 *a* —
Bricklayers	1 25 *a* 1 50	2 50 *a* 2 75
Bookbinders	1 50 *a* 1 75	2 00 *a* 2 25
Booksewers	75 *a* —	1 00 *a* —
Buttonhole makers, per week	4 00 *a* —	6 00 *a* —
Barbers	4 00 *a* 8 00	8 00 *a* 10 00
Barkeepers, per month	12 00 *a* 16 00	16 00 *a* 20 00
Burnishers, per week	5 00 *a* 7 00	7 00 *a* 9 00
Bobbin winders	2 50 *a* 4 00	4 00 *a* 7 00
Carriage trimmers, per day	1 50 *a* 2 00	2 00 *a* 2 25
Cloakmakers, per cloak	64 *a* 1 00	1 00 *a* 1 25
Carriage drivers, per week	8 00 *a* 10 00	10 00 *a* 14 00
Carpet and furniture clerks	8 00 *a* 12 00	12 00 *a* 16 00
Caulkers, per day	2 50 *a* —	2 75 *a* —
Cabinetmakers	1 50 *a* —	2 00 *a* —
Carpenters	1 75 *a* 1 88	2 25 *a* —
Capmakers, per dozen	35 *a* —	40 *a* —
Car conductors	1 25 *a* 1 50	1 75 *a* 2 00
Cavalry pantaloon makers, per pair	56 *a* —	1 00 *a* —
Corsetmakers, per week	3 00 *a* —	5 00 *a* —
Coat (sack) makers, per coat	80 *a* —	1 00 *a* —
Coach painters, per day	1 50 *a* —	2 00 *a* —
Coach drivers	1 25 *a* 1 75	1 75 *a* 2 00
Coopers	1 50 *a* 1 75	2 50 *a* 3 00
Coppersmiths	1 50 *a* 2 00	2 00 *a* 2 75
Dressmakers, per dress	1 50 *a* 3 00	5 00 *a* 7 00
Drug clerks, per month	30 00 *a* 50 00	50 00 *a* 75 00
Dry goods clerks, per week	8 00 *a* 14 00	14 00 *a* 18 00
Furniture clerks	8 00 *a* 14 00	10 00 *a* 16 00
Hair cloth workers	2 50 *a* —	3 25 *a* —
Hoop slide workers, per doz.	12 *a* —	18 *a* —
Hoop skirt makers	50 *a* —	75 *a* —
Glass cutters, per day	1 37 *a* 2 25	1 50 *a* 3 25
Gunsmiths	1 00 *a* 3 00	1 50 *a* 3 25
Harness makers	1 40 *a* 2 75	2 00 *a* 3 00
Hatters	2 50 *a* 3 37	3 25 *a* 5 00
Laborers	1 00 *a* 1 25	1 25 *a* 1 50
Lithographic printers	1 75 *a* 2 00	2 00 *a* 2 50
Linen coat makers, per coat.	50 *a* —	1 00 *a* —
Machinists, per day	2 00 *a* 2 50	2 50 *a* 2 75
Marble polishers	1 50 *a* 2 00	1 75 *a* 2 25
Moulders	1 00 *a* 1 25	1 25 *a* 1 50
Painters	1 50 *a* —	2 25 *a* —
Plasterers	1 87 *a* —	2 50 *a* —
Plumbers	1 50 *a* 2 00	2 00 *a* 2 50
Photograph card mounters, per week	4 00 *a* —	6 00 *a* —
Press feeders	4 00 *a* —	6 00 *a* —
Safe makers, per day	2 00 *a* —	2 25 *a* 2 50
Sign makers, per week	11 00 *a* 12 00	12 00 *a* 13 00
Sail makers, per day	2 50 *a* —	3 00 *a* —
Shoemakers	1 25 *a* —	1 75 *a* —
Stage drivers	1 25 *a* —	1 75 *a* —
Ship carpenters	2 00 *a* 2 50	2 25 *a* 2 75
Stone cutters	2 00 *a* 2 25	3 00 *a* 3 50
Sewing machine operators, per week	6 00 *a* —	*a* 8 00 *a* —
Tent makers per day	40 *a* —	60 *a* —
Tailors	1 25 *a* —	2 00 *a* —
Tassel makers, per week	4 00 *a* —	6 00 *a* —
Tinsmiths, per day	1 25 *a* 1 50	1 75 *a* 2 25
Twine makers	1 25 *a* 1 50	1 37 *a* 1 75
Trunk makers	1 50 *a* 1 75	2 00 *a* —
Turners	1 00 *a* 1 50	1 37 *a* 1 75
Tin, slate, and metal roofers.	1 75 *a* 2 00	2 00 *a* 2 25
Umbrella makers, each	6 *a* —	10 *a* —
Upholsterers, per day	1 62 *a* 2 00	2 00 *a* 2 37
Vest makers, per vest	50 *a* —	75 *a* —
Waiters, per month	12 00 *a* 16 00	16 00 *a* 20 00

FINLAND. (*See* RUSSIA.)

FLORIDA. In civil, military, or political affairs no change of importance occurred in the State of Florida during 1863. Gov. Milton, in a message to the Legislature, recommended that every man and boy capable of bearing arms, who was not already in the military service of the Confederacy, or liable to conscription, should be organized as State troops, armed and occasionally drilled. The object of this organization was for the protection of the lives and property of the citizens generally. He proposed to embrace in it those who had substitutes in the army, or who resided in the State five days, or those who might be in it an hour for the purpose of speculation, including also aliens. They were not to be subject to be ordered into the army, nor from their ordinary pursuits, except to repel invasions, and to maintain suitable police regulations.

The number of soldiers' families in the State needing assistance was three thousand three hundred and ninety-eight, comprising eleven thousand six hundred and seventy-three persons.

Early in March, Gen. Hunter, then in command of the Department of the South, ordered Jacksonville to be occupied by the colored troops under Col. Higginson. It was known that there were less than three thousand troops of the enemy in the State, and it was thought that a small force could be made effective in opening it to the occupation of local citizens, and creating an avenue of escape for the hunted negroes gathered in the interior. Jacksonville was under the command of the gunboats; but its occupation seems to have been ordered before Gen. Hunter was prepared permanently to hold it. The place is the key of East Florida, and its permanent occupation would have compelled the abandonment by the enemy of all the territory east of the St. John's. It was at first occupied by the colored troops, who were soon after reënforced by the 8th Maine and 6th Connecticut, for the purpose of making a more extended and powerful movement. They came with ten days' rations, but were delayed in disembarking, which had been accomplished but a short time when an order to return reached them. Two short reconnoissances were made. Some prisoners and cattle were taken. As the troops embarked the place was fired by incendiaries. This was the third occupation of the town, thus far during the war. Still later in the year the troops were withdrawn from Pensacola in West Florida, and that place was also burned.

FLOY, JAMES, D. D., a clergyman of the Methodist Episcopal Church, born in New York city, August 20th, 1806, died in the same city, October 14th, 1863. He was of English parentage on his father's side. His early education was obtained in the grammar school of Columbia College, and he subsequently passed through the undergraduate course of that college, but in accordance with his father's wish

left college without a degree and went to London, where he continued his studies mostly in the direction of natural and especially botanical science at the royal gardens at Kew, for three years. Having returned to his native city, he engaged in business, and about 1830 entered the Methodist Book Rooms as a clerk. In 1831, he experienced a religious change and united with the Methodist Episcopal Church. He soon interested himself in the instruction of the colored people on the Sabbath, and in February, 1863, commenced preaching, though he was not received as a preacher by the New York Conference till 1835. In 1838, not having yet been ordained as an elder, he was censured by the conference, and suspended for having attended an anti-slavery convention at Utica; but the suspension was removed before the close of its session. He soon became eminent as a preacher in the church with which he was connected, and filled in succession many of the largest and most influential charges in New York, and in the larger towns and cities of New England. He was also from 1842 to 1856 assistant secretary and secretary of his conference, and usually a delegate to the Quadrennial General Conference of the Methodist Episcopal Church, in which he soon took a position as leader of the anti-slavery party. He was appointed in 1848 on a committee to revise the Methodist hymn book, and the principal labor of the work, which was in fact the preparation of a new book, came upon him, and was performed with that conscientious care and ability which marked all his public services. In 1856, he was appointed by the General Conference editor of the "National Magazine," and conducted it with extraordinary ability and success. He was also through the greater part of his career as a preacher a frequent and valued contributor to the "Methodist Quarterly Review," and was one of the Committee on Versions in the American Bible Society. His published works were, besides those already noticed, some Sunday school books, and S. S. question books. He also edited the posthumous works of Rev. Dr. Olin.

FLOYD, JOHN BUCHANAN, a general in the Confederate army, born in Montgomery (now Pulaski) county, Va., in 1805, died at Abingdon, Va., August 26th, 1863. He was graduated at the South Carolina College in 1826, subsequently practised law for several years in Virginia, and in 1836 emigrated to Helena, Arkansas, whence he returned in 1839 to Virginia. In 1847–'49 he represented Washington county in the House of Representatives, and from 1850 to 1853 he was governor of the State. As a delegate to the democratic presidential convention at Cincinnati in 1856, he exerted his influence in favor of the nomination of Mr. Buchanan in whose interest he made speeches in many parts of the country during the ensuing canvass, and for whom he cast his vote in the electoral college of Virginia. President Buchanan rewarded his services by appointing him in March, 1857, Secretary of War. In that capacity he labored to the best of his ability to promote the rebellion of the Southern States, and to place them on a footing of strength commensurate with the importance of the conflict upon which they were about to enter; and there seems now to be little doubt that for several years previous to the election of Mr. Lincoln he was privy to the plot for overthrowing the Government. During 1860, in accordance with his orders, the army had been dispersed in the remotest part of the country, considerable portions being on the western frontier, in California, and Southern Texas, whence they could not readily be conveyed to the Atlantic seaboard; and in the same year an extensive transfer of arms from northern to southern arsenals was made, 115,000 muskets having been transferred by one order, and great quantities of cannon and ammunition by other orders.

No sooner had the secession of South Carolina paved the way for concentrated action on the part of the conspirators, than he began to avow openly his sympathy with the movement; and during the stormy discussions in the cabinet on the subject of reënforcing the forts in Charleston harbor, he was the most strenuous opponent of that measure, threatening to resign if it were consummated. On December 26th Major Anderson unexpectedly removed his garrison from Fort Moultrie to Fort Sumter, and upon the refusal of the President to order the entire withdrawal of the U. S. troops from Charleston harbor, Mr. Floyd tendered his resignation, and was succeeded by Mr. Holt. Soon afterward he was indicted by the grand jury of the District of Columbia as being privy to the abstraction of bonds to the amount of $870,000 from the Department of the Interior in the latter part of 1860. He had, however, been permitted to retire from Washington, and was never subsequently brought to trial.

As a reward for his eminent services to the cause of secession, he was appointed soon after the commencement of hostilities, a brigadier-general in the Confederate army, and in the summer and autumn of 1861 commanded, with Gens. Wise and Henningsen, in Western Virginia. The campaign was conducted by him with little skill or energy, and his retreat from Gauley Bridge, September 10th, after his defeat by Gen. Cox, with loss of baggage, camp equipage, and ammunition, was characterized by the Virginia papers of that period as the most disgraceful rout of the war. He was subsequently ordered to Kentucky, and commanded a brigade at Fort Donelson when that place was besieged by Gen. Grant, in February, 1862. From apprehensions that, if captured, he might be subjected to harsh treatment, while public opinion in the loyal States was embittered against him, he retired, on the night previous to the surrender of the fort, with Gen. Pillow and 5,000 men of the garrison, and made good his escape into Southern Tennessee and Alabama. Thenceforth he held no important com-

mand. A temporary reappearance in the field in the succeeding summer, under State authority, resulted in no practical success, and he died in retirement.

FOOTE, Andrew Hull, an American rear-admiral, born in New Haven, Ct., Sept. 12th, 1806, died in New York, June 26th, 1863. At sixteen years of age, he entered the navy as acting midshipman, and made his first cruise in the schooner Grampus, which formed part of the squadron operating, in 1823, under Commodore Porter, against the pirates of the West Indies. In the succeeding year he obtained a midshipman's warrant; in 1830 he was commissioned a lieutenant, and in 1838 he accompanied Commodore Read in his voyage of circumnavigation, as first lieutenant of the sloop John Adams, participating in the attack of the squadron upon the pirates of Sumatra. In 1841–'43, while stationed at the Naval Asylum in Philadelphia, he prevailed upon many of the inmates to take the temperance pledge, and was thus one of the first to introduce into the navy the principle of total abstinence from spirituous liquors. In his next cruise, as first lieutenant of the frigate Cumberland, he induced the crew to give up their spirit rations, to the manifest improvement of health and discipline; and he also personally superintended their religious instruction, often preaching on the berth deck to officers and men. In 1849–'52, he commanded the brig Perry of the African squadron, and showed great vigilance in suppressing the slave trade; and it is worthy of note that during the cruise not a drop of grog was served out to the crew, and not an officer or man was lost or disabled, or for any considerable period on the sick list, although the station is notoriously unhealthy.

In 1852 he was promoted to be a commander, and after serving on the "Naval Retiring Board," and in other capacities, he sailed in 1856 in command of the sloop Portsmouth, for the China station. At the time of his arrival, hostilities were imminent between the British and Chinese, and the latter, with a recklessness which subsequently cost them dear, fired from the Canton barrier forts upon a boat from the Portsmouth, at the stern of which the American flag was displayed. Receiving permission, after urgent solicitation, from his commanding officer, Commodore Armstrong, to resent this indignity, he anchored his ship opposite the largest of the forts, and on November 21st, with partial assistance from the sloop Levant, effected a practicable breach in its walls. Immediately a force of marines and sailors were landed, and the work carried by assault, Commander Foote being one of the first to enter with the stormers. The remaining forts, three in number, yielded successively to his attacks, and on the 24th the American flag waved over all of them. In view of the disparity of strength between the contending forces, the forts being massive granite structures, mounting 176 guns, and manned by 5,000 Chinese, the engagement was justly esteemed one of the most brilliant in the annals of the American navy, and Commander Foote received abundant congratulations and compliments from foreign officers on the station, who had been witnesses of his gallantry.

At the outbreak of the rebellion, Commander Foote was executive officer at the Brooklyn navy yard. In July, 1861, he was commissioned a captain, and in the September following was appointed flag officer of the flotilla fitting out in the Western waters. He entered upon his duties with great energy, and by the commencement of 1862, his vessels were completed and awaiting their crews and armaments, the work having been, in his own words, "the most difficult and arduous" of his life. Early in February the combined advance of the gunboats and land forces against the enemy in Kentucky and Tennessee was commenced, and on the 6th, Foote, without waiting for the arrival of the coöperating land forces under Gen. Grant, attacked, with seven gunboats, the strong works at Fort Henry, on the Tennessee river, and in two hours compelled an unconditional surrender. With the least possible delay, he transferred his fleet to the Cumberland river, and on the 14th opened fire upon Fort Donelson. The contest was maintained with great vigor on both sides for an hour and a quarter, and resulted in silencing the heavy water batteries of the enemy. The flag-ship St. Louis, and the Louisville, having at this juncture become unmanageable by injuries to their steering apparatus, drifted out of the fire, and the fleet was obliged to haul off, leaving the capture of the fort to the land forces.

Foote, though injured in the ankle by the fragment of a shot and compelled to move upon crutches, proceeded up the river immediately after the surrender of the fort, and destroyed the Tennessee iron works at Clarksville. Then, after a brief respite at Cairo, he sailed with his fleet, considerably increased in efficiency, down the Mississippi; the Confederates evacuating their strong positions at Columbus and Hickman at his approach. He remained at his post during the tedious siege of Island No. Ten, but after the reduction of that place, was reluctantly compelled by intense suffering from his unhealed wound to apply for leave of absence, and early in May turned over his command to Commodore Davis. Upon being restored to health, he was placed in charge of the bureau of equipment and recruiting under the new organization of the navy, and in July the President appointed him one of the nine rear-admirals on the active list. In June, 1863, he was ordered to relieve Admiral Dupont in command of the South Atlantic blockading squadron, and died while making preparations for his departure for Charleston.

Apart from his professional career, Admiral Foote was noted as an active friend of religious and philanthropic enterprises, and when not absent on sea duties, frequently participa-

ted at the religious anniversary meetings in New York and elsewhere. While in command of the Western flotilla, he framed and enforced strict rules for the proper observance of Sunday, and for the prevention of profane swearing and intemperance. He had also some reputation as a writer, and in connection with his African cruise published "Africa and the American Flag," containing a general survey of the African continent, with remarks on the slave trade; beside a series of letters on Japan, which country he visited in 1857.

FOWLER, RICHARD, M. D., born in London, November 28th, 1765, died at his residence, Milford, near Salisbury, April 13th, 1863. He was educated in Edinburgh, and afterward went to Paris, where he was a witness of the strife and excitement of the first French revolution. He was personally acquainted with many of the actors in that political struggle, and was well known to Count Mirabeau. In November, 1790, he was admitted a member of the Speculative Society of Edinburgh, an institution which was founded in that city in 1764, and which has numbered among its members many of the most eminent men in Scotland and England. During his connection with this society he contributed essays on "Population and the Causes which Promote or Obstruct it;" on the "Effects of Grief and Fear upon the Human Frame;" and on "Belief." He took his degree of Doctor of Medicine at the university of Edinburgh, on the 12th of September, 1793, was admitted a licentiate of the Royal College of Physicians on the 21st of March, 1776, and settled at Salisbury. The same year he was elected physician to the infirmary, and continued to discharge the duties of that office with great zeal and ability up to 1847, when advancing years induced him to resign. The governors, however, did him the honor of electing him consulting physician to the institution, an appointment which he held up to the time of his death. Dr. Fowler was admitted a fellow of the College of Physicians in July, 1837; he was also a fellow of the Royal and Antiquarian Societies, and a member of the Zoological and Edinburgh Medical Societies. On the establishment of the British Association for the Advancement of Science, in 1831, he became a member, and for several years took a leading part at the annual gatherings of that body, giving particular attention to investigations connected with the mental state of the deaf, dumb, and blind, and many of his communications to the association are upon such subjects. During his long life he was on friendly terms with most of the political, literary, and scientific men of his time. In politics and religion his sentiments were of the most liberal nature. In early life he was the friend of progress and the enemy of oppression, and he lived to see most of the great principles which he espoused in the ardor of youth, carried into practice during his long and eventful life. His published works, beside those already mentioned, are: "Experiments and Observations on Animal Electricity," on "Galvanism," and "Inflammation," published in 1793; on "Literary and Scientific Pursuits as Conducive to Longevity," 1855; on the "Influences of Man's Instinct on his intellectual and Moral Powers;" "The State of the Mind during Sleep," and "Second Attempts to Unravel some of the Perplexities of the Berkeleyan Hypothesis."

FRANCE. The term of the second Legislature of the Empire, which had been elected in 1857, expired in 1863, and it was accordingly dissolved on May 7th. Three weeks later, on May 31st and June 1st, the third Legislature, which, unless previously dissolved, will serve until 1869, was elected. The last session of the second Legislature was brief, and it confined itself almost entirely to voting the address and the budget. It was opened by the Emperor, on January 12th, by a speech, which briefly reviewed the progress made from 1857 to 1863. The achievements abroad were thus summed up by the Emperor:

In the East the national wish of the Danubian Principalities to form only one people could not find us unconcerned, and our support has contributed to cement their union.

We have given our support to what we thought justifiable in the grievances of Syria and of Montenegro, and of the Christians of Syria, without disavowing the rights of the Ottoman Porte.

Our arms have defended the independence of Italy without tampering with revolution—without altering after the day of battle our friendly relations with our adversaries, even for a day—without abandoning the Holy Father, whom our honor and our past engagements bound us to support.

We have suppressed the causes of misunderstanding which might have arisen with Spain, either from the non-delimination of the frontier line, or from the old debt of 1823; and with Switzerland the difference respecting the Valley of the Danube.

Commercial treaties have been, or are on the eve of being concluded with England, Belgium, Prussia, Italy, and Switzerland.

Finally, expeditions to China, Cochin China, and Mexico prove that there are not any countries, no matter how far distant, where any attempt against the honor of France remains unpunished. Such facts could not be accomplished without complication. Duty always advances through danger. Nevertheless, France has been increased by two provinces. The barriers which separated us from our neighbors have been removed; a vast territory has been thrown open to our activity in the far East; and what is better than conquest, we have acquired claims to the sympathy of the inhabitants, without losing the confidence and the esteem of the Government.

Of the internal policy of the Government, and its relations to the war in the United States, the Emperor spoke as follows:

I have called you to take a more direct part in the Government. I have given to your deliberations all the guarantees which freedom of discussion could claim. I have relinquished a prerogative, hitherto deemed indispensable, so as to allow the Legislative body to control the expenses in a more absolute manner, and to give more solidity to the bases upon which public credit rests.

To reduce our expenses, the army and navy estimates have been considerably diminished. The floating debt has been reduced, and by the success achieved by the conversion of the Rentes a great step has been taken toward the settlement (*unification*) of that

debt. The indirect revenues show a continual increase, from the simple fact of the general increase of prosperity, and the condition of the empire would be flourishing if the American war had not dried up one of the most fruitful sources of our industry. The forced stagnation of labor has caused in many districts an amount of destitution which deserves all our solicitude, and a grant will be asked from you for the support of those who with resignation submit to the effects of a misfortune which it is not in our power to put a stop to.

Nevertheless, I have made the attempt to send beyond the Atlantic advices inspired by a sincere sympathy; but, the great maritime Powers not having thought it advisable as yet to act in concert with me, I have been obliged to postpone to a more suitable opportunity the offer of mediation, the object of which was to stop the effusion of blood, and to prevent the exhaustion of a country the future of which cannot be looked upon with indifference.

Respecting the approaching election, the Emperor said:

Tell your fellow citizens that I shall be always ready to adopt anything in the interest of the majority, but that, if they have at heart to facilitate the work that has been commenced, to avoid conflict which only leads to disaster, to strengthen the Constitution—which is their work—they must send to the new Chamber men who, like you, accept without reserve the present system, who prefer serious deliberations to sterile discussions; men who, animated by the spirit of the age and by a true patriotism, will, by their independent spirit, enlighten the path of the Government, and who will never hesitate to place above party interest the stability of the State, and the greatness of the country.

The address of the Senate, in reply to the speech from the throne, was discussed for only two days, and adopted by all the votes save one, that of Prince Napoleon. In the Assembly, the discussion of the address was more protracted and more animated. The five members, who formed the Liberal Opposition, presented a number of amendments which together formed a political programme. M. Baroche, president of the Council of State, declared in the name of the Government, that the latter could not renounce the official action relative to candidates, but its rule would be to support only candidates who possessed at the same time the sympathies of the people. Among the most brilliant speeches made on this occasion, was that of Jules Favre, on the Mexican question, and the reply to it by M. Billault. On February 12th the address, as proposed by the Committee, was adopted by all, save six votes.

A few days before, the Assembly with entire unanimity had adopted the draft of a law, opening a credit of 5 million francs in behalf of the working men in the manufacturing districts which had been specially affected by the American war. In some departments the sufferings of these men were very severe. In that of Seine Inferieure the number of laborers who had been thrown out of work was estimated at 130,000. Private charity coöperated with the Legislature, and on Jan. 26th two million francs had already been absorbed. The resignation and patriotic attitude of the working men were generally commended, and on May 4th the Legislature voted a new credit of 1,200,000 francs in their behalf.

One of the most important subjects that engaged the attention of the Senate was a question respecting the property of Arabs in Algeria. A remarkable letter on this subject was addressed on Feb. 6th, by the Emperor to the Marshal Governor of Algeria. The Emperor declares that Algeria cannot properly be called a colony, but an Arabian kingdom. "The natives," he says, "have, as well as the colonists, an equal claim upon my protection, and I am no less Emperor of the Arabians than Emperor of the French." In conclusion the Emperor maintains, that it is necessary to transform into definitive properties (amenable to the same laws as private property) the lands possessed by the Arabian tribes, instead of claiming them for the state as successor of the Sultan, to whom alone, according to Mohammedan law, the fee in these lands belonged. The Senate passed on April 23d a resolution ("Senatus Consultum") recognizing the collective proprietorship of the tribes, by 117 votes against 2.

According to the terms of the organic decree of the Legislative Body, the list of electoral districts must be revised every fifth year. According to this list, which was first drawn up in February, 1852, and revised in June, 1857, the number of deputies was 261 for the first quinquennial period of the empire, and 267 for the second. The revision, made in December, 1862, increased this number to 283. The organs of the opposition severely criticized this last rearrangement of districts, by which for instance the department of the Seine (the city of Paris) had the number of its deputies reduced from ten to nine, although the population had considerably increased. The Government had decided that only the number of the registered votes should be taken as a basis of representation, while the opposition claimed that the population entitled to voting should be the standard. The Senate declared in favor of the view taken by the Government.

As soon as the electoral campaign began in earnest, it became apparent that many voters, who in 1857 had abstained from voting, would this time take part in the election. In Paris two central committees of the opposition parties were formed; the one, representing the Orleanists, Legitimists and moderate Republicans, was presided over by M. de Broglie, and appointed a consulting committee, consisting of Berryer, Dufaure, and Odillon Barrot; the other, representing the more radical Republicans of 1848, was presided over by Carnot. The Government forbade the candidates of the opposition to call themselves "Independent" candidates, and at the same time enforced the law prohibiting assemblies of more than 20 persons. This last step called forth a protest, signed by Dufaure, Berryer, and Marie.

A great sensation was produced by a circular of the Minister Persigny, addressed to the prefects, and explaining the principles which the Government intended to follow at the approaching election. M. de Persigny, in this

circular, violently denounced the friends of the former Governments, and declared that the Government had withdrawn its patronage from 24 of the deputies, who, elected in 1857 as official candidates, had abandoned the Government at the vote on the Roman question. On May 20th the five members, forming the liberal opposition in 1857, published a manifesto giving an account of their political attitude. On May 21st a letter appeared in the *Moniteur*, from the Minister of the Interior, declaring that the Government would oppose with the utmost energy M. Thiers, who ran on the opposition ticket for one of the Paris districts, for Aix and for Valenciennes. On May 25th seven bishops published a manifesto, explaining the interest of the Catholic Church in the approaching election. The Government regarded this manifesto as an abuse of the ecclesiastical power, and laid it before the Council of State.

The election took place on May 31st and June 1st with the greatest order. In Paris the opposition obtained a signal triumph. Eight of its nine candidates were elected; and in the ninth district, where no candidate had obtained an absolute majority, the candidate of the opposition was elected at the supplementary election on June 14th. Six of the elected candidates, Havin, Ollivier, Picard, Favre, Darimon and Simon, had a very large majority, while that of Thiers was only 1,200. In the departments, the candidates of the Government were almost everywhere successful. Altogether of the 283 deputies elected, 34 were candidates of the opposition. Of these 34 candidates, several, as the Marquis of Andelarre, the Vicomte of Grouchy, Ancel, Plichon, M. de Chambrun, had been Government candidates in 1857, and had forfeited the patronage of the Government by their votes on the Roman question. They still wished, however, to be regarded as warm supporters of the Napoleonic dynasty. The five members who formed the liberal opposition in the Legislature of 1857, were all reëlected. Among the new members of this opposition were some of the most illustrious names of France, as Berryer, Marie, and Thiers. Many other leaders of the liberal parties had, however, been defeated, as Montalembert in the departments of the Côtes du Nord and Doubs, Thiers at Aix and at Valenciennes, Casimir Perier at Grenoble, M. de Remusat at Toulouse, Odillon Barrot at Strasburg, Dufaure at Bordeaux, St. Marc Girardin in the department of Vienne.

The election was followed by important modifications in the Cabinet. M. de Persigny, whose excessive zeal was supposed to have been injurious to the cause of the Government, resigned; and with him Walewski, Minister of State, Delangle, Minister of Justice, and Rouland, Minister of Public Instruction and Worship, withdrew. M. Billault, Minister without portfolio, was appointed Minister of State. The office of Minister without portfolio, established by the decree of Nov. 24th, was suppressed, and its functions assigned to the Ministry of State, which in its turn was dismembered, one portion of its duties being transferred to the Minister of the Imperial House, and the other, concerning learned corporations and academies, to the Ministry of Public Instruction. The administration of religious worship was detached from the Ministry of Public Instruction and united with that of justice. M. Baroche, President of the Council of State, was appointed Minister of Justice and Worship. M. Rouher, Minister of Public Labors, replaced M. Baroche, with the title of Minister President of the Council of State. Three new men, Boudet, Behic, and Durny, took the portfolios of the Interior, of Public Labors, and of Public Instruction. The Minister of State and the Minister President of the Council of State were charged with explaining and defending the measures of the Government before the Legislative Body.

The influence of France on foreign questions remained as great as ever. On the outbreak of the Polish insurrection, M. Billault, Minister without portfolio, declared in the name of the Government, in the Legislature, that the Government had lost none of their sympathies with Poland, but that they regretted the insurrection. When, however, Prussia concluded with Russia an offensive and defensive alliance, France, in union with England and Austria, warmly advocated the treaty rights of Poland. At one time the Government seemed even to be willing to declare war against Russia, but the idea was at once given up, when England and Austria refused to join France. (*See* POLAND.) When it became apparent that the diplomatic negotiations on the Polish question would lead to no result, the Emperor proposed to the Governments of Europe to meet in Congress, and to discuss all the great European complications, with a view to bringing about a reconciliation between the rights of sovereigns and the rightful aspirations of the nations. This project, too, failed, because England refused to take part in the Congress. (*See* EUROPEAN CONGRESS.) In Mexico, the Emperor persisted in his determination to overthrow the lawful Government of the country, and to establish a monarchy. (*See* MEXICO.) In Asia, France now holds undisputed possession of three provinces of Cochin China, and in August, 1863, a treaty was concluded with the King of Cambodia, by which this whole kingdom was placed under the protectorate of France. (*See* ASIA.) The dispute with Switzerland concerning the Dappes Valley frontier line was settled by a treaty, Switzerland reserving the right to lay it before the Powers present at the Congress of Vienna. Those Powers were to be requested to recognize this modification of Art. 75 of the Vienna Congress Treaty as an integral part of the international right of Switzerland.

The new Legislative Body was opened by the Emperor in November. In his opening speech he expressed his satisfaction with the result of the elections. He thus referred to the internal situation of the country:

Our exportations in the first eight months of the year 1863, as compared with those of the corresponding months of 1862, have increased by 233,000,000 francs. During the same period the movement of the maritime navigation has exceeded the figures of the preceding epoch by 175,000 tons, of which 136,000 are under the French flag. The abundant harvest of the present year is a blessing from Providence, and must assure the subsistence of the population at a cheaper rate. It proves also the prosperity of our agriculture. The public works have been prosecuted with activity; nearly a thousand additional kilometres of railway have been opened for traffic; our ports, our rivers, our canals, and our roads have continued to be improved.

He then pointed out the reforms judged opportune. Among others a decree relative to the freedom of the baking trade, one which renders the maritime conscription less onerous to the population of the sea-coast, a bill which modifies the law on coalitions, and one which suppresses the exclusive privilege of the theatres.

I have caused, also, to be prepared a law destined to increase the functions of the general and communal councils, and to remedy the excess of centralization; in fact, to simplify administrative formalities, and to make more mild the legislation applicable to classes worthy of all our solicitude. In all this there will be a progress with which you will delight to associate yourselves. You will have also to occupy yourselves with the sugar question, which demands to be finally settled by a more stable system of legislation. The project submitted to the Council of State tends to accord to indigenous products the facility of exportation enjoyed by the sugars of other countries. A law upon registration will get rid of the *double decime*, and substitute for that surtax a more just imposition. In Algeria, despite the anomaly which subjects the same populations, some to the civil, others to the military power, the Arabs have comprehended how French domination was reconstructive and equitable, without the Europeans having less confidence in the protection of the Government. Our ancient colonies have seen the disappearance of barriers which were inconvenient for their transactions; but the circumstances have not been favorable to the development of commerce. The recent establishment of the institution of credit will tend, I trust, to ameliorate their condition. In the midst of those material cares nothing which touches religion, the mind, and morals has been neglected. Works of religion and charity, the arts, the sciences, and public education, have received numerous encouragements. Since 1848 the number attending at school has increased one fourth. At present nearly 5,000,000 of children, a third of whom pay nothing, are attending at primary schools; but our efforts must not slacken, for 600,000 children are still without education. The higher studies have received increased animation in the secondary schools, where special instruction is now being reorganized.

Some remarkable explanations were made on the foreign policy of the Empire:

In the life of nations events unforeseen and inevitable arise, which must be met without faltering. Of this number are the war in America, the compulsory occupation of Mexico and Cochin China, the insurrection in Poland. The distant expeditions, the objects of so much criticism, are not the result of a premeditated plan; the force of events has brought them about, and nevertheless they are not to be regretted. How, in fact, could we develop our foreign commerce if, on the one side, we were to renounce all influence in America, and if, on the other, in presence of immense territories occupied by the Spanish and Dutch, France alone remained without possessions in the Asiatic seas? We have conquered in Cochin China a position which, without subjecting us to the difficulties of local government, will permit us to make use of the immense resources of these countries, and to civilize them by commerce. In Mexico, after an unexpected resistance —which the courage of our soldiers and sailors has surmounted—we have seen the population welcome us as liberators. Our efforts will not be in vain, and we shall be largely recompensed for our sacrifices when the destinies of that country, which will owe to us its regeneration, shall have been confided to a prince whom his enlightenment and his qualifications render worthy of so noble a mission. Let us, then, have faith in our enterprises beyond the sea. Commenced to avenge our honor, they will terminate in the triumph of our interests; and if prejudiced minds do not divine the fruitfulness inclosed in the germs deposited for the future, let us not tarnish the glory thus acquired, so to speak, at the two extremities of the globe—at Pekin and at Mexico.

According to the calculation of A. Legoyt (in *Statistiques de la France*), the population of France might be divided, on Jan. 1st, 1862, as to their religious denomination, as follows:

	France.	Algeria.	Total.
Catholics.....	35,734,667	185,100	35,919,767
Protestants.....	1,561,250	6,736	1,567,986
Jews	156,000	29,007	185,007
Mohammedans.....	.....	2,778,281	2,778,281
Other sects (not noticed in the budget)	20,815	.....	20,815

The Synods and Consistories of the two Protestant State Churches made, however, a somewhat higher statement of their membership; that of the Reformed Church being calculated to amount to about 1,300,000, and that of the Lutheran Church to about 700,000. In the budget of 1862, the allowances to the Roman Catholic clergy amount to 49,819,936 francs, and those to the Protestant Church, 1,493,436 francs. From the returns of marriages in 1860 and 1861, it appears that in the former year 86,491 bridegrooms, and 140,530 brides, out of a total of 256,636 marriage entries, and in the latter period, 83,905 bridegrooms, and 136,447 brides, out of a total of 270,896 marriages, were unable to write their names.

According to official returns, there were, in October, 1863, 82,135 establishments of primary instruction, 16,136 more than in 1848; and the scholastic population had, in 1862, risen to 4,731,949, from 3,771,597 in 1848. The 36,499 communes provided, in October, 1863, with means of instruction, comprised 41,426 public and free schools, special for youths or mixed as to sexes, of which 37,895, numbering 2,145,420 pupils, were directed by laics or secular persons, and 3,531, numbering 482,008 pupils, by members of religious congregations.

The number of schools for girls, in October, 1863, amounted to 26,592, of which 13,491 were directed by laics provided with diplomas of capacity, and 13,101 by religious sisters, of whom 12,335 had only the "letter of obedience." These schools received 1,609,213 pupils, of whom 604,207 were in the lay schools, and 1,059,966 in the establishments of the religious congregations.

The following tables exhibit the names, area, and population of each of the 89 Departments into which France is divided, according to the census of 1861, and the statistics of births and illegitimate children:

DEPARTMENTS.	English Sq. Miles.	Population in 1861.
Ain	2,264	369.767
Aisne	2,936	564,597
Allier	2,908	356,432
Alpes Basses	2,870	146,368
Alpes Hautes	2,144	125,100
Alpes Maritimes	1,104	194,578
Ardèche	2,130	388.529
Ardennes	2,000	329,111
Ariége	2,051	251,850
Aube	2,393	262,785
Aude	2,246	283,606
Aveyron	3,417	396,025
Bouches du Rhône	2,331	507,112
Calvados	2,200	480,992
Cantal	2,200	240,523
Charente	3,270	379,081
Charente Inférieure	2,763	481,060
Cher	2,853	323,393
Corrèze	2,290	310,118
Corse	3,198	252,889
Côte d'Or	3,380	384,140
Côtes du Nord	2,870	628,676
Creuse	2,244	270,055
Dordogne	3,479	501,687
Doubs	2,120	296,280
Drôme	2,618	326,684
Eure	2,014	398,661
Eure et Loire	2,361	290,455
Finistère	2,690	627,304
Gard	2,323	422,107
Garonne (Haute)	2,488	484,081
Gers	2,416	298,936
Gironde	4,193	667,193
Hérault	2,444	409,391
Ille et Vilaine	2,641	584,950
Indre	2,749	270,054
Indre et Loire	2,400	323,573
Isère	3,258	577,748
Jura	1,940	298,053
Landes	3,486	300,839
Loire et Cher	2,363	269,029
Loire	1,921	317,603
Loire Haute	1,920	305,521
Loire Inférieure	2,735	580,207
Loiret	2,645	352,757
Lot	1,530	295,542
Lot et Garonne	1,858	332,065
Lozère	1,973	137,367
Maine et Loire	2,784	526,012
Manche	2,617	591,421
Marne	3,214	385,498
Marne (Haute)	2,482	254,413
Mayenne	2,010	375,163
Meurthe	2,465	423,643
Meuse	2,369	305,540
Morbihan	2,640	486,504
Moselle	2,391	446,457
Nièvre	2,691	332,814
Nord	2,278	1,303,380
Oise	2,280	401,417
Orne	2,497	423,350
Pas de Calais	2,624	724,338
Puy de Dome	2,253	576,409
Pyrénées Basses	2,928	436,628
Pyrénées Hautes	1,300	240,179
Pyrénées Orientale	1,593	181,763
Rhin Bas	1,635	577,574
Rhin Haute	1,502	515,802
Rhône	1,047	662,493
Saône Haute	1,792	317,183
Saône et Loire	3,321	582,137
Sarthe	2,475	466,155
Savoie *	2,231	275,039
Savoie Haute *	1,285	267,496
Seine	181	1,953,660
Seine Inférieure	2,300	789,988
Seine et Marne	2,335	352,312
Seine et Oise	2,223	513,673
Sèvres (Deux)	2,267	328,817
Somme	2,368	572,646
Tarn	2,234	353,633
Tarn et Garonne	1.373	232,550
Var	2,825	315,526
Vaucluse	1,305	268,255
Vendée et Vienne	5,285	717,723
Vienne (Haute)	2,187	319,595
Vosges	2,304	415,485
Yonne	2,824	370,305

* New Departments.

The following is the population of the principal cities of France: Paris, 1,696,141; Lyons, 318,803; Marseilles, 260,910; Bordeaux, 162,750; Lille, 131,827; Nantes, 113,625; Toulouse, 113,-229; Rouen, 102,649; St. Etienne, 92,250; Toulon, 84,987; Strasburg, 82,014; Le Havre, 74,336; Amiens, 58,780; Nimes, 57,129; Metz, 56,888; Rheims, 55,808; Montpellier, 51,865; Angers, 51,797; Limoges, 51,053; Orleans, 50,798.

CLASS.	Population in 1860.	Births in 1860.	
		Births.	No. of Inhabitants to each Birth.
Seine Department*.	1,856,091	58,042	32
Urban Population...	8,461,532	244,225	34.6
Rural Population...	26,204,781	654,608	40
Total	36,522,404	956,875	38.2

CLASS.	Illegitimate Children.	Illegitimate Children.	
		Total Births.	Ratio of Illegitimate Children to 100 Births.
Seine Department..	15,092	58,042	26.
Urban Population...	27,744	244,225	11.36
Rural Population...	26,461	654,608	4.04
Total	69,297	956,875	7.24

French Colonies.

COLONIES.	Hectares.	Population.
ASIA.		
India (Pondichery, Karikal, Yanaon, Mahe, Chandernagor),	48,962	221,507
Lower Cochin-China (6 provinces).	2,750,000	2,000,000
Total in Asia	2,798,962	2,221,507
AFRICA.		
Senegal and Dependencies †	25,000,000	54,655
Island of Reunion	213,550	178,238
Ste. Marie and Madagascar	90,975	22,570
Mayotte and Dependencies	53,000	
Total in Africa, besides Algeria	25,357,525	255,463
AMERICA.		
Martinique	98,782	136,562
Guadalupe and Dependencies	108,590	136,602
Guyana	18,000,000	25,687
St. Pierre and Miquelon	21,023	2,311
Total in America	18,228,395	300,162
OCEANICA.		
Marquesas Islands	130,000	12,000
Pomotou, Wallis, Gambier, Toubouai	200,000	18,460
Society Islands	150,000	9,000
New Caledonia and Dependencies.	2,000,000	45,000
Total in Oceanica	2,480,000	84,460
Grand Total of French Colonies..	48,864,882	2,862,592

The general and special commerce with the foreign countries and her colonies, during the year 1861, was as follows (value expressed in millions of francs):

* Comprising the aggregate population of all communities which have more than 2,000 inhabitants.

† According to the *Annuaire de Senegal et Dependances pour* 1861, there lived in this colony:

Immediate subjects of France	102,600
Population dependent upon France	150,000
	252,600
Population trading exclusively with France	1,000,000

COUNTRIES.	IMPORTATION. General Com'erce. Actual Value.	IMPORTATION. Special* Com'erce. Actual Value.	EXPORTATION. General Com'erce. Actual Value.	EXPORTATION. Special Com'erce. Actual Value.
EUROPE.				
Russia	163 2	112 2	59 8	29 5
Sweden and Norway	58 6	34 1	7 2	6 0
Denmark and Colonies	3 8	3 5	8 7	7 7
Hanseatic cities	25 5	32 1	29 7	14 2
Hanover and Mecklenburg	0 4	0 7	1 7	1 7
German Zollverein	282 3	223 7	189 7	157 8
Great Britain	555 1	438 1	619 8	456 4
Colonies	77 7	58 8	30 9	15 9
Netherlands	36 7	30 1	32 4	20 4
Colonies	19 1	17 9	0 9	0 7
Belgium	276 2	177 5	168 8	142 8
Switzerland	203 5	155 1	266 5	130 9
Austria	21 5	13 7	9 4	5 6
Italy	203 4	171 9	283 9	170 5
Roman States	3 1	1 0	19 3	17 5
Spain	91 2	58 4	198 9	160 8
Colonies	58 0	35 2	19 9	23 1
Portugal	8 0	17 1	20 3	16 4
Greece	3 4	2 8	10 2	8 8
Turkey	143 4	72 5	54 5	32 5
AMERICA.				
United States	393 0	362 6	112 6	82 2
Mexico	4 4	4 1	17 7	13 2
Guatemala	1 5	....	0 9	0 8
Hayti	19 4	10 7	7 6	5 8
Brazil	75 1	48 2	90 4	61 9
Argentine Republic	36 7	10 5	34 1	25 8
Uruguay	17 4	6 2	20 4	15 8
Chili	8 7	17 0	22 9	16 6
Peru	15 7	6 7	30 8	23 2
Bolivia	....	....	0 3	0 3
Ecuador	0 8	0 3	3 4	4 1
New Grenada	1 0	0 9	2 1	1 9
Venezuela	8 3	7 3	4 5	3 9
AFRICA.				
Western Coast of Africa	11 3	21 9	4 9	4 5
Egypt	39 7	22 7	23 0	17 1
Barbary	17 7	22 4	11 5	7 9
Other African Countries	1 5	1 2	0 1	0 1
ASIA, OCEANICA.				
China, Cochin China, Oceanica	2 7	2 5	4 2	2 2
FRENCH COLONIES.				
Algeria	63 3	59 0	137 8	128 8
Other Colonies	130 5	167 8	97 2	82 2
Stranded Goods	2 3	2 9	....	....
Coal for Steamers	....	....	3 0	....
Total value	3,085 1	2,442 3	2,661 9	1,926 5
Importation and Exportation			5,747 0	4,368 8

The estimated budget for the year 1864, which was laid before the Legislative Body in January, 1863, differs but little from the estimates for 1863, save that the calculated surplus is made to appear still larger. The following are the total sums of the budget of 1864, as rated by the Senate and the Legislative Body,† in the session of 1863:

	Receipts.	Expenses.	Surplus of Receipts.
Ordinary budget	1,780,487,986	1,775,144,001	5,343,985
Budget of special service	221,324,123	221,934,123	.....
Extraordinary budget	108,015,236	108,015;000	236
Totals	2,110,437,345	2,105,093,124	5,344,221

* Special Commerce, in the column of Importations, designates the merchandise destined for the exclusive consumption of France, and in the columns of Exportation, the products of France herself.

† The Legislative Body in France is distinct from the Senate.

The budget for the year 1865 was laid by the Minister of Finance before the Legislative Body on Dec. 3, 1863. Nearly the same estimates of income, expenditures, and receipts were made as in the budget of previous years; but, this time a large actual deficit was admitted. The war expenses in Mexico were estimated at 210,000,000 francs; those in Cochin-China and other parts of Asia, at 60,000,000 francs; these, added to the deficits of 1862–1863, made the total deficit amount at 195,000,000 francs. This sum added to former deficits swelled the total to 972,000,000. To reduce this, the Minister proposed a loan of 300,000,000 francs.

The consolidated debt was in 1864 as follows:

Rentes, 4½ per cent	39,759,628
Rentes, 4 per cent	478,081
Rentes, 3 per cent	345,699,838
Sinking Fund (Amortissement)	118,022,945
	503,960,292

The army, according to the budget of the Ministry of War for 1864, was composed as follows:

BRANCH.	PEACE FOOTING. Men.	PEACE FOOTING. Horses.	WAR FOOTING. Men.	WAR FOOTING. Horses.
Staff	1,773	160	1,841	..
Gensdarmes	24,829	14,769	25,688	15,000
Infantry	251,437	326	515,035	..
Cavalry	62,798	47,616	100,221	65,000
Artillery	39,882	16,646	66,132	49,838
Engineers	8,410	1,115	15,443	1,400
Military Trains	5,655	5,495	15,829	12,000
Administration	9,411	240	17,536	..
	404,195	86,368	757,725	

In the year 1863, the army was on the peace footing at home, but on the war footing in Italy, China, and Mexico.

The navy, in 1863, was, according to the Gotha Almanac for 1864, as follows:

CLASS.	Number.	Horse Power.	Guns.
Iron-clad screw steamers (built and building)	43	24,025	1,356
Screw steamers, not iron clad	245	63,860	5,528
Side-wheel steamers	85	19,190	538
Sailing vessels	105	.....	2,344
Total	478	107,075	9,766

Martin's Statesman's Yearbook for 1864, gives the following exhibit of the French steam navy, as composed in November, 1863:

CLASS.	Afloat.	Building.	Total.
Line-of-battle ships	36	1	37
Iron-cased frigates	6	16	16
Screw frigates	25	4	29
Paddle	18	..	18
Despatch boats (screw)	85	1	36
" " (paddle)	88	5	73
Iron-plated batteries	14	7	21
Gunboats	53	5	58
Transports	34	9	43
Total	325	42	367

The sailing navy consisted, in November, 1863, of—

	Afloat.	Building.	Total.
Ships of the line	7	..	7
Frigates	23	..	23
Corvettes	12	1	13
Brigs	19	2	21
Small vessels	26	..	26
Transports	32	..	33
Total	119	3	122

The movements of shipping during 1862 and 1863 were as follows:

Flag.	1862.			
	Entered.		Cleared.	
	Ships.	Tonnage.	Ships.	Tonnage.
French	12,374	1,907,897	8,201	1,445,872
Foreign	16,448	2,658,776	11,004	1,560,097
	28,822	4,566,673	19,205	3,005,963

Flag.	1863.			
	Entered.		Cleared.	
	Ships.	Tonnage.	Ships.	Tonnage.
French	12,038	1,918,000	8,771	1,527,000
Foreign	16,783	2,641,000	11,736	1,645,000
	28,821	4,559,090	20,407	3,172,000

The merchant navy, on December 31st, 1861, consisted of—

	Ships.	Tonnage.
Sailing vessels	14,738	910,729
Steamers	327	73,267
	15,065	983,996
Coasting vessels	8,041	59,541

For the external relations of France, *see* Diplomatic Correspondence; European Congress; Mexico, and Poland.

FRANKLIN, the capital of St. Mary's parish, Louisiana, was a port of entry, and a thriving town, on the west bank of the river Teche, 65 miles from the Gulf of Mexico. It is situated in a rich planting district. Cotton, sugar, and maize were exported by the river, which was navigated by large steamers. On the advance of Gen. Banks, in April, the division of Gen. Grover had a sharp conflict with the Confederate force, under Gen. Taylor, near Franklin.

FREDERIC VII., King of Denmark, born in Copenhagen, October 6th, 1808, died at his palace, Glücksborg, South Jutland, November 15th, 1863. He was the son of Christian VIII., and the Princess Charlotte Frederike, of Mecklenburg-Schwerin, and ascended the throne January 20th, 1848. In his youth he travelled through Germany and Switzerland, passing more than a year in Geneva, Italy, and the south of France; and on his return he married, November 1st, 1828, Vilhelmine Marie, daughter of Frederick VI., from whom he separated in 1837, and the same year was removed by royal order to Fredericia, in Jutland, where he was for some time commandant and chief of an infantry regiment. His exile ended with his father's accession to the throne, in 1839. In June, 1841, he was married to the Princess Caroline Charlotte Marianne, of Mecklenburg-Strelitz, whom he also put away in September, 1846; and in August, 1850, contracted a morganatic marriage with a milliner of Copenhagen, whom he had previously created Countess Danner. In 1844 he visited Scotland and the Faroes as Crown Prince. Frederick VII. commenced his reign by quashing all the prosecutions which the Chancery of the day had instituted for political offences; and on the 28th of January issued a royal rescript promising a free constitution for the whole monarchy. But, in the meantime there had grown up a strong interest in the future government and control of the Duchies of Schleswig and Holstein, which had resolved itself into a powerful conspiracy, assisted by Prussia, which wished to seize the valuable harbors and rich districts of the southern part of the State. This movement was urged on, on the one hand, by the German ministers, and on the other, by the feverish spirit excited by the French revolution of 1830. Thus, only nine weeks after ascending the throne, the new king found himself involved in a war for life or death against an unexampled outbreak of treachery and revolt. On the 18th of March, 1848, the provincial deputies of these Duchies agreed to send a deputation to the king, demanding the union of Schleswig and Holstein under one Government; the former to be delivered over as a member to the German Confederation. But on the 20th there was a great meeting of the citizens in the Danish capital, and an immense assembly, headed by the mayor and magistrates, went to the king's palace to ask for a new and liberal national ministry. This wish had already been fulfilled, and on the 24th was formed the first constitutional and responsible cabinet that the kingdom had seen for more than three hundred years. This was followed by a free constitution signed by the king on the 5th of June, 1849. During the revolution, King Frederick stood fast by his people, and succeeded in preserving his Danish province of Schleswig from the German invaders, while at the same time he boldly defended the freedom of the State. During the efforts of late years to force on the nation an impracticable "whole State" Government, he still resisted all attempts to reach that object by restoring despotism, and when this scheme fell to pieces, resisted by both the Danes in Denmark, and the Germans in Holstein and Lauenburg, he laid before the Rigsraad a new law, for drawing still tighter the bonds between the Danish parts of the realm—the kingdom proper—and Schleswig. This bill has since been signed and accepted by the new king, Christian IX. Like his royal father, King Frederick was an excellent antiquary. His private museum was large and rich, though mostly in collections of the remains and antiquities of his own land, and of the Scandinavian races. Unfortunately a portion of this museum was subse-

quently destroyed by fire. He also personally took part in explorations and diggings. Almost his last hours were spent in superintending the great mossfind diggings in South Jutland. He gave largely to public and private antiquarian societies, and personally presided at the annual meetings of the Northern Antiquarians, which were held in his own palace, conversing freely and instructively with the Fellows who happened to be present. His death was caused by a severe attack of erysipelas.

FREEDOM OF THE PRESS. The publication of some newspapers was interrupted during 1863, by the lawless attacks of disorderly persons who destroyed the printing offices, and by the orders of military officers suppressing their issue.

In the former case the attacks were frequent, but not always successful. On the 5th of March, late in the evening, an attack was made on the office of "The Crisis," a Democratic paper, published at Columbus, Ohio, by a body of disorderly soldiers. Everything was cleared out. The windows, doors, stoves, shelves, books, &c., were entirely destroyed. The party then proceeded to attack the office of "The Statesman," but by the interference of the police further mischief was prevented. On the same night the office of the "Volksblatt," a Democratic paper in Belleville, near St. Louis, was entered and much property destroyed. During the riot in New York, in July, an attack was made on the office of "The Tribune," an Administration paper. (*See* RIOTS.) The doors and windows were destroyed, and also much property in the office. Later in the year, the office of the North Carolina "Standard," a reconstruction paper, published at Raleigh, was attacked by a body of soldiers, and destroyed. The citizens of Raleigh at once retaliated and destroyed the office of the "State Journal," a rival and an advocate of secession. Instances of these disorderly attacks were very numerous during the year in different parts of the Northern States. The printing materials were generally destroyed, and a temporary suspension of the paper caused thereby.

The first case of the suppression of a newspaper by a military order was the "Evening Journal," published in Philadelphia. About midnight, January 27th, the editor, Albert D. Boileau, was arrested by order of Gen. Schenck, commanding the Middle Department, and taken to Fort McHenry, in Maryland. (*See* HABEAS CORPUS.) The order for the arrest instructed the officers to suppress the "Journal." The publication was subsequently resumed.

On the 8th of May, the following order was issued by Gen. Hascall, commanding in the District of Indiana:

HEADQUARTERS, DISTRICT OF INDIANA,
DEPARTMENT OF THE OHIO,
INDIANAPOLIS, *May 8th*, 1863.

Editor Bluffton Banner, Bluffton, Indiana:

A copy of your paper, of May 1st, has been handed to me, in which you boast of your intention to violate Order No. 9, from these headquarters, as much as you please. You can now disavow that intention, and advise others to do so, or discontinue the publication of your paper altogether till further orders. A violation of this notice will receive prompt attention.

MILO S. HASCALL,
Brig.-Gen. Vols., Comd'g Dist.

This order appears to have been disregarded by the editor. No further measures were taken.

On the 11th of May, an order was issued by Gen. Davidson, at St. Louis, prohibiting the sale or distribution in that district of the "Freeman's Journal," and "Caucasian," of New York; the Columbus "Crisis," a Democratic journal of Jerseyville; the Chicago "Times," and Dubuque "Herald."

On the 1st of June, Gen. Burnside, commanding the Department of the Ohio, issued the following order:

General Order, No. 84.

HEADQUARTERS, DEPARTMENT OF OHIO,
CINCINNATI, *June 1st*, 1863.

1. The tendency of the articles and opinions habitually published in the newspaper known as the New York "World," being to cast reproach upon the Government, and to weaken its efforts to suppress the rebellion, by creating distrust in its war policy, its circulation in time of war is calculated to exert a pernicious and treasonable influence, and is, therefore, prohibited in this department.

2. Postmasters, news agents, and all others, will govern themselves by this order, as any person detected in forwarding, selling, or in any way circulating the paper referred to, will be promptly arrested and held for trial.

3. On account of the repeated expression of disloyal and incendiary sentiments, the publishing of the newspaper known as the Chicago "Times" is hereby suppressed.

4. Brigadier-General Jacob Ammen, commanding the district of Illinois, is charged with the execution of the third paragraph of this order.

By command of Major-Gen. A. E. BURNSIDE.
LEWIS RICHMOND, Lieut.-Col. and A. A.-Gen.
[Official.] D. R. LARNED, Capt., and A. A.-Gen.

With the issue of this order, the following notice was sent to the editor of the Chicago "Times."

BY TELEGRAPH FROM HEADQUARTERS,
CINCINNATI, *June 2d.*

Editor of the Chicago Times:

You are hereby notified that I have issued an order stopping the publication of your paper, which order will be published in the morning papers of this city to-day (Tuesday morning). You will please govern yourself accordingly.

A. E. BURNSIDE, Major-General.

Gen. Ammen having directed Capt. Putnam, commanding at Camp Douglas, Chicago, to carry the foregoing order into effect, the latter warned the publishers of the "Times," on the night of the 2d, against issuing their paper the next morning, under penalty of the seizure of their establishment by the military. The publishers thereupon applied to Judge Drummond, of the United States circuit court, for a writ enjoining Capt. Putnam from any interference with their business or property; and after midnight a writ was issued by Judge Drummond, directing the captain to take no further steps to execute the order until the application for a

permanent writ could be heard that day in open court. A file of soldiers, nevertheless, took possession of the establishment, and after remaining for some time left, but before leaving they again warned the owners against issuing their paper.

At the opening of the court on the morning of the 3d of June, the counsel of the publishers made a motion to defer proceedings on the application for an injunction until notice of the application could be given to the military commandant at Camp Douglas. Judge Drummond, in granting the motion, said:

I may be pardoned for saying that, personally and officially, I desire to give every aid and assistance in my power to the Government and to the Administration in restoring the Union, but I have always wished to treat the Government as a Government of law and a Government of the Constitution, and not a Government of mere physical force. I personally have contended, and shall always contend, for the right of free discussion, and the right of commenting, under the law and under the Constitution, upon the acts of the officers of the Government.

In the meantime, news of the proceedings of the military authorities had reached Springfield, the capital of Illinois, where the State Legislature had convened in special session on the 2d of June, pursuant to an order adopted at the close of its last regular session. On the 3d, the following preamble and resolutions were introduced in the House of Representatives, and, after an exciting debate, were passed—yeas 47, nays 13:

Whereas information has reached this body that an order has been issued by Gen. Burnside for the suppression of the Chicago "Times;" and whereas such order is in direct violation of the Constitution of the United States and of this State, and destructive to those God-given principles whose existence and recognition for centuries before a written Constitution was made, have made them as much a part of our rights as the life which sustains us;

Be it resolved by the House of Representatives (the Senate concurring therein), That we denounce the order which threatens an act so revolutionary and despotic as contrary to liberty, destructive of good government, and subversive of constitutional and natural rights, and that, if carried into effect, we consider it equivalent to the overthrow of our form of government, and the establishment of a military despotism in its stead.

Resolved, That, in view of the monstrous consequences which must inevitably flow from such action, if justified by the General Government, we respectfully, yet firmly, request the withdrawal of the order in question, and the disavowal thereof by those in power, as the only course which can be pursued to reassure our people that constitutional freedom, so dear to their hearts, has not ceased to be. The attention of the governor is called to this infringement of popular rights, and the invasion of the sovereignty of the State of Illinois.

The office of the "Times," at Chicago, was the centre of attraction during the whole of the 3d, and at night a large concourse of people gathered there, in accordance with a call which had been issued in the forenoon of that day. This meeting, however, soon adjourned to Court House Square, where the people were addressed by gentlemen of both parties. The speeches counselled the observance of the laws, but denounced the above order of Gen. Burnside as arbitrary and despotic. The following resolutions were reported and adopted:

Twenty thousand loyal citizens of Illinois, assembled this evening to consult upon their interests, do resolve,

1. That law is the bulwark of liberty; the abrogation of law is the death of liberty; the constitution guarantees the freedom of speech and of the press and the right of the people peaceably to assemble and to petition the Government for the redress of grievances. An infringement of these rights is a blow at the Constitution; an abrogation of these rights is the overthrow of the Constitution. He who seeks to abridge or destroy these rights is a traitor to law and liberty. The people of Illinois will forever demand and insist upon these rights. They will obey the laws themselves and insist upon a like obedience by all men. They will seek redress for grievances through the forms of law and the tribunals of justice. They will demand and insist upon the trial by jury, of men not in the military or naval service, who are charged with crime; they will demand and insist upon the right to speak and print their opinions of men in power, and the measures of those men; they will demand and insist upon the judgment of the civil tribunals upon men or newspapers charged with the expression of "disloyal and incendiary sentiments."

2. The military power is and must remain subordinate to the civil power. Military, like civil functionaries, derive all their powers from the law. So far as they act under the law they must be obeyed. When they exceed the law their orders and decrees are void.

3. General Order No. 84, promulgated by General Burnside, by which the publication of the Chicago "Times" is declared to be suppressed, is without warrant of law, and should, as we have an abiding belief that it will forthwith be rescinded by the President. If the "Times" or any other public journal has exceeded the limits of lawful discussion or criticism, the civil tribunals, and they alone, are the competent and lawful judges of its crime. To the courts of law it appeals; let the courts, and the courts alone, decide its fate.

4. The people of Illinois are devoted, with their lives and their fortunes to the glorious Union of the States under the Constitution made by our fathers; they will sacrifice life and fortune and all but liberty to preserve that Union; they will cordially sustain the authorities in all honest and lawful efforts to preserve that Union; but they will not sacrifice their liberties, though life and fortune go together. Peaceably, soberly, loyally, they will maintain their liberties, so long as they can thus be maintained, but they will have them at every hazard by some means.

During the afternoon the militia were ordered under arms, but nothing occurred requiring their interposition.

On the evening of the next day (the 4th) the following despatch from General Burnside was received by the editor:

LEXINGTON, Ky., *June 4th*, 1863.

To the Editor of the Chicago Times:

By direction of the President of the United States, my order suppressing the circulation of your paper is revoked. You are at liberty to resume its publication.

A. E. BURNSIDE, Maj.-Gen.

The office had been in possession of a military force from early Wednesday morning till Thursday evening. No paper was issued on Thursday morning.

On the same day the following despatch was also sent by General Burnside.

LEXINGTON, Ky., *June 4th,*

Editor of the New York World:

Having been directed by the President of the United States to revoke that part of my order, suppressing the "Chicago Times," I have revoked the entire order, and your paper will be allowed its circulation in this department. A. E. BURNSIDE.

Previously, on the 2d of June, General Burnside issued the following order:

General Order, No. 87.

HEADQUARTERS, DEPARTMENT OF THE OHIO, CINCINNATI, OHIO, *June 2d*, 1863.

It is announced, for the information of all concerned, that the publication or circulation of books containing sentiments of a disloyal tendency comes clearly within the reach of General Order No. 38, and those who offend will be dealt with accordingly.

By command of Major-General BURNSIDE.

[Signed] LEWIS RICHMOND, Assistant Adjutant-General.
W. P. ANDERSON, Assistant Adjutant-General.

For the order, No. 38, thus alluded to, *see* HABEAS CORPUS.

On the 8th of June a meeting of editors was held in New York, at which the following newspapers were represented:

1.	New York	Leader	John Clancy.
2.	"	Express	Jas. Brooks.
3.	"	Atlas	Anson Herrick.
4.	"	Independent	Theodore Tilton.
5.	"	Journal of Commerce	Wm. C. Prime.
6.	"	Tribune	Horace Greeley.
7.	"	Staats Zeitung	Mr. Ottendorfer.
8.	"	Sun	J. Beach.
10.	"	Sunday Mercury	Wm. Cauldwell. H. P. Whitney.
11.	"	Argus	Elon Comstock.
12.	"	Jewish Messenger	M. S. Isaacs.
13.	"	Irish American	P. J. Meehan.
14.	"	Scientific American	R. McFarlane.
15.	"	New Yorker	C. Mathews.

Horace Greeley was called to the chair, and offered a series of resolutions which were referred to a committee who reported the resolutions of Mr. Greeley, somewhat amended, as follows:

Whereas the liberty and rights of the press as affected by the existence and necessities of a state of war, and especially of civil war, are topics of the highest public concern, and

Whereas recent events indicate the existence of grave misapprehensions and lamentable confusion of ideas with regard to this vital question; therefore,

Resolved, That our conception of the rights and duties of the press in a season of convulsion and public peril like the present, are briefly summed up in the following propositions:

1. We recognize and affirm the duty of fidelity to the Constitution, Government, and Laws of our country, as a high moral as well as political obligation resting on every citizen, and neither claim for ourselves nor concede to others any exemption from its requirements or privilege to evade their sacred and binding force.

2. That treason and rebellion are crimes, by the fundamental law of this as of every other country; and nowhere else so culpable, so abhorrent, as in a republic, where each man has an equal voice and vote in the peaceful and legal direction of public affairs.

3. While we thus emphatically disclaim and deny any right as inhering in journalists or others to incite, advocate, abet, uphold, or justify treason or rebellion, we respectfully but firmly assert and maintain the right of the press to criticize firmly and fearlessly the acts of those charged with the administration of the Government, also those of all their civil and military subordinates, whether with intent directly to secure greater energy, efficiency, and fidelity to the public service, or in order to achieve the same ends more remotely through the substitution of other persons for those in power.

4. That any limitations of this right, created by the necessities of war, should be confined to localities wherein hostilities actually exist or are immediately threatened, and we deny the right of any military officer to suppress the issues or forbid the general circulation of journals printed hundreds of miles from the seat of war.

The resolutions were unanimously adopted.

The effect of this emphatic declaration of sentiments was soon felt. No more papers were suppressed, and several which had been were again allowed circulation through the mails.

In the Middle Department, commanded by Gen. Schenck, the press was forbidden to make extracts from certain New York papers, as appears by the following from the provost-marshal at Baltimore:

HEADQUARTERS MIDDLE DEP'T, 8TH ARMY CORPS, OFFICE PROVOST-MARSHAL, BALTIMORE, *June 21st*, 1863.

An order was published in the evening edition of the "Republican," also in the "Sunday Telegram," of to-day, purporting to emanate from this office, in reference to the suppression of certain newspapers. No such order as thus published was issued. It is perhaps a misunderstanding, which is thus explained. I was directed by the major-general commanding, to notify the editors of some of the city papers, "that no extracts from the 'New York World,' 'New York Express,' 'Caucasian,' 'Cincinnati Inquirer,' and 'Chicago Times,' would be permitted to be published in this department," which was duly done, and from this fact the mistake must have occurred. I therefore respectfully request that this explanation be published.

WILLIAM S. FISH,
Lieutenant-Colonel and Provost-Marshal.

FREEDMEN OF THE SOUTH. In the ANNUAL CYCLOPÆDIA for 1861 and 1862 under the title SLAVES, there has been traced the progress which had been made, up to January, 1863, in solving the vexed question of what should be done with the Africans or persons of African descent, who had been the slaves of rebel masters, and had either escaped from, or been abandoned by, those who had formerly held them in slavery. The President's Emancipation Proclamation gave a new and greatly increased importance to this problem. That proclamation, as soon as it was promulgated, gave an impulse to the influx of the negroes into the Union lines, often in a state of utter destitution both of food and clothing, and that influx appeared to be destined to increase as the proclamation was more and more widely disseminated, until it might result in the coming in of by far the greater part of the bondmen of the insurrectionary States. Without some mode of employment for them, some means of enabling them to earn their subsistence, the army would soon be swamped, or these helpless creatures must perish by cold and starvation. In a time of peace there would have been no difficulty, since there would have been a demand for the labor of all who were able to

work, in cultivating the soil. There was, indeed, employment sufficient for a considerable number in acting as laborers, hostlers, cooks, teamsters, &c., and for the women in washing and other labor in the camps and at the hospitals, but these employments were insufficient for the vast multitude who were constantly pouring into the army lines.

The Government had hitherto discouraged the organization of regiments of colored troops, and had not favored their enlistment, even when attempted in the Northern States. There had been, it is true, two or three such regiments formed, one in Kansas, and one or two in South Carolina, but these had been considered by the Government doubtful experiments. It was known that the Confederates had, in a few instances, organized such regiments, though their fear of their fidelity had prevented them from doing so to any considerable extent. A black regiment had, however, been organized in New Orleans, and elsewhere negroes had been in the Confederate ranks as sharpshooters, sentinels, &c., though seldom in any considerable numbers. Some of the border States, and Kentucky in particular, opposed very strenuously the organization of colored regiments, and she has maintained her opposition up to the present time. In most of the States, however, after the issuing of the Emancipation Proclamation, there was an increasing feeling in favor of using the able-bodied negroes as soldiers, to aid in the overthrow of the Rebellion. It was urged in favor of this, that they possessed the qualities of obedience, docility, imitation, and emulation, which would make them good soldiers; that they were familiar with the country which was the seat of war, and would be of great value as scouts; that they were inured to the climate, which affected so seriously white soldiers, and that their employment in this capacity would more effectually cripple the resources of the Confederates than any other measure, and would tend to render further conflict on their part hopeless. To the objections that they would be guilty of great and horrible outrages upon the weak and helpless families of the enemy, it was answered that the negro was not vindictive in his nature, and that from his ready submission to his officers it was rather to be expected that, under proper discipline, the colored troops would prove more correct in their deportment than white regiments. The approach of a draft which would fall heavily upon the workshops, manufactories, and farms of the North, already depleted of their operatives to such an extent as greatly to enhance the price of skilled labor, led to the conviction on the part of the great body of the people of the North, that these thews and sinews thus at their command and for the most part ready and willing for their service, might as well be employed, so far as they would go toward filling up the ranks of the armies east and west, as their own. (*See* ARMY OF THE UNITED STATES.)

The Government had arrived at similar conclusions early in the year. They had, indeed, been foreshadowed in that passage of the Emancipation Proclamation, in which the President had said:

"And I further declare and make known that such persons of suitable condition will be received into the armed service of the United States to garrison forts, positions, stations and other places, and to man vessels of all sorts in said service."

On the 20th of January an order was issued from the War Department authorizing Governor Andrew, of Massachusetts, to raise regiments of African descent. In March the adjutant-general, Gen. L. Thomas, was sent to the West to organize colored regiments from the freedmen who were coming in large numbers into the Union lines from Cairo to Natchez. At Helena Gen. Prentiss asked the privilege of organizing a regiment (he did raise two, which afterward proved the means of the preservation of that post), and Gen. Thomas granted his request. At Milliken's Bend, General Thomas organized five regiments, at Grand Gulf three more, and before leaving the Mississippi Valley, as he was compelled to do by severe illness, in June he had completed arrangements for raising twenty colored regiments. Meantime Gen. Banks had also been active in the formation of what he denominated a *Corps d'Afrique*, a body of colored troops, at first put under the command of Brigadier-General H. E. Paine, and after he was severely wounded in the assault on Port Hudson, under that of Brig.-Gen. Ullmann. Over 15,000 of these troops were mustered into the service in the Department of the Gulf. In the Department of the South three regiments were organized at Hilton Head before June, and several others later in the year. Several regiments were also raised in North Carolina, in Norfolk, Virginia and its vicinity, in Washington, D. C., and in Maryland. At the close of the year the number of colored troops in the United States service exceeded 50,000. They were with very few exceptions officered by whites, and the applicants for commands in these regiments underwent a very severe and critical examination by a board of army officers, of which General Silas Casey was president. More than half the applicants were rejected, and of those received, by far the greater part were assigned to a rank materially below that for which they applied. The result has been that no regiments in the volunteer army have been under the command of more efficient and thoroughly competent officers than those composed of "soldiers of African descent." On the 22d of May, a bureau of colored troops was organized in the War Department. A Commission of Inquiry in regard to the numbers, condition, capacity, and future wants of the freedmen, consisting of Robert Dale Owen, James McKaye, and Samuel G. Howe, had been appointed by the Secretary of War and made a preliminary report on

these topics on the 30th of June, 1863. As may be inferred from the language of the President's proclamation, it was at first expected that the colored soldiers would be employed almost exclusively in post and garrison duty. Emergencies, however, soon occurred in which it was found necessary to bring them into the field, and even when but partially disciplined they acquitted themselves so well as to elicit the commendations of the generals in command, and to cause their being placed in several instances in the lead in assaulting columns. At Milliken's Bend, on the 6th of June, the Confederates made an attack in large force, but were repulsed with heavy loss by the determined bravery of the colored troops. At the second assault on Port Hudson, June 14th, the colored troops under Gen. Paine led the forlorn hope, and amid fearful slaughter planted the Union flag on the parapet, and when their commander was terribly wounded and had fallen in front of the enemy's works, and the entire assaulting force had returned to their lines, nearly half a mile from the Confederate works, on the call for volunteers to bring off the wounded general under the terrific fire of the Confederate batteries, when no white soldiers volunteered, sixteen soldiers from the colored regiments stepped out and moved forward in squads of four, and succeeded in bearing him to the Union lines, though fourteen of the sixteen paid the forfeit of their daring with their lives.

At Fort Wagner, Morris Island, in the Department of the South, at the assault of the 18th of July, the colored regiments, under the command of Gen. George C. Strong, fought with great bravery; the 54th Massachusetts (colored) leading in the assault, and losing their gallant colonel, R. G. Shaw, and most of their officers, and nearly two hundred of their men. At Helena, Ark., on the 4th of July, and on other occasions, they have also acquitted themselves with honor. The officers say that they will follow their officers, even in charges or assaults of great peril, far more readily than white soldiers, but when deprived of their commanders would not in general fight independently so well as those troops who have had more education. Their camps are generally in better order, and the men pay more regard to neatness and order in their own dress than most white soldiers. They endure the exposure to the climate and the privations of the camp much better than whites, and the rate of mortality among them is much lower than among the white troops.

The Emancipation Proclamation and the employment by the United States Government of the emancipated negroes as soldiers, as might have been expected, furnished occasion for violent denunciation to the Confederate authorities. In his message to the Confederate Congress, Jan. 12th, 1863, Mr. Jefferson Davis made use of the following language in reference to it: "The public journals of the North have been received, containing a proclamation, dated on the first day of the present month, signed by the President of the United States, in which he orders and declares all slaves within ten of the States of the Confederacy to be free, except such as are found within certain districts now occupied in part by the armed forces of the enemy. We may well leave it to the instincts of that common humanity which a beneficent Creator has implanted in the breasts of our fellow-men of all countries, to pass judgment on a measure by which several millions of human beings of an inferior race—peaceful and contented laborers in their sphere—are doomed to extermination, while at the same time they are encouraged to a general assassination of their masters by the insidious recommendation 'to abstain from violence unless in necessary self-defence.' Our own detestation of those who have attempted the most execrable measure recorded in the history of guilty man, is tempered by profound contempt for the impotent rage which it discloses. So far as regards the action of this Government on such criminals as may attempt its execution, I confine myself to informing you that I shall—unless in your wisdom you deem some other course more expedient—deliver to the several State authorities all commissioned officers of the United States that may hereafter be captured by our forces in any of the States embraced in the proclamation, that they may be dealt with in accordance with the laws of those States providing for the punishment of criminals engaged in exciting such insurrection." (*See* PUBLIC DOCUMENTS.)

Mr. Davis subsequently found it advisable to recede from the execution of this threat, but in no case have the officers in command of colored troops, or the colored soldiers themselves when taken prisoners, been exchanged, and there has been reason for apprehension that the freedmen soldiers when captured have been either killed or remanded to slavery. The evidence tending to this conclusion was collected by Major-Gen. E. A. Hitchcock, the Commissioner of Exchanges, and laid before the Government, and the following general order was issued in consequence:

General Order, No. 252.

WAR DEPARTMENT. ADJUTANT-GENERAL'S OFFICE, WASHINGTON, D. C., *July* 31*st*, 1863.

The following order of the President is published, for the information and government of all concerned:

EXECUTIVE MANSION, WASHINGTON, *July* 30*th*, 1863.

It is the duty of every Government to give protection to its citizens, of whatever class, color or condition, and especially to those who are duly organized as soldiers in the public service. The law of nations and the usages and customs of war, as carried on by civilized powers, permit no distinction as to color in the treatment of prisoners of war as public enemies. To sell or enslave any captured person on account of his color, and for no offence against the laws of war, is a relapse into barbarism, and a crime against the civilization of the age.

The Government of the United States will give the same protection to all its soldiers, and if the enemy

shall sell or enslave any one because of his color, the offence shall be punished by retaliation upon the enemy's prisoners in our possession. It is therefore ordered that for every soldier of the United States killed in violation of the laws of war, a Rebel soldier shall be executed, and for every one enslaved by the enemy or sold into slavery, a Rebel soldier shall be placed at hard labor on the public works, and continued at such labor until the other shall be released, and receive the treatment due to a prisoner of war.

ABRAHAM LINCOLN.

By order of the Secretary of War.
E. D. TOWNSEND, Asst. Adjt.-Gen.

But while the able-bodied men among the freedmen were thus enlisted in the military and naval service of the United States, and many of the women found employment in the vicinity of the camps, garrisons and hospitals, there was a much larger class who were not able-bodied, some of them capable of performing some labor, others feeble, decrepit and helpless. In the regions which were occupied by Federal troops, the planters who sympathized with the Southern Confederacy had generally fled southward, taking with them or sending before them their able-bodied slaves, and leaving to the mercy of the invading army the old and decrepit, and the children who were too young to be of much value. Those who escaped, too, and came into the Union lines, often encountered great hardships in doing so, and in many instances arrived sick, half-starved, and with only a few rags for clothing. It was obviously the duty of the Government to provide in part at least for these poor creatures, and to furnish employment for such of them as were able to work, that they might sustain themselves and their more helpless kindred. There were, however, serious practical difficulties in the way. On the Mississippi, especially below Vicksburg, it was a matter of difficulty to obtain a sufficiency of rations for the soldiers, to say nothing of the 30,000 or 40,000 helpless colored people who looked to the Government for food, and the Government ration was not well adapted to the freedmen who had been accustomed all their lives to corn bread and bacon. Clothing the Government had not, and could not procure, except for the uniforms of its soldiers. These sick, helpless, feeble and infirm persons, and all who were not employed with the army, were therefore collected in camps at different points and rations furnished them, such clothing as could be collected provided, and appeals made to the people of the North for new and second-hand clothing to supply their needs. Generous responses were made to these appeals, and vast quantities of clothing forwarded. The Western Sanitary Commission at St. Louis was particularly active in ministering to their wants, and in some measure occupied the position of a guardian to them, distributing clothing, books and medicines among them, establishing schools, and teaching them to make a judicious use of the Government rations. Those who were capable of performing some labor, were presently employed on the abandoned plantations, which were leased under certain restrictions to tenants for one year. Different plans were adopted in different sections for accomplishing this; all of them more or less faulty, though some better devised than others. Adjutant General Thomas, who had done so much in the way of organizing colored regiments, consulted with General Grant and other officers, and with the President, and announced the following plan for the region from Columbus, Ky., to Grand Gulf, Mississippi:

First. The Government of the United States, in order to secure the safety of commerce and navigation on the Mississippi, have determined to locate on or near its beach a loyal population, who will protect instead of destroying—as is now done—the freedom of commercial intercourse on this great inland sea. That this policy may the more speedily receive its initiation, George B. Field, Capt. A. E. Shickle, and the Rev. D. S. Livermore are hereby appointed commissioners, whose duty it shall be to superintend the letting of plantations to persons of proper character and qualifications, and to see that the mutual obligations between the negroes and their employers or superintendents shall be faithfully performed; to attend in some measure to their moral and intellectual wants, and generally to carry out the policy of the Government regarding negroes that are to be put to agricultural pursuits.

Second. It being deemed the best policy as far as possible to make the employment and subsistence of negroes a matter to be left to private enterprise, plantations will be placed in possession of such persons as the commissioners shall deem of good character and pecuniary responsibility, and in lieu of rent a tax will be collected upon the product of the land, payable to such agents as the Treasury Department shall designate, care being taken to secure as far as possible the just rights of the employers and employed; in all cases the negroes will be furnished with enough clothing for comfort in advance of their earnings, in consequence of their extreme destitution, and in no case will negroes be subjected to corporal punishment by the lash or other cruel and usual modes.

Third. Upon the occupancy of plantations inspectors will visit each plantation and take an inventory of all the property upon the estate. Crops yet ungathered will be turned over to be gathered by the lessee upon such terms as shall secure to the Government its fair share, while all movable property, stock, grain, &c., will be taken possession of by the Government, or sold to the lessee, if he so desires, at their appraised value, payable out of the proceeds of the plantation in the fall; the appraisers to be appointed by the commissioners, unless otherwise designated by the Government.

Fourth, After the lessee shall have taken possession of the plantation, as many negroes of average quality as he may desire may be turned over to him upon the order of the commissioners, the lessee entering into bonds to employ them until the 1st of February, 1864, and to feed, clothe, and treat humanely all the negroes thus turned over, the clothing to be deducted from their wages, and to be furnished at cost.

Fifth. If it shall be found impracticable, in consequence of the lateness of the season, to find persons of sufficient character and responsibility to give employment to all the negroes coming within the lines of the army, the commissioners may appoint superintendents, under whose supervision the soil may be cultivated for the exclusive benefit of the Government, or may have the plantations worked upon such terms as in their judgment shall be best adapted to the welfare of the negroes, taking care that in all plans adopted the negroes shall be self-sustaining, and not become a charge upon the Government.

Sixth. The wages paid for able-bodied men over 15 years of age, $7 per month; for able-bodied women over 15 years of age,

$5 per month; for children between the ages of 12 and 15, half price. Children under 12 years of age shall not be used as field hands, and families must be kept together when they so desire. The tax on the product of the plantation, in lieu of rent, shall be at the rate of $2 per bale of 400 pounds of cotton, and 5c. per bushel on corn and potatoes.

Seventh. While military protection will not be guaranteed for the safety of persons engaged in cultivating the soil, yet all troops will be required to give protection where it can be done without injury to the service, and it is confidently believed that the military organization of the negroes will afford all the protection necessary.

Eighth. Commanders of the army will render the commissioners such military assistance as may be necessary, without injury to the service, for the execution of their duties. The commissioners will report their proceedings to the Secretary of War every two weeks.

Given under my hand at Milliken's Bend, Louisiana, April 15th, 1863, by authority of instructions from the Secretary of War.

L. THOMAS, Adjutant-General.

This plan would have answered a tolerable purpose had the lessees of the plantations been honest, upright, humane men; but, with few exceptions, they were adventurers, and camp followers, who were ready to turn their hands to any opportunity of getting gain by the oppression of the poor, the weak, or the defenceless. Adjutant-General Thomas, himself, had not made sufficient allowance for human depravity, and hence had not guarded so closely as he should the rights of his humble protegés; and the commissioners appointed seem to have identified their interests with the lessees, and not at all with the poor negroes who were to be employed. The wages prescribed were much smaller than were paid by the planters for the hire of slaves for the same work when cotton was but ten cents a pound, while at this time it was worth seventy cents; the clothing, which by the terms of the contract was to be furnished at cost, was actually supplied at a most exorbitant profit, and while a portion of their wages ($2 per head) was withheld for medical attendance, no physician was ever allowed to see them, and no medicines furnished on most of the plantations. The provisions concerning families were also shamefully evaded, and on many plantations every rainy day, or day when there was no opportunity for work, was deducted, and even the little pittance which remained was not paid, nor were they furnished with food according to agreement. In short, the plan enured, in its results, wholly to the benefit of the lessees, many of whom made large fortunes on the single year's labor. There were of course some exceptions, though but few, to this state of things. Fifteen small plantations were leased by negroes themselves, some of whom cultivated them by the aid of their own families, while others employed a number of other negroes. They all did well; and in a few instances in which men of a high and humane character leased plantations, and carried out their contracts in the spirit in which Gen. Thomas had conceived them, they found the people whom they employed grateful and contented, and willing to labor faithfully, while their own receipts were such as amply compensated their exertions and expenditure.

Meantime the suffering, sickness, and mortality at many of the camps where the feeble and infirm freedmen were collected, were terrible. James E. Yeatman, president of the Western Sanitary Commission, visited these camps from Cairo to Natchez, in the autumn of 1863, and while in some of them the freedmen employed by the Government in chopping wood or other work, supported themselves and those dependent upon them in tolerable comfort; in others, and these the largest camps, there had been great distress and frightful mortality—the result of overcrowding, want of ventilation, malarious localities, the prevalence of small pox, want of medical attendance, poor and insufficient food, and lack of clothing. Many of the people under these causes were seriously affected with *nostalgia* or home sickness; their condition being more wretched than it had been on the plantations. At the camp at Natchez, where there had been 4,000 freedmen, the number was reduced to 2,100 by deaths, from fifty to seventy-five having died per day during July and August; at Young's Point, near Vicksburg, the mortality had been equally great for three months; De Soto and President's Island were among the worst of these camps. Camp Holly Springs, and Camp Shiloh, near Memphis; Helena, and the Freedman's Hospital, were in better condition, and some of them had good schools for the instruction of those who desired to learn to read.

About 35,000 colored people are gathered in these camps between Cairo and Natchez, and about four fifths of them under proper management could earn their own support.

On the 10th of August, Gen. Grant, finding that the number had greatly increased in his department after the fall of Vicksburg, issued the following general orders, intended to ameliorate their condition, and facilitate their employment:

General Orders, No. 51.

HEADQUARTERS, DEPARTMENT OF THE TENNESSEE, VICKSBURG, MISS., *August* 10*th*, 1863.

I. At all military posts in States within this department where slavery has been abolished by the proclamation of the President of the United States, camps will be established for such freed people of color as are out of employment.

II. Commanders of posts or districts will detail suitable officers from the army as superintendents of such camps. It will be the duty of such superintendents to see that suitable rations are drawn from the Subsistence Department for such as are confided to their care.

III. All such persons supported by the Government will be employed in every practicable way so as to avoid as far as possible their becoming a burden upon the Government. They may be hired to planters or other citizens, on proper assurances that the negroes so hired will not be run off beyond the jurisdiction of the United States; they may be employed on any public works, in gathering crops from abandoned plantations, and generally in any manner local commanders may deem for the best interests of the Government in

compliance with law and the policy of the Administration.

IV. It will be the duty of the provost-marshal at every military post to see that every negro within the jurisdiction of the military authority is employed by some white person, or is sent to the camps provided for freed people.

V. Citizens may make contracts with freed persons of color for their labor, giving wages per month in money, or employ families of them by the year on plantations, &c., feeding, clothing, and supporting the infirm as well as the able-bodied, and giving a portion, not less than one twentieth, of the commercial part of their crops in payment for such service.

VI. Where negroes are employed under this authority, the parties employing will register with the provost-marshal their names, occupation, and residence, and the number of negroes so employed. They will enter into such bonds as the provost-marshal, with the approval of the local commander, may require, for the kind treatment and proper care of those employed, as security against their being carried off beyond the employer's jurisdiction.

VII. Nothing in this order is to be construed to embarrass the employment of such colored persons as may be required by the Government.

By order of Major-General U. S. GRANT.

T. S. Bowers, Acting Assist. Adj.-Gen.

Near the close of the year, the management of these Infirmary farms and camps, as well as of the whole matter of leasing plantations and employing the freedmen, passed from the War Department to the Treasury Department, and the special agent appointed by the latter Department, Mr. Mellen, in conjunction with Mr. Yeatman, perfected the regulations for the year 1864, guarding so far as was possible against all chances of fraud or ill treatment on the part of the lessees, placing them under strict supervision, increasing the wages of the freedmen about threefold, and making them a first lien on the crop. The tax payable to Government on the crop was also increased, and one fourth applied to the support of schools for the colored children, and another fourth to the maintenance of the Infirmary farms. Medical attendants were also to be provided for each district, and the money reserved paid to them by the district superintendent, and they were required to attend strictly to the health of the people of their districts. The same system will probably be adopted in substance in the other departments.

The plan of leasing plantations during the year 1863 in the Department of the Gulf seems to have been in some respects worse than that of Adjt.-Gen. Thomas. The wages were lower (though paid more punctually), the attendance and labor of the slave enforced by military authority, often with great rigor, and the interests of the lessee rather than those of the freedman consulted. There was also an equally frightful mortality in the Infirmary camps. That this proceeded from no intention of oppressing the freedmen on the part of Gen. Banks, it is unnecessary to say; but the whole matter was one of experiment, and surrounded by numerous difficulties; and, with the weight of so many duties pressing upon him, errors of detail in carrying out a new system of free labor were to be expected. They will be modified the present year. (*See* Louisiana.) At Port Royal, S. C., a different method was adopted, and seems to work well. There had been a longer experience there, a Government superintendent of abandoned plantations, as well as a superintendent of contrabands, having been appointed there early in 1862. The first year the freedmen were employed in cultivating the land on the island for Government, receiving rations, supplies, &c., from it; and the Government undertaking to dispose of the crop. In March, 1863, the abandoned plantations were sold at auction for the collection of the direct Government tax, and thus a good title obtained for them. A considerable number of the smaller plantations or divided plantations were purchased by the negroes themselves, and have been cultivated by them successfully. Others were sold to northern purchasers, sometimes several to the same man, and have been cultivated by hired labor, each family being allotted a certain quantity of land, about an acre and a half to adults, and in proportion to children, on which they raised their own food; being allowed besides to take such quantity of cotton land as they chose, for the crops of which they were responsible. They received no fixed wages, but a certain percentage on the amount of cotton produced. During the growth of the cotton partial payments were made each month to secure them comfortable subsistence, at a fixed rate for each acre planted and hoed, and when the crop was gathered they were paid the remainder of what was due them at the specified rate of so much for each pound of cotton. In one case a proprietor of thirteen plantations employed four hundred laborers, not one of them able-bodied, all being old men, old or feeble women, and children; yet the average earnings of each laborer, aside from house rent, the food raised for himself, and the value of his own private crop, was $16.50 per month for the year. This proprietor, with an investment of $40,000, cleared $81,000 as the net proceeds of his year's labor. The cotton raised was Sea Island. On these plantations he had maintained five free schools, which were attended by 300 pupils, and five stores, in which $20,000 worth of goods, mainly clothing and housekeeping articles, was sold at cost, including transportation.

Great attention has been paid to the establishment of schools for the education of the freedmen, and to the imparting of religious instruction to them, especially at Port Royal, Roanoke Island, Norfolk, and at the Freedmen's village, Arlington, opposite Washington, D. C., under the direction of the Freedmen's Relief Societies, the American Missionary Association, the Free Mission Society, &c. In North Carolina, the land on Roanoke Island has been assigned to the freedmen for cultivation, and they are supporting themselves comfortably. At Arlington, at Fortress Monroe, and at Norfolk a large portion of them find

employment among the citizens, or in connection with the army, and others cultivate the lands around their camps. Those at Arlington are engaged in the cultivation of the Arlington estate, formerly the property of the Confederate Gen. Robert E. Lee.

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GEOGRAPHICAL EXPLORATIONS. Although it may be said that the year 1863, except its one grand discovery of the sources of the White Nile (which was actually made in 1862, though not published till 1863), has not been so fruitful in new explorations as some of the years which preceded it, yet the grand aggregate of progress in geographical knowledge is nevertheless large, and indicates the constantly increasing interest felt in the promotion of this interesting science.

Commencing with *our own Continent*, we find that the researches of the American traveller Hall, in Greenland and in the arctic regions of the continent in the year 1862, not only decided some geographical problems of interest, as stated in the ANNUAL CYCLOPÆDIA for 1862, p. 482, but have thrown considerable light on the character and capabilities for improvement of the Esquimaux tribes. Their susceptibility to education and their fondness for science seem to be greater than those of the Indian tribes. In these respects they resemble the Lapps and Finns, and thus corroborate the generally received theory of their common origin. Mr. Hall found them invariably amiable and gentle in their nature, skilful in mechanism, and intelligent far beyond what could have been expected from their mode of life. At Godthaob, in Greenland, a monthly illustrated journal, the *Atuagagliutil*, is published, which is edited and printed by an Esquimaux, Lars Moller, and the illustrations drawn and engraved by another Esquimaux named Aaron. The subjects of some of its articles indicate very fully the intelligence of the writers and readers; they are such as these: "The Electric Telegraph; The Great Eastern; Extracts from late Narratives of Voyages to the Arctic regions, so far as they relate to the Esquimaux; Combustibles in Greenland; The Ancient Scandinavians and their Voyages." Lars Moller has also published three volumes of indigenous traditions, communicated by the people of the country, with the Esquimaux text and a Danish translation in parallel columns, and illustrated with lithographic plates.

Iceland, which, though belonging to Denmark, is usually reckoned an American island, was, in 1862, the scene of extraordinary volcanic eruptions, not this time from Skaptur Jokul, or Hecla, but from *Trœlla dynge* (the Mountain of the Giants), a volcano which had been quiet since 1510. This mountain is in the south part of the island, and about 2,600 feet high. The eruption took place in July, 1862, and has made some changes in the harbors and coast of the island. Several narratives of it have been published in 1863.

Returning to the American Continent, we notice the publication by Prof. Hind of his explorations, undertaken, in 1861, of the *Labrador Peninsula*. Mr. Hind and his party entered the plateau or table-land of Labrador, by its main artery the Moise river, the source of which at Lake Clare they reached after an adventurous voyage. The river abounds in rapids and portages, and fairly swarms with salmon. The Indian tribes on the southern slope of this table-land, are the Montagnais and the Nesquapies, numbering from 2,500 to 3,000 souls each. He regards them as offshoots of the great Algonquin race, but as not having a common origin with the Micmacs of the South, between whom and themselves there has been a traditional feud for many generations. Prof. Hind found the mirage very common on the elevated table-land, and the displays of the Aurora Borealis were surpassingly beautiful.

In *Canada*, the geological surveys have been continued, and have resulted in the discovery of gold deposits supposed to be of considerable value, in Lower Canada, and of new reservoirs of petroleum oil in Canada West. The year has been prolific in books of travel relative to *British Columbia* and *Vancouver's Island*. The extensive gold deposits on the Frazer river and in other sections of British Columbia are attracting an extensive emigration to that region. A grant has been made by the authorities of British Columbia of the right of way for a telegraph line from San Francisco and Washington Territory, through that colony to Russian America, where a line is already being constructed to connect with the Russian line through Siberia by way of the Aleutian Islands, thus communicating with Europe through Asia.

In the *United States* the war has led to very many topographical surveys of great accuracy, and the explorations relative to ship canals to connect the Mississippi and the Hudson with the great lakes, and to determine the best route for the Pacific Railway now organized, have also thrown much light upon several geographical points. It has been ascertained that Lake Michigan has a medium breadth of only 84 miles instead of 109, as has been generally believed, and that it has a regular periodical tide, raising and depressing its waters from two to four feet. The route of the Pacific Railway through Colorado Territory is not yet fully settled, and it begins to be more evident, as the new territories of Idaho and Arizona develop their mineral wealth, that

there must be branches northward and southward from the main trunk to enable emigrants to reach these regions, so rich in the precious metals. The discoveries of gold in Idaho indicate its existence in quantities sufficient to make mining profitable in almost every portion of that vast territory; and though in the eastern section, along the Big Horn Mountains, the Indians are ferocious and troublesome, there can be little doubt of the speedy opening of mines there, and the eventual expulsion of the Indians from the region. In Arizona, the mines as yet opened are mainly in the vicinity of the Colorado, and the yield is represented as enormous. In connection with these mines there is much interest in the discovery of a good harbor and port near the head of the Gulf of California, accessible to steamers of large draught. The attention of geographers during the past year has been called to the cañons on the Upper Colorado in this territory. These were surveyed by an exploring party sent out by the United States Government in 1860, and the report of the survey published by the Government in 1861. The cañons or perpendicular ravines through which the river has cut its way are deeper and reveal the successive strata of the plateau more perfectly than any rock cutting, natural or artificial, heretofore known. The Big Cañon, the highest of these, has 5,500 feet of perpendicular descent. The scenery is more terrible and sublime than any which has previously been discovered in the wonderful regions on the Pacific slope.

In California, the geological survey under the direction of Prof. J. D. Whitney is making fine progress, the superintendent having made two reports. The survey proposes the construction of a series of maps mostly of the mountainous portions of the State, which constitutes $\frac{14}{15}$ths of its area, and also of the vicinity of the bay of San Francisco, on a large scale (1-126.000). The survey has determined the heights of the principal mountain peaks of the State, and has settled the point that Mt. Shasta is the highest mountain in the United States, being 14,440 feet above the sea level or almost three miles, while Mt. Hood, which has hitherto been considered the highest, is only fourth, having an altitude of only 11,394 feet. Prof. Whitney believes Popocatapetl, which, according to Sonntag, is 17,783 feet in height, to be the highest mountain in North America, and not Mt. St. Elias, which he adduces reasons for regarding as under 15,000 feet (the measurement of the English hydrographical charts, probably Capt. Dunham's, gives its altitude as 14,970 feet), which is probably below the height of Mt. Hooker and Mt. Brown in British Columbia. In connection with geographical progress the physical wall-maps of the United States and South America, and also of the Eastern Continents, prepared during the past year by Prof. Arnold Guyot, and published by Charles Scribner of New York, are worthy of notice. The chief physical characteristics of the countries represented are designated by the colors, the lowlands having a green tint, the table-lands brown, the mountain ranges black, and the highest peaks white. The marine currents, isothermal lines, zones of vegetation and other physical phenomena are also indicated, and cross sections at the bottom of the map exhibit prominently the principal slopes and elevations.

The French invasion of Mexico has led to the preparations of many maps and geographical works relative to that country, some of them of great merit, by German and French geographers. Among these may be noticed a statistical essay on Mexico by Berendt, in Petermann's *Mittheilungen;* Moritz Welzhofer's "Republic of Mexico;" Uhde's "The Region of the Lower Rio Bravo del Norte," all in German; and monographs on Jalapa and Orizaba, by Dr. Poyet; "Notices of Sonora," by MM. Berton and Maury; "Mexico, a Resumé of its Geography, &c.," by Count Baril de la Hure; "A Map and Hydrology of Mexico," by H. de Saussure, in French.

A new archæological exploration has brought to light much of interest relative to the ruined cities and temples of Southern Mexico, and the results of the examination have appeared in a magnificent volume illustrated with photographic views of the ruins, entitled "American Cities and Ruins," by MM. De Charnay and Viollet le Duc, published the past year in Paris.

Central America was visited by severe earthquakes in the winter of 1862–'3, and portions of it have been subject to political convulsions during the year. The German geographers seem to have taken its topography under their especial care; Moritz Wagner, in particular, having explored with great zeal the Chiriqui region, the States of Costa Rica and Panama, and the isthmus of San Blas, and having visited and measured the height of several of the volcanoes of that region hitherto hardly known; on all these topics he has communicated interesting essays, with maps and charts, to Petermann's *Mittheilungen.* Frantzius, another German traveller, has also communicated to the same journal some important papers relative to Costa Rica, and especially that portion of it bordering upon the San Juan river. Capt. Bedford Pym, of H. M. S. Gorgon, communicated to the English admiralty his discovery of a new route of transit across the isthmus of Nicaragua, starting on the Atlantic side from a better port than Greytown. This new point of departure he believed to be at the head of a bay situated south of Monkey Point in Mosquitia, which he named Gorgon Bay. M. Alfred de Valois has published an account of his travels in British Yucatan, and M. Gerald Raoul Perry has given a very interesting and complete account of Nicaragua.

New Grenada, or as it now styles itself, *The United States of Colombia*, was explored very thoroughly in 1861 and 1862 by the German geographer Karsten, who published the re-

sults of his explorations in 1863, in the *Zeitschrift für Erdkunde.* A New Granadian, Señor Samper, has also, during the past year, published an excellent and very complete treatise on the geography of the country, under the title of *Ensayo sobre las Republicas Colombianos. Ecuador* was visited in 1862 by three English geographers, who explored different portions of it, and published their observations in 1863. Mr. Jameson, setting out from Quito, visited Mount Cayamba; Mr. Richard Spruce visited the region lying southeast of Quito; and Mr. James Wilson made a geological and geographical tour through Esmeraldas, a province which he regards as destined to become of great commercial importance if it can only be provided with tolerable roads. The Ecuadorian Government has undertaken to build a road connecting the city of Esmeraldas with Quito. This province was once famous for the beautiful emeralds found there, and Mr. Wilson is satisfied that the supply is still far from being exhausted, although very few are now brought into market. It is also a fine cotton country.

Venezuela has been, during the past year, as for most of its independent history, torn by internal convulsions and revolutions, which almost prohibit any material or commercial progress. Under a strong, wise, and good government, it could hardly fail to take a high position among the South American States, from its great mineral and agricultural resources. Dr. Plassard, a French geologist, discovered in 1862 valuable and extensive gold deposits in Tupuquen, and his account of them has led to a considerable emigration thither.

In *Guiana* a joint French and Dutch scientific expedition was engaged in 1861 and 1862 in exploring the basin of the Maroni river, which forms the boundary between French and Dutch Guiana, and in tracing the course of its two principal affluents, the Awa and the Tapanahoni; MM. Vidal and Rech, the French members of the expedition, published in 1863, in the *Revue Maritime et Coloniale*, an extended account of the results of their explorations, with a map of the river basin. They describe the country as very rich in agricultural promise, producing in great abundance tapioca, rice, sweet potatoes, maize, sugar cane, cotton, tobacco, all kinds of leguminous plants and fruits, and rare and valuable woods for timber, and for cabinet purposes, which are fully described by M. Rech, who was the naturalist of the expedition. M. Rech also gives an interesting account of the native tribes whom he found there, the principal of whom were the Roucouyènes, a mild and gentle race of Indians, and also of the Maroons, mixed races, Indian and negro, known as the Yucas, and the Bonis, who inhabit a part of the river basin. The new governor of French Giuana, M. de Montravel, in his report to the French Government, announces that the sea-island cotton is thoroughly acclimated there, and that its culture had been commenced on a grand scale. Mr. Bollärt, the eminent naturalist, who has devoted great attention to the ethnology, geography, and history of the South American States, has edited for the Hakluyt Society, the past year, a narrative of an expedition to Guiana, undertaken in 1560 and 1561 by Pedro de Ursua and Lopez de Aguirre, in search of the El Dorado, so often sought by the early Spanish and Portuguese navigators.

Brazil, though possessing a larger amount of unexplored territory than any other South American State, is more advanced in its intellectual condition, and is doing more to develop its own wild regions, and to ascertain their capacities and products, than any other country in South America. It has an active Geographical Society at Rio Janeiro, and its *Revista Trimensal*, a quarterly scientific review, conducted by the Imperial Institute, devotes special attention to geographical discovery and exploration in Brazil. The Emperor, who is himself one of the most accomplished physicists in the empire, gives special encouragement to this department of science. As a consequence of this encouragement, geographical explorations have been very numerous of late years in Brazil. The narratives of five have been published in 1863, viz.: "a Description of Brazil," by the eminent traveller Baril de la Hure; "An Account of the Indians of Matto Grosso," by Dr. Moore; "Report upon the Prince of Parana," by Señor Vereker; "Fred. Gerstaecker's Narrative of the Condition and History of the German Colonies in the South of Brazil, as well as of those in Peru and Chili;" and "A Description of the Province of Minas Geraes," by Dr. Von Tschudi, with a map by Messrs. Halfeld and Fred. Wagner, published as a supplement of Petermann's *Mittheilungen.*

The *Argentine Confederation*, though engaged in war with Buenos Ayres for a portion of the year, has with the recurrence of peace set itself to the work of developing more fully its resources. In the early summer of 1863 it sent a scientific expedition up the Vermejo river, one of the principal branches of the Parana, to examine its capacity for navigation, and the advantages of the districts which it drains for commercial enterprise. One of the members of the expedition, Mr. Porter C. Bliss, a citizen of the United States, and for several years an attentive observer of the manners, habits, and customs of our North American Indians, was specially charged with the investigations concerning the Indians of the Upper Vermejo. Mr. Bliss returned to Buenos Ayres in the latter part of September, and brought with him ample notes in regard to these tribes, and the adaptation of the country to immigrants. His narrative of his expedition has not yet been published.

Uruguay has recently completed a census, though like that of most of the South American States, it makes no great pretensions to accuracy. The number of inhabitants is stated at 350,000, distributed in 13 departments or provinces. The population of the capital, Monte-

video, is given in 1863 at 45,765. Its imports in 1862 were said to amount to $13,568,330, and the exports to $15,395,073. One hundred and fifty thousand of the inhabitants are said to be of foreign birth. In June, 1863, the territory of the republic was invaded by an army from Buenos Ayres, under the command of a former president of Uruguay, Venacio Flores, but after a struggle of several months he was defeated and expelled from the country.

Paraguay, under the government of President Lopez, and since his death under that of his son, has attained a high degree of prosperity. An interior State, and without an extensive foreign commerce, it has, by the industry and intelligence of its inhabitants, and the productiveness of its soil, maintained itself in peace and comfort, has no public debt, and has an annual revenue of about $2,500,000, of which nearly two thirds arise from the sale of the *Yerba mate*, or Paraguay tea, and other products of the national domains. Its population, according to official statistics, is 1,337,431, and that of the capital, Assumption, 48,000. M. Mouchez, a French geographer, who has resided for many years in Paraguay, and is the author of a series of excellent maps of the republic, thinks the official estimate of the population too high by one half. A work on Paraguay, of great interest, and embodying much valuable information in regard to the country, by Dr. Demersay, was published in 1863. Messrs. Köner and Kiepert have also a paper illustrated with a map by the latter on the topography of Paraguay in one of the numbers of the *Zeitschrift für Erdkunde* for 1863.

There have been no further attempts during the past year, to explore *Patagonia*, or the bleak islands of the Fuegian Archipelago, but a very interesting narrative of adventure in the latter in October, 1855, has recently been given to the public in "Harper's Magazine," by the captain of a British schooner, sent to visit the inhabitants of Tierra del Fuego, after the terrible disaster which befell Capt. Allen Gardiner and his party. He describes the Fuegians as generally of tolerable height (ranging from 5 ft. 3 in. to 5 ft. 7 in.), and well formed; but as going nearly nude, even in that severe climate, covering the skin with ochre and grease. They resemble the Esquimaux, but are less amiable and honest than they. Their principal food consists of shell fish and an edible fungus, which grows upon the trees. They are cannibals, but more from necessity, the captain thinks, than from choice. They live in conical huts, built over a hollowed pit in the ground, and their tents are always filled with smoke. Their condition seems very wretched, but they were content, and exhibited strong attachment to their families, and especially to their children. An attempt made in 1857 to take some of them away to educate and civilize them, led to a rencontre, in which the entire crew of an English vessel, except the cook, was killed.

Chili, happily separated by the Andes and the Atacaman desert from the other States of South America, is almost wholly delivered from the questions of boundaries, which have so often given rise to desolating wars in some of the States, and under a judicious government has made rapid progress during the last ten or twelve years in the arts of civilization. M. Pigris, the South American geographer, has communicated during the past year to the French Academy several memoirs on the Andes. He ascertained by careful geodesic measurement the height of Aconcagua, the most elevated of the yet known peaks of South America, as 22,210 feet. Three other peaks in the same vicinity measured respectively, 22,097 feet, 21,213 feet, and 20,628 feet. In the northern part of Chili, within the Atacama desert, 300 miles north of Copiapo, extensive mines of silver of great purity have been discovered. The region also abounds with the best copper.

In *Bolivia*, the return of peace has been accompanied by the re-discovery of extensive gold mines, all traces of which had been lost in the years of civil war. They are situated near the village of Baures, in the basin of the Beni.

Peru has for many years been a favorite region of geographical exploration and research, and the past year has contributed its full share of works relative to its geography and ethnology. Professor Antonio Raimondi, a Peruvian scholar, has presented to the Peruvian Government a memoir entitled *Apuntes sobre la Provincia literal de Loreto*, in which he gives a very full and interesting account of the Indian tribes in that vast, wild province, which covers more square leagues than all the rest of Peru. This memoir, it is understood, is but one of a series on which Prof. Raimondi has been engaged for many years, in which he will discuss the geographical, mineralogical, geological, botanical and zoological features of Loreto. In the ANNUAL CYCLOPÆDIA for 1862, some account was given of the Jivaros, one of the tribes inhabiting the province. Prof. Raimondi gives a further account of them, as well as the other tribes which occupy that region, some of whom, as the Mayorunas and Caschibos, are cannibals, eating the old people of their tribes. Their habits and customs, as well as their language, differ materially from each other, and would seem to indicate that they were sprung from different sources; the Jivaros may have been originally of the Quichua race, their language and habits bearing considerable resemblance to it, but the Caschibos, Setebos, Sipibos, and Conibos speak dialects of the Pana language, which abounds in aspirates and gutturals, and has no affinities with the Quichua, the Jivaro, the Piro or the Campo, which have an abundance of vowels and are soft and musical. The Conibos flatten the heads of their children between two boards, one applied in front, the other behind. Prof. Raimondi estimates the number of Indians in Loreto at about 90,000, of whom about 40,000 are independent, having never been subdued by the whites. The country

is rich in grains (rice and maize principally), cotton, coffee, cocoa, and the edible palms, bread fruit, oranges, lemons, plantains, yuccas, pine apples, plums, cherries, pawpaws and other delicate fruits; has numerous medicinal and poisonous plants and gums, as well as abundant dye-stuffs and precious woods; and its mountains yield salt, sulphate of lime, alum, sulphur, iron ore, lignite and gold.

Among the works throwing most light upon the geography of the central portion of South America, which have been recently published, there has been none more satisfactory in its portraiture of the inhabitants, animals and plants of that partially explored region, than Henry Walter Bates' "Naturalist on the River Amazon; a Record of Eleven Years' Residence and Travel under the Equator," published in London, in 1863. During his long residence in South America Mr. Bates visited all the navigable portions of the Upper and Lower Amazon, as well as several of its larger affluents, and resided for some years at Santarem, on the Rio Negro, and afterward for other years at Ega, on the Upper Amazon. Among the spoils brought or sent home from his South American explorations, were 15,000 species of insects, 8,000 of them new to naturalists, numerous new species of mammals, fishes, &c., and a great abundance of birds of most beautiful plumage. He confirms Professor Raimondi's testimony in regard to the cannibalism of some of the Indian tribes, but regards the Indian, as in general, inferior to the Negroes and Mulattoes of the country. There is no caste distinction there; the Negro, Indian, half-breed and white enjoying the same privileges and consideration, and holding the same offices. Of these, in general, he found the Negroes the most intelligent, refined and honest.

The Royal Society of London sent, some years since, Mr. Clements R. Markham to Peru, to investigate the regions producing the various spices of Chinchona or Peruvian bark, and to attempt their transplantation to India. After many difficulties the attempt has proved successful, and Mr. Markham's report of his experiences is exceedingly interesting.

The explorations of the geologist indicate that there are changes of elevation in progress along the coasts of North and probably also South America. The coast of Greenland, for a distance of six hundred miles, is subsiding, while that of the American continent, on its eastern coast, is gradually rising, from the shores of the Arctic Sea to the northern coasts of South America, and perhaps farther. On the Pacific coast, too, there is, at some points, a gradual elevation—whether at all, is not yet certain. The effect of these changes on the topography and extent of the continent is likely to be very great in the course of time. The arctic lands which now approach nearer than the eastern continent to the north pole, may reach it; Hudson's Bay may become a fertile valley with several considerable lakes; the banks of Newfoundland join the mainland, and thus permit the crossing of the Atlantic in three or four days; the coast line of the Atlantic States may be carried out to the edge of the Gulf Stream; the West Indies be united into three or four large islands; the Delta of the Mississippi extend a hundred and fifty miles further into the Gulf, and the other rivers of the coast be lengthened in a corresponding degree. With these changes must come also material modifications of climate, an intense cold and greater barrenness at the North; fiercer and more tropical heat at the South; a milder but moister climate along the Atlantic coast. These changes will hardly come in our time, but if the present rate of elevation be continued, a century hence may be sufficient for the development of most of them.

The *West Indies* offer little of interest or novelty in a geographical point of view. Hayti, which offered, in 1862, strong inducements to colored emigrants from the United States, has not been able to fulfil all its promises, and the grant of the island A'Vache, on its southern coast, to an adventurer named Bernard Koch, who sought to improve it by means of laborers obtained from the freedmen in Virginia, has turned out badly: the emigrants have been brought back to this country, after losing nearly one fourth of their number by sickness and death, the result of exposure and hardship, the survivors having lost their time and services, and all that they had, by the fraud and dishonesty of Koch. A remarkable cave has recently been discovered in Cuba not far from the city of Matanzas. It is called the Cave of Bellamar, and in the magnificent size of its apartments, and the beauty of its stalactites and stalagmites, seems to be one of the wonders of the world. The entrance hall, called the Gothic Temple, is 900 feet in length by 240 feet wide, the roof being, at its highest point, 60 feet above the floor of the hall. It is adorned with numerous pillars and mantles of great beauty. Beyond this is the Gallery of the Fountain, a corridor 2,400 feet in length, having in its centre a spring hemmed in with stalactites of most exquisite forms. Beyond, and after passing through a finely formed arch, the visitor comes to the Hall of the Benediction, the floor, walls, and vault of which are of the purest white, and these, as well as the numerous columns and pendants, sparkle in the light with the most brilliant crystals. The Mantle of the Virgin, the Snow Drift, the Lake of Dahlias, the Closet of the Beautiful Matanceras, the Hatuey Gallery, &c., are names bestowed upon other portions of the cave. Many of the concretions possess the property of double refraction, and some of them are violet or rose colored, or of golden hues. The cave runs from west to east, and its maximum depth is 36 feet. Its temperature never exceeds 80 degrees Fahrenheit.

In Europe, there have been few geographical but many archæological explorations. The

insurrection in *Poland* has led to the publication of some maps and descriptions of that country, and the agitation of the *Schleswig-Holstein* question, which in the beginning of 1864 has developed into a war, caused in the closing months of 1863 the issue of some descriptions and maps of the country in dispute. Rev. Fortescue Anderson has published in London "Seven Months' Residence in Russian Poland in 1863," which gives a graphic account of a portion of the country.

In July, 1863, a submarine volcanic eruption took place accompanied by the formation of a new island, off the coast of *Sicily*, in the Mediterranean, about twenty-five miles from the shore, and near the island of Pantillaria. It is on what is said to have been the site of a former volcano, and in an old chart of 150 years ago there is a reef laid down on this spot; but for many years past the water over the present site of the island has been 135 fathoms deep. The island is now about three fourths of a mile in circumference, and seems to stand on a broad base. It is at its summit about 200 feet high, and is composed of cinders of all sizes heaped loosely together. There is a crater on the island thirty or forty yards in diameter containing boiling water, and emitting steam and sulphurous vapors. Severe earthquake shocks were experienced in *Rhodes* in April and May, 1863, destroying entire villages and causing a loss of some hundreds of lives. They were preceded by great commotion of the sea, which, for a time, receded from its ancient level; but after the shock, regained more than its former territory.

Turkey and *Greece* have been explored both for geographical and archæological purposes, and one of the latest books of travels in reference to both is Mr. Chr. Cooke's "Journey Due East," which was made in 1862–'3.

The Prussian General Bäyer has issued a circular to the most eminent physicists of the different nations of Europe, proposing the measuring of an arc of meridian from Palermo to Christiania. The progress toward completion of most of the topographical surveys of the European states is rapid. The survey of France on a scale of 1-80,000 is completed; but it will be several years before the map engravers will have finished their work upon it. It is to be regretted that the scales on which these surveys are made differ so much in the different states. They range from 1-20,000 to 1-288,000; whereas if the scale of 1-100,000, which is that of Prussia, Belgium, Hanover, Switzerland, Sweden, Norway, and Portugal, or of 1-50,000, which is that of Holland, Italy, and most of the smaller German states, or even of 1-80,000, which is that of France, Naples, Denmark, and Belgium, were generally adopted, the maps of the continental countries might easily be brought together, and a map of uniform scale of all made. The number of geographical maps published in Europe during the past year is very great, amounting to several thousands, most of them of local interest mainly. The geographical periodicals are also numerous. The following are the principal: "Journal and Proceedings of the Royal Geographical Society," London; "All round the World," edited by M. W. Ainsworth, London; *Bulletin de la Société de Geographie*, Paris; "*Mittheilungen*," edited by Dr. Petermann, Gotha; *Zeitschrift für Erdkunde*, edited by Dr. Keuer, at Berlin, and serving as the bulletin of the Geographical Society of Berlin; *Annuaire* of the Society of Friends of Geography at Leipzic; *Mittheilungen* of the Geographical Societies of Vienna, of Darmstadt and of Frankfurt-am-Main; *Bulletin* and *Memoires* of the Geographical Society of Geneva; *Comptes rendus* and *Memoires* of the Russian Geographical Society; the *Memoires* of the Italian Geographical Society at Turin; The Nautical and Geographical Bulletin of Rome, edited by Prof. E. Fabri Scarpellini; *Bibliotheca geographico Statistica* of W. Muldner, at Florence (?); the "Nautical Magazine," London; *Tour du Monde*, edited by M. Charton, Paris; *Globus*, edited by Dr. K. Andree, Paris; *Nouvelles Annales des Voyages*, Paris; *Revue Maritime Coloniale*, Paris; *Archives des Sciences de Russie*, edited by Dr. Erman, St. Petersburg; *Bulletin* and *Annales* of the Foreign Council at Lisbon; the *Annuario Maritimo* of the Austrian Lloyds at Trieste.

ASIA is, as it has been for many years past, one of the favorite haunts of geographers, and in its vast table lands, deserts, and mountain ranges, its inland seas, and its dense but isolated populations, they are sure of finding much that is interesting to the scientific and often to the general reader. Beginning with its western states, we find that the Sinaitic Peninsula, in Arabia, has been visited in 1862 and 1863 by two geographers, Rev. T. J. Prout, an English clergyman, and M. W. Howlett, each of whom ascended the mountain Oum Chamar, the highest peak of the Sinaitic Mountains. It is situated about 11 miles S. W. of Djebel Katherin, and according to M. Howlett is 9,100 feet high. Another English traveller, Mr. Charles Foster, has applied the photographic art to the representation of this region, and has given views of the sacred mountains of the peninsula, under the title of "Sinai Photographed."

The intellectual apathy of the Turks has given way under the pressure of European scientific enterprise, and early in the year there was published a volume of travels in the Turkish capital, by an Osmanli scholar, the narrative of a journey of exploration along the Turko-Persian frontier, entitled *Siahatnameï Hodud.*

English commercial enterprise is making itself felt on the *Euphrates* and *Tigris* as well as in *Asia Minor.* Steamboats now ply between Bassorah and Bagdad, and a line of steamships has been established between Bassorah and Bombay. A railway is also said to be in progress from Smyrna to Ephesus. *Syria* has been very thoroughly explored by the French Government since 1861, and several

eminent geographers have taken part in the surveys and have published accounts of their discoveries. The War Department of the French Government published, early in 1863, a very fine map of the Libanus range and its spurs and offshoots, the result of the topographical surveys of the French engineers. M. R. Edwards issued a semi-historical treatise on Syria from 1840 to 1862; M. Desmoulins published under the sanction of the War Department "Hydrographic and Statistical Information concerning the coast of Syria." MM. H. Guys, Louet, Stepp, Bevet, and Isaacs, have written works on Syria, and an English writer, Mr. Mansel, has published a "Coast Survey of Palestine." Dr. Beke, the African traveller, has during the past year penetrated into the country lying east of Palestine, known as the Hauran, as far as the mountains of Galaad (the ancient Gilead), but his narrative of his travels is not yet published. Two French savans, MM. Mas Latrie and Kotschy, have been exploring the isle of Cyprus, and the former has published a map of it. Other eminent scholars, and among the number Messrs. Vogue and Waddington, have been engaged in archæological explorations of the island, and their labors have been rewarded by interesting and important discoveries. M. Kotschy, after his return from Cyprus, penetrated into the interior of Asia Minor, and visited the pashalic of Adana, in the ancient province of Cilicia. In the district of Zeitun, in that pashalic, he found a little Armenian confederation of about 15,000 souls, who had maintained an ecclesiastical and civil independence, recognizing no other authority than that of their patriarch, whose see was at the Monastery of Sis, to the west of Marach. They had been attacked by the Mohammedans in 1862, and some of their people slain. The clergy of the confederation had sent a delegation to ask the assistance and protection of the Western powers.

Turning to *Persia*, we find evidences of abundant activity in geographical exploration. Northern Persia has been visited and explored with great thoroughness by the Chevalier Gasteiger-Ravenstein and his party. The narrative of the scientific journey of M. Dorn in Mazenduan, Ghilan, etc., in 1861 and 1862, has been translated into Russ, by the Russian geographer Khanikoff, who has himself travelled through the greater part of Persia and Khorassan. Messrs. Watson, Brugsch, and others, who ascended the peak of Demavend, in 1861, read a paper before the Royal Geographical Society of London, which was published in the proceedings of 1862, giving an account of their ascent. They state the height of the mountain as 20,800 feet. Dr. Brugsch has since published, at Leipsic, an extended narrative of these explorations in this part of Persia, under the title of "*Voyage de l'Ambassade Prussienne en Perse, en* 1860, *et* 1861," with a map by M. Kiepert. The "Journal of the Royal Geographical Society at London" contains a narrative of discoveries in Persia, Khorassan, and Afghanistan, by Captain Claude Clark. The British Admiralty have published, in 1863, a survey of the Persian Gulf in two charts, the result of the labors of Commander Constable and Lieutenant Stiffe. The telegraph has made its way into Persia, Teheran, its capital, being in communication with Recht, Tauris, and Bagdad, and through the latter city with Constantinople and Europe. The Persians, less apathetic and indolent than Turk or Tartar, have fairly started on the highway of progress; a fondness for scientific research is manifested; the young men of the higher classes are sent to England and France to be educated, and return imbued with a fondness for science. The French language is taught in the schools of Teheran, and spoken especially by the youth in the streets of that city.

The *Caucasus* has been explored within the past two years by several Russian savans, and General Chodzko, M. Lapinsky, and M. O. Blau, have published maps and narratives of their travels. Captain Ivanchinzoff has made a survey of the Caspian Sea, and published a map of it.

Afghanistan has been the scene of some revolutionary movements during the year 1863, having for their object the obtaining possession of the city of Herat (*see* Dost Mohammed Khan), but there have been no new geographical explorations. Dr. Bellew, who was at the head of an exploring party in that country, in 1857, has published, during the year, a journal of his observations at that time.

Central Asia has been explored more fully during the past two years than at any previous period. The Kirghis Prince, Sultan Valitchanoff, mentioned in the Annual Cyclopædia for 1862, as having traversed the slopes of the Thian-Shan mountains, has continued his explorations in Chinese Turkestan, and has published interesting narratives of his discoveries in the provinces of Kashgar, Yarkand, Khotan, Aksou, &c. M. de Semenoff, a Russian geographer, has also continued his labors in this region, and has thrown much light upon its orography. The Asiatic Bureau of the Department of Foreign Affairs of the Russian Government, has published a special map of the lower portion of the Amou-dária, the river Oxus of the ancient geographers.

Siberia has been traversed, and its mountains and rivers, its coasts and valleys, very thoroughly explored within the past three or four years, by Russian, German, and French geographers. In 1862 and 1863, Messrs. Maack, Maximowicz, Radde, Fr. Schmidt, Schwartz, Glenn, and others, have traversed this dreary country, and have thrown much light on the eastern portion of it by their interesting narratives of travel, and their maps, which have been remarkable for their minute accuracy of detail. A summary of their discoveries has been published in London the past year, by Mr. Ravenstein, under the title of "The Russians

on the Amoor." A map of the Russian possessions on the Amoor, has been published at St. Petersburg by M. Bartholomœi.

Mantchoo-Tartary, or *Mantchooria*, as the region lying north of China Proper, and south of the Amoor, is called, has also been very fully explored since 1861. Mr. George Fleming, whose journey with Mr. A. Michal, of Shanghai, to Menkden, the capital of Mantchoo-Tartary, in the summer and autumn of 1861, was referred to in the ANNUAL CYCLOPÆDIA for 1862, has, during the past year, published a narrative of his journey, with a map, under the title of "Travels on Horseback in Mantchoo-Tartary." The two gentlemen left Tientsin on horseback, about the beginning of July, and reaching the great wall at Shan-Hai-Kivan (where Mr. Fleming ascended the mountains over which the wall passes, and nearly lost his life from sunstroke), passed beyond the wall, visiting Chung-Hu, Ning-Yuen-chow, Ken-chow-Fu, New Chwang, an important city on the Lian-Ho river, where they were assailed by a mob, descended the river to Yeng-tse, a port recently opened to foreign commerce, and returning again to New Chwang, proceeded thence to Moukden, or Shen-Yang, as the Tartars call it, the largest city of Mantchooria. Here they were so much annoyed by the inquisitiveness and curiosity of the mob, that they were unable to explore the city so thoroughly as they desired. They, however, visited the palace, and from an elevated terrace were able to comprehend the plan upon which it was laid out. They found the Chinese who have emigrated to Mantchooria monopolizing the entire business and commerce of the countries, and to all intents and purposes the master race; their language having almost entirely displaced the Tartar tongue. An English traveller, Mr. Chas. Mitchell Grant, and M. de Bourboulon, the French Minister Plenipotentiary to China, have both made overland journeys from Peking to St. Petersburg, passing through Mantchooria and Siberia, in 1862–'3. The narratives of their journeyings have not yet been published. Sir John Hay and party with him having come by sea to Ying-tse, ascended the Lian-Ho river and visited New Chwang, but were unable to proceed farther. Messrs. Francelet and Boyer in the autumn of 1862 set out from Ying-tse, visited New Chwang, and proceeded thence northward to Nicolaevsa on the Amoor, descending on their way the Songari, and visiting the city of Kirin, and afterward Sansing, the last town on the frontiers of Chinese Mantchooria. They represent the region of the Amoor, or Russian Mantchooria, as improving rapidly under the establishment of Russian military posts, and the influx of emigrants from all quarters. There have been, during the year 1863, few voyages of exploration in *China*, but some of the narratives of previous explorers have been published. The progress of commerce has been rapid, though occasional troubles have occurred from the movements of the insurgents, who have not yet been subdued, though they are less active now than some years since. The island of Formosa has been carefully explored during the past two years. The Baron Richthofen, geologist of the Prussian expedition to Japan, has published an interesting paper upon the orography of the island, and Mr. Swinhoe, British consul at Taiwan-Foo, in that island, has communicated to the Royal Geographical Society a long and interesting paper on its currents, harbors, productions and people. It is now a Chinese province. The great equatorial current flows past the island at the rate of four and a half to five miles per hour. The island produces excellent lignite coal, which crops out on the surface, and is worked by means of adits, no shafts being sunk. Its vegetable productions are tea, jute, rice, sugar, and the general fruits and grains of a sub-tropical region. The inhabitants of the southern cape of the island are a tribe of aboriginal savages numbering 200 or 300, ferocious in character, who destroy all strangers who are shipwrecked on the coast. The other inhabitants are Chinese, who, though formerly hostile to foreigners, are now ready to trade with them.

A German traveller, W. Reinhold, has given the results of his travels in a very instructive volume entitled *China und die Chinesen*. A Swiss expedition under the direction of Dr. Rudolph Lindau, early in 1863, commenced the exploration of China and Japan. The results of its labors are awaited with interest. Passing still eastward, we find in *Japan* abundant results of geographical research. The volumes of Sir Rutherford Alcock, late English Minister to Japan, entitled "Three years in Japan," published in the beginning of 1863, are replete with interest in regard to the topography, natural history, habits, manners, customs, and political geography and history of the "Land of the Dawn;" and their abundant illustrations, many of them from drawings and maps of native artists, aid materially in giving us a knowledge of this singular people. This work has been republished in this country by Messrs. Harper & Brothers. "A Lady's Visit to Manilla and Japan," by Anna D'A., is a light pleasant sketchy narrative, but adds very little to our knowledge of the country. "Niphon and Peche-li, or two years in Japan and Northern China," by A. de Fonblanque, is a more instructive work. The lectures and writings of Rev. Dr. Macgowan on Japan, continued during the past year, have aided in giving a more vivid idea of the character and habits of the people, as well as of the geography of the country. Dr. Macgowan, now serving temporarily as surgeon of one of the Government Hospitals at Washington, has submitted to the U. S. Government propositions for an industrial and scientific exploration of Eastern Asia, chiefly in the interests of agriculture. The present threatening condition of Japan, which, under the influence of

its Mikado or spiritual emperor, and several of its daimios or princes, is endeavoring to expel all foreigners from the empire, and has rendered their residence unsafe at most of its opened ports, will render geographical or scientific expeditions hazardous for a time. Ambassadors from Japan visited Europe in the summer of 1862, and remained for some months; and another embassy was sent from thence in the summer of 1863, to remonstrate against European settlement and commerce in the empire. M. Humbert has published in the "*Bibliothèque Universelle*," of Geneva, an important paper on Japan, and the "*Annales du Commerce Exterieur*," of Paris, contains interesting and very complete information in regard to the commerce of the ports open to foreigners. Robert Fortune, for many years British consul in China, and well known for his efforts to promote the tea culture in British India, published, in March, 1863, "Yedo and Peking, a narrative of a journey to the capitals of Japan and China," a book of great value. Baron Richthofen published, about the close of 1862, an elaborate memoir on the geology of the island of Kiu-Siu; and Mr. Alexis Perry communicated to the Royal Society of London a paper on the earthquakes and volcanic phenomena of Japan. The maps of the different portions of the empire, prepared by native geographers, are remarkable for their accuracy and beauty. They greatly surpass the Chinese in their attainments, in every department of physical science.

Passing southward, we come to *Cochin China*, which has been the scene of extensive explorations and surveys by the French, who have obtained a permanent foothold in the southern portion. The *Tableau de la Cochin Chine*, by MM. Cortambert and De Rosny, gives a very full account of the geography, history, and language of the country, and is accompanied by geographical and ethnological maps. Admiral Bonard has given an interesting narrative of his expedition up the Me-Kong and the Oudong rivers, and Lake Telé-Sab, as far as the rivers of Angkor, or Nokhor. The admiral regards the canal and the port of Kankao, which is at the junction of the canal with the Gulf of Siam, and by treaty was to have been a part of the French territory, but was withheld from them by the Annamese, as of little value. The Annamese are restive under the humiliating terms to which they were subjected by the treaty of June, 1862, and have more than once put the French garrisons in jeopardy. The French hydrographic engineers have surveyed very carefully the entire coast of Cochin China, and established a light-house on Cape St. Jacques. The French Steamship Company, styled the *Messageries Impériales*, have established a steamer service to Saigon, in their route from Singapore to Hong-Kong, making the time from Singapore to Saigon (637 miles) three days, and from Saigon to Hong-Kong (915 miles) five days. The productions of Cochin China are valuable, consisting mainly of rice, cotton, spices, indigo, silk, and ship timber. There are few metals, but the adjacent kingdoms of Siam and Burmah abound in gold, silver, iron, copper, etc., and the Malacca, not far distant, yields largely of tin. Ton-King, the kingdom north of Cochin China, has also its gold mines. A French traveller, M. Mouhot, who ascended the Me-Kong, in 1861, and passed through the forests of Cambodia and Laos, and explored the ruins of the great temple of Nokhor-Vat and of the city of Nokhor Lucœng, or Angkor, sent a narrative of his discoveries to the London Geographical Society, which was published in the beginning of 1863, but the unfortunate traveller had fallen a victim to jungle fever, in November, 1861. The Baron de Richthofen traversed *Cambodia, Laos, and Siam*, in 1862, and has published papers on his discoveries in Petermann's *Mittheilungen*, and the *Zeitschrift für Erdkunde*. Mr. Schomburgk, the botanist, has published an account of the new genera and species he has discovered in Siam; M. Bocourt, a French naturalist, has brought home from the same country a remarkable collection of photographs and objects of natural history. Mr. Edward O'Reilly has traversed the Pung-loung mountains, between Burmah and Siam, in order to ascertain the best route between the two countries. The region north of Burmah Proper, lying along the Upper Irrawadi, and extending toward Thibet, has been explored by a missionary, Rev. Thomine D'Mazure, who has published an account of his discoveries in the "Journal of the Asiatic Society," at Calcutta. The British Government has united the territories of Pegu, Arracan, and the Tenasserim into a single province, under the name of British Burmah. Curlew, or Calagouk Island, off the Tenasserim coast, has been selected by Dr. Duncan Macpherson, inspector-general of hospitals at Madras, as the site of a *sanitarium*, being, in his opinion, the most salubrious locality in the vicinity of Farther India.

The *Andaman Islands*, though in the vicinity of countries which have been very carefully explored, have remained hitherto almost wholly a *terra incognita*. An attempt was made, in 1792, to establish a penal colony on the North Andaman, but it was unsuccessful on account of the deadly character of the climate, and the hostility of the natives. The crews of vessels which have been shipwrecked on the island, have, in almost every instance, been dragged off into the interior, and it is supposed eaten by the natives, who are believed to be cannibals. The appearance of strangers on their coasts seems to excite the most deadly hatred on the part of the Mincopie, as the natives call themselves, and they do not hesitate to attack them even if outnumbered. The Sepoys who were convicted but not executed, in 1859, were sent to the South Andaman, but so far as is known but one of them escaped death. Dr. Frederick Mouat, who was commissioned to

survey the islands, and select a suitable place for a penal colony, published, in 1863, a narrative of his voyage of discovery, under the title of "Adventures and Researches among the Andaman Islands." He found the islands covered with the most luxuriant vegetation; the trees equalling in girth the giant sequoias of California (one of them was seventy-six feet in circumference at the top), and belonging mostly to the mangrove and banian families. Extensive marshes in some sections sent up their deadly exhalations, but at other points the islands seemed healthful. They saw but few of the natives, but when they did meet them, a combat always followed. In one of these skirmishes they took a young Andaman prisoner. He was about twenty-two years of age, and after a time seemed to become partially civilized, but it was impossible to obtain any information from him respecting his former mode of life. After some months he was attacked with cholera, and though he recovered from the attack itself, he did not regain his vigor, and it was resolved to send him back to his native island. Here he was left, but nothing more was ever heard from him.

Rev. Charles Parish, who also visited these islands a little after Dr. Mouat's expedition, has given an account of them in the Proceedings of the Royal Geographical Society, and M. Pihau-Dufeillay, who explored the South Andaman, has communicated to the *Bulletin de la Societé Anthropologique* a paper in regard to the inhabitants of the islands.

The *Malayan Archipelago*, with its numerous islands, many of them of great size, and entitled, from its great extent, to be regarded as almost a continent of itself, has been made the subject of some very interesting investigations by Mr. A. R. Wallace, an eminent traveller and physicist, who has spent many years in the islands of the archipelago. Mr. Wallace communicated a paper to the Royal Geographical Society, and to the British Association, in relation to its physical geography. He regards it as divisible into two districts, having entirely distinct lines of demarcation, the one assimilating to the Flora and Fauna of Asia, and the other to the very diverse productions, animal and vegetable, of Australia. These two districts, at the little islands of Baly and Lombock, are brought very near together; being separated only by a strait fifteen miles wide; yet on the one island the birds and plants are not only of different species from those in the other, but of different genera and families. Java, a part of Sumatra, Amboyna, Sumbawa, a part of Bornou, the west end of Ceram, the north part of Gilolo, and all the small islands around it, the northern extremity of Celebes, and the islands of Siau and Sanguir, are wholly volcanic, as is also the greater part of the Philippine group. The remainder of the Malayan Archipelago is generally free from volcanic action. Sumatra, New Guinea, Borneo, the Philippines, the Moluccas, and the uncultivated parts of Java and Celebes, are all forest countries, but Timor, and the smaller islands near it, and to a lesser degree Flores, Sumbawa, Lombock, and Bali, are mainly destitute of forest trees. The monsoons or trade winds are deflected in their course by the islands, and, while the southern part of Borneo and Celebes have a southeast monsoon and fair weather, from April to November, the northern part of Borneo and the Philippine Islands have a southwest monsoon, and rain during the same period.

The publication by Melville, at Batavia, of the magnificent atlas of the Dutch East Indies of Carnbee and Versteeg, is an interesting event, as marking the advance of Batavia in civilization and intellectual culture. Dr. Bernstein, a Dutch naturalist, has been engaged for two years past in an exploration of the natural history of the Molucca islands, and Senor Semper continues to publish interesting and instructive monographs on the islands of Luzon, and in his later publications has given a very full account of the aborigines of the island, who are known as Negritos. The Spanish Government has caused the maps of the hydrographical survey of the coasts of the Philippines to be published. Mindanao, one of these islands, which is rich in vegetation as well as in mineral wealth, has hitherto been partly independent, but within the past year the Spanish authorities have taken possession of the whole island. A German statistician, Mr. Friedmann, has published in the *Zeitschrift für Erdkunde*, a table of the population of the Dutch East Indies. The whole population is about 18 millions, of which 11,943,019 are inhabitants of Java and Madura; 1,746,052 of Sumatra; 1,646,605 of Timor; 886,683 of Dutch Borneo; 471,061 of Palembang; 215,277 of Celebes, and the small islands adjacent; and the remainder of the smaller islands.

We complete our survey of the geographical progress of Asia with a few words on what has been done in India the past year. Geographical researches in that vast peninsula have been incessant for many years past; now measuring the Himalayas and watching their glaciers, penetrating into the beautiful vales of Cashmere, or mounting to the lofty plateau of Thibet, where amid a heat that scorches in summer, and a cold that congeals the vitals in the winter, the worshippers of the Grand Llama maintain their isolated existence; or tracing the Indus, the Ganges, or the Brahmaputra from their sources in the plateau between the Himalaya and the Kuen-Lun mountains through the gateways where they pass southward between peaks never yet trodden by human foot; or farther southward, seeking amid the Vindhya, the Ghauts, or the Nilgherry mountains, and the sources of the rivers which flow down their slopes, the wonders of the vegetable or the animal kingdom; or once more engaged in those practical labors of railway survey and construction, or the laying out of military roads, and the selection of suitable

locations for *sanitariums*, prosaic work, indeed, but not less full of promise in the future development of Hindostan in its aspects of civilization and commerce. The past year has not been less prolific than its predecessors in narratives of these explorations. The Schlagentweit brothers have continued the publication of their interesting work on the Himalayas; Dr. Hooker has contributed new additions to Indian botany; Messrs. Montgomery and Thuillier have pushed their investigations into Little Thibet and Cashmere, and the results of their labors have been laid before the Royal Geographical Society in two interesting papers. Major Walker has communicated to the "Journal of the Asiatic Society" at Calcutta a "Memoir on the Trigonometrical Survey of India," and recent additions to the geographical knowledge of districts bordering on the British trans-Indus frontier. Capt. Knight has published "The Diary of a Pedestrian in Cashmere and Thibet;" Rev. H. Baker, "The Hill Aryans of Travancore," and another missionary, in the "Church Missionary Intelligencer, "Travancore and its Population;" Dr. Hugh Cleghorn, "The Forests and Gardens of South India;" Prof. Flechia, "*Impero Anglo-Indiano;*" Dr. Hoffmeister (the botanist of Prince Waldemar's expedition), an interesting account of the botanical peculiarities of Ceylon, the Himalaya, and the frontiers of Thibet, in the *Relation du Voyage* of that expedition. Mr. Howard laid before the Linnæan Society of London, in June, 1863, specimens of chinchona bark and quinine, procured from the transplanted chinchona of India, demonstrating the success of the transplantation. Messrs. Cassels and Medlicott have published further communications concerning the cultivation of cotton in India. Mr. Stokes has read a paper "On the Indian Arc of Meridian" before the Royal Society, which has been published in the "Philosophical Transactions." Surveys have been made by direction of the Admiralty, and maps and charts prepared and published of the Strait of Palk, the Gulf of Manaar, part of the coast of Ceylon, and the currents of the Gulf of Bengal during the southwest monsoon.

A paper was read before the Ethnological Society of London, at its December meeting, prepared by a Tamil, a native of *Ceylon*, on the Weddos or Widdos, a tribe in the interior of that island, of whom little has been hitherto known. They are supposed to be the direct descendants of some royal families or chiefs who were driven into the forests of the interior when the island was invaded by the Buddhists 2,200 years ago. They have remained entirely distinct from the other races of the island—neither intermarrying nor commingling with them in any way. The men have occasionally exchanged wax, ivory and dried venison for salt and arrow root. They have recently commenced cultivating the soil, but subsist chiefly on the flesh of wild animals, which they kill with the bow and arrow and preserve in honey. They have no knowledge of fire arms; but are expert in the use of the bow and arrow—killing their game at the distance of sixty yards. They are a miserable looking race, and speak a dialect of Cingalese mixed with Telinga, which is not generally understood by the Cingalese. They worship a tortoise, called Ebba, as their only divinity, making sacrifices to it in sickness and at childbirth. If the sick person for whom the offering is made does not speedily recover, he or she is abandoned to die alone, and the body remains unburied. The women of the tribe are totally secluded; strangers are not permitted to approach their villages, and a father never sees his daughter after she has grown up, nor a mother her male children after they have reached the age of manhood. Formerly the tribe wore no clothing, but within the last generation or two they have adopted a scanty wardrobe.

The pearl fisheries of Ceylon have been famous for ages, and have yielded a princely revenue to the sovereigns of the island. The Dutch Government formerly held the monopoly of the fishery of the Tinnevelly Pearl Banks near Tuticorin, and received a net income of about $100,000 per annum from it; but they seem to have fished too recklessly, and the product had greatly diminished before it passed into the hands of the English. In 1822 the revenue derived was about $65,000, and in 1830 about $50,000; but from that time till 1860-'61 there was no yield. In 1861, there was a revenue to the Government of over $100,000, and in 1862 about the same sum; but in 1863 there was a failure, owing, the divers believed, to the presence of two other mollusks on the banks, called *Soorum* and *Kollikoz* (belonging to the families Modiola and Avicula), which destroyed the oysters. The pearl oyster, it should be said, is not a true oyster, but rather a mussel, securing itself to the rocks by a byssus or foot, which it can throw off at pleasure. The superintendent of the Tinnevelly Pearl Banks, Capt. Phipps, has now undertaken to propagate the pearl oyster by an artificial system, putting the adult oyster into a basin walled in and strewed with loose coral, and rearing the young oysters in a division of the basin till they are of sufficient age to be removed to one of the pearl banks, which has been cleared of all offensive or destructive shell fish, mud, &c. By thus stocking the banks successfully, he is confident that the fishery can be kept hereafter at its highest point of productiveness, and the pearls of Tuticorin now, as of old, be in demand in all the markets of the world.

Turning now to Africa, we find the veil of Isis at least partially lifted, and the secret of the source of the White Nile, sought for more than three thousand years in vain, at last exposed.

The history of the discovery is deeply interesting: all efforts to penetrate to the source of the White Nile by ascending the river had utterly failed; partly from the ferocity and hostility of the tribes who dwelt on its upper

waters, and partly from the difficulty of obtaining interpreters and porters to traverse the unfriendly region. Capt. Burton had proposed to reach the great lakes of the interior, and thus prepare the way for seeking the source of the Nile, by an expedition westward from Zanzibar at a distance of 4° or 5° S. of the equator. Arriving after great difficulty and danger in 1858 at Kazéh, midway between Lake Tanganyika and the coast, he was taken sick there and was compelled to send forward his companion, Capt. Speke, to continue the exploration alone. After visiting Lake Tanganyika, Captain Speke proceeded to the southern extremity of a long lake called by the natives Nyanza, which they asserted extended 400 miles to the north, and had its outlet in a river frequented by white men. Capt. Speke became at once strongly impressed with the belief that this lake was the long sought source of the Nile, and as he could not descend the lake he returned to Kazéh and communicated his belief to Capt. Burton, who received it with sneers, and finally quarrelled with him on that ground. Capt. Speke returned to England, and having laid his views, and the reasons which induced him to entertain them, before the Royal Geographical Society, that body, together with several liberal gentlemen, provided the necessary means for undertaking another expedition which should give him the opportunity of testing his theory and perfecting the discovery which he believed he had made.

It was in October, 1860, that, with an outfit as complete as he could obtain, and accompanied by Capt. Grant, like himself, an officer of the Indian army, Capt. Speke reached Zanzibar, and with a caravan of more than 200 men, consisting of a few Hottentots, who proved only a burden, 25 Beluchs or Balochs, an escort through Uzaramo, sent by the Sultan of Zanzibar, 75 freed slaves under an Arab captain, 100 negro porters, and a supply of mules, donkeys, and goats, set out for Uzaramo. The travellers were constantly annoyed by the desertions of these porters and escorts, which often compelled them to hire others, frequently worthless vagabonds, at exorbitant rates, and as often caused them heavy losses of their goods, stolen by the deserters, or plundered by the natives of the countries through which they passed. Only 18 of the whole number engaged remained with them through their journeyings, and these, whom Capt. Speke calls his "Faithfuls," were treated with great consideration at Cairo, and sent back, with an additional year's pay as bounty, by the Oriental Company's steamers to Zanzibar. From Uzaramo, the expedition passed through Usagara, an upland country, where Capt. Grant was attacked with the acclimating fever. This fever did not leave him entirely while he remained in the country, recurring at intervals of about a fortnight, though lighter in the latter part of their journey. As soon as Capt. Grant was convalescent, Capt. Speke left him and, having ascended the hilly Usagara range to the more level lands of the interior, penetrated into the wild region of Ugogo, where the inhabitants usually have abundant crops and herds, but were this year suffering from a terrible famine, the result of an extensive drought. They were a fierce, savage people; so avaricious ordinarily that they would not admit caravans into their villages. The wild game killed by Capt. Speke and his company in this country was at once seized by these people, and an exorbitant *hongo* or toll exacted for the use of the ground on which they encamped. The two travellers (for Grant had recovered sufficiently to join his companion) reached Unyamuezi, or the Country of the Moon, about the end of January, 1861, with the loss by desertion of more than a hundred men, while over one half of their animals were dead, and a like proportion of their property stolen, and the famine made their expenses unprecedentedly high. The inhabitants of Unyamuezi, or "Men of the Moon," as the Hindoos, who formerly traded with the Eastern Coast, called them, are the greatest traders in Africa. They are quite intelligent, and smelt iron from the ore in their own country, and manufacture iron implements very expertly. They also weave cotton and keep many flocks and herds. But with this partial civilization, they are great smokers and drinkers, and lack courage. In this country the travellers encountered famine again and war between a young brigand chief and the Arab traders who visited the country, and were compelled to return to Kazèh to reënforce their caravan, and endeavor to make arrangements for peace. After many delays and wearisome experiences of native extortion, Captain Speke, leaving Grant at Kazèh, passed through Uzinza and Sorombo, when he was compelled to return to Kazèh by the refusal of his whole camp to go forward, because, as they alleged, it was an enemy's country. From Kazèh Capt. Speke sent back to the coast for more beads and clothes, and fifty armed men, and having obtained them, he moved forward, and after much trouble reached the beautiful country of Karague, where King Rumanika, an Abyssinian by birth, welcomed them cordially, and treated them with great kindness. Here the highest standard of beauty for woman is extreme obesity, and the king's wives and daughters were fattened till they could not stand. Leaving his friend Grant, who was again ill, with the kind-hearted Rumanika, Capt. Speke pushed on to Uganda, and while traversing that country, on the 28th of January, 1862, caught sight of Lake Nyanza for the first time in this expedition. He reached the capital of Mtèsa, the King of Uganda, on the 19th of February, and by a judicious mixture of audaciousness and prudence, succeeded in gaining the favor of this tyrant, who seems to have been a second King of Dahomey. To gratify the caprice of the king, one at least of his subjects is executed daily, usually for some

trifling departure from the court etiquette, and nearly every day some one of the hapless wives of the despot was led away to death for the very slightest offences. When he heard that the white men were coming, in a paroxysm of fury he caused fifty big men and five hundred small ones to be executed. The country of Uganda surrounds the whole northwestern shoulder of Lake Nyanza, which is pear-shaped, the widest portion being at the southern extremity. The northern boundary of the kingdom of Uganda lies along the equator, which is also the northern line of the lake. Captain Speke spent five months in Uganda, having brought his companion there as soon as he was able to travel. In company with the king and the queen-mother, who is the most important personage in the realm after the king, he made several excursions on the lake, which he found to be over two hundred miles in length. Mtésa was not willing that he should leave him, and it was only through the influence of the queen-mother, who was extremely desirous of obtaining European goods, that he was at last permitted to depart. The king finally gave him letters of protection, and commended him to the King of Ungoro, but parted with him with great reluctance. The travellers left the capital of Uganda in July, 1862, and after some trouble and hostility on the part of the natives, reached, about two weeks later, the actual source of the Nile, which leaves the lake a broad stream 450 feet wide, and descends at once a rock-broken fall of about twelve feet, called by the natives "the stones," but named by Capt. Speke, Ripon Falls. Visiting the capital of Kamrasi, the savage King of Ungoro, the travellers were detained there from August to November, 1862, and a fortnight later reached the country of the Madi, where they found a Turkish caravan. Between these points the Nile makes a great bend westward, and is reported to unite, at its extreme corner, with another lake, named by the natives the Little Luta Nzige, or lake of the dead locusts, said to be 200 miles long and 50 broad. The tribes on the Nile at this part of its course were at this time engaged in war, and the travellers were compelled to cross on the chord of the bend, and thus failed to explore about seventy miles of the course of the river, in which it accomplishes a descent of about 1,000 feet. In February, 1863, in company with the Turkish caravan, they reached Gondokoro, where Capt. Speke was welcomed by his old friend, Capt. Samuel Baker, who had come thither in search of him, and prepared to relieve his wants. Here too he met Madame Tinne, her sister and daughter, Dutch ladies, who had embarked on the Nile at Khartüm, on a small steamer, accompanied by four other ships, with a suite of about 200 persons, among whom were two travellers, M. de Heuglin and M. Steudner. These ladies had undertaken the exploration of the White Nile, and from intelligence since received, have entered the Bahr el Ghazal, one of the recently discovered tributaries of the Upper Nile, and are endeavoring to advance into the interior. They have met with Consul Petherick's tribes of Niam-Niams, and think his reports not entirely without foundation. Mr. Baker went forward after a short time to explore the great bend of the Nile, but has not yet been heard from. By this expedition Capts. Speke and Grant have demonstrated that the Nile, which must henceforth be reckoned as starting from the headwaters of Lake Nyanza, is over 2,300 miles in length, and that it receives very few affluents. They have also ascertained that the greater part of its course, and also that of the Lakes Nyanza and Tanganyika, are in a deep and narrow valley; and it has been rendered nearly certain that the sources of the Nile, discharging its waters into the Mediterranean Sea, the Shire, an affluent of the Zambesi, emptying into the Indian Ocean, and the Congo or Zaire, which flows into the Atlantic, are in the same vicinity on the elevated plateau about three degrees south of the equator, and that the lakes in which they take their rise are fed by streams from the group of mountains rising from that plateau, and, though nearly under the equator, lifting their peaks to the region of eternal snow. The narrative of Capt. Speke, entitled "Journal of the Discovery of the Source of the Nile," by John Hanning Speke, with portrait, maps and numerous illustrations, was published in London about the 1st of January, 1864, and in this country by Messrs. Harper & Brothers, in April, 1864. At the November (1863) meeting of the Royal Geographical Society of London, a paper was communicated by Baron von Decken in relation to the mountain peaks of Kilima-ndjaro, which lie southeast of Lake Nyanza, which the baron had ascended during the past year. He describes two mountain ranges lying between Lake Jipé and Lake Nyanza, the first, the Aruscha range, being about 4,000 feet high, and the second, a considerable distance east and north, much loftier, and as yet unnamed, but forming, as he believed, the eastern watershed of Lake Nyanza. From the Aruscha range the two snowy peaks of Kilima-ndjaro were in full view. The main peak, which he ascertained by triangulation to be 20,065 feet high, had its snow line at about 17,000 feet in height. He ascended the main peak to the height of 13,900 feet, when, his companions having given way on account of the rarefaction of the atmosphere, he was forced to retrace his steps. In his travels, the baron had met with a terrible pest, a fly called by the natives *Donderobo*, whose bite was as deadly as that of the Tsetse, but affected asses and dogs only. The draught asses of his caravan were destroyed by it.

Retracing our steps, we recur to explorations made, or attempted, in *Nubia*, *Abyssinia*, and *Egypt*, during 1863. The delegation sent out by the Carl Ritter Association of Gotha to ascertain the fate of Dr. Vogel, proved unsuc-

cessful. Leaving the Red Sea at Massoua, it visited at first the country of the Bogos, and its capital, Keren, situated on the confines of Abyssinia and Nubia. Here the delegation separated, and Messrs. de Heuglin and Steudner (who, as we have seen, subsequently joined Madame Tinne), with Dr. Schubert, traversed Abyssinia, visiting Adoa, Axum, and Gondar, and finally reached Khartüm by a long detour; while Messrs. Munzinger and Kinzelbach, going directly to Khartüm, proceeded thence to Kordofan, and attempted to enter Darfür, but found that their lives would almost certainly be sacrificed if they entered that savage region, and prudently relinquished the attempt. M. Munzinger returned to Massoua, and M. Kinzelbach went back to Germany.

In Egypt, an Egyptian institute has been established, which is busying itself with questions of geography, history, agriculture, archæology, and medical science. It has already published a large volume of transactions. The Egyptian Government has commenced a topographical survey of the country. Baron von Kremer, Austrian consul at Cairo, has prepared a very elaborate work on the Gipsies of Egypt. M. Burgsch has communicated to the French Geographical Society at Paris a dissertation on Avaris and Tanis.

Proceeding westward, we find that M. de Beurmann, at the commencement of 1863, traversed *Tripoli* from Bengehazi to Audjelah, intending to penetrate by that route into Waday, in search of Dr. Vogel, but, finding access to that kingdom, by the direct route, cut off, he returned as far as Mourzouk, and thence turned his course toward Bornou. His arrival at Kuka, in the summer, has been ascertained. M. Duveyrier, who spent the greater part of the years 1861 and 1862 in southern *Tunis* and the *Country of the Tuaricks*, has published a very interesting monograph on the Tuaricks and their country. He found a chain of mountains (the Hoggar range) with an altitude of about 6,750 feet, in a region which all maps have hitherto represented as a vast plain. The Tuaricks are remarkable among the natives of Africa, and especially among Mohammedan natives, for the liberty, influence, and authority enjoyed by their women. In this respect they stand in striking contrast to any other people of Northern Africa. A delegation from the Tuaricks visited France, in 1862, and made a very favorable impression on the nation and on the Government, by their dignity and intelligence. An experiment has been in progress for some years for the improvement of the caravan route across the Sahara, by means of artesian wells which should render the regions around them fertile oases. Eminent French engineers have been engaged in it and it has proved successful.

Turning to the western coast, *Senegambia*, where the French have a colony of considerable extent, has been agitated by wars between several of the native tribes. M. Braouézec, a French traveller who has spent some years in Senegambia, and made many important discoveries there, has communicated, in 1863, to the Bulletin of the French Geographical Society, an account of an excursion made by him in 1861 into Djolof, to explore the country lying between Lake Ghier and the Gambia river. Of *Soudan* there is little of interest to record. Dr. Baikië, whose exploration of the Niger has been noticed in a previous volume, has communicated to the Royal Geographical Society a paper on Nupé. The black Marabout, El Haji Omar, who has been for years one of the most bitter and bloodthirsty enemies of Europeans in Africa, and who was defeated in his repeated efforts to drive the French out of Senegambia, from 1854 to 1859, has, by the force of his character, attained to supreme power in Western Soudan.

Upper and Lower Guinea have been explored by individual travellers during the past year, though by no large expedition. The British Government have added the new and thriving city of Abbeokuta, and the country adjacent, to their African possessions, and Captain Burton, the African traveller, now British consul at Fernando Po, who visited it early in 1863, and, in connection with Captain Bedingfield, explored the river Ogun on which it is situated, states that it is fast becoming one of the most powerful States of Upper Guinea. The British Government have also occupied Whydah, and are exercising a restraining influence upon the inhuman barbarities of the King of Dahomey. MM. Guillevin and Répin, two French travellers who have visited Dahomey, confirm the previous accounts of his cruelties. The kingdom of Yarriba, which, a few years since, was an important and powerful State in the Niger, had been entirely broken in pieces, and considerable portions of it are now absorbed in Abbeokuta. The region of the Gaboon and the mountainous region about its headwaters, where M. du Chaillu hunted the gorillas, have been objects of special attention the past year. MM. Braouézec and Touchard, French naval officers, have ascended and surveyed the river, and testify to the cannibalism of the *Fans* (pronounced *Fongs*) and other tribes of that region; Captain Burton has spent some time with this tribe, and contributed an interesting paper on their habits, customs, etc., to the Anthropological Review; and, on another occasion, ascended the Cameroons mountain, a volcano near the Gulf of Biafra, which he regards as the Θεῶν Οχημα of the ancient geographers.

MM. du Bellay and Sreval, two French naval officers, explored in the summer of 1862 the river Ogo-Wai, which discharges its waters into the Bight of Biafra. It is a mile and a half wide for a distance of about 180 miles, and is formed by the junction of two large rivers, the Okanda and N'Gounyai, the latter flowing from the S. E., and the former believed to have its source in Lake Tchad. The country

is rich in ivory, ebony, caoutchouc and palm oil, but the natives are ignorant and degraded. Cassange, one of the Portuguese possessions in Southern Guinea, has been seized by the natives, and is still held by them. Mossamedes, a newly founded sea port on the coast of Benguela, established by the Portuguese, is growing rapidly, and has already become an important city.

Madagascar has during the past year been the scene of a revolution, and its king, crowned in 1862, has fallen a victim to his own madness and folly. (*See* MADAGASCAR.) The island is peopled by two different races, each divided into numerous tribes. The ruling race, the Hovas, are of Malay origin, and comprise only one tenth of the population, being in all about 450,000. The subject tribes are of the negro race, but are taller, stronger, and more energetic than their brethren on the coast. The two large islands east of Madagascar, Mauritius and Reunion, have been very diligently explored within the past two or three years. Of the latter, M. George Azema has published a very complete history, and M. Maillard has issued, during the past year, an extended and finely illustrated work on the topography, geology, and natural history of the island. Mr. James Morris has contributed to the "Journal of Arts" an interesting memoir on the geography, &c., of Mauritius, and M. Leduc has presented to the department of manuscripts of the Imperial Library of Paris an elaborate manuscript history of that island, with numerous maps and plans. The port of Obok, near the Gulf of Tujura, on the coast of Somauli, has been acquired by France, and will be occupied hereafter as a station for the French line of steamers of the *Messageries Imperiales* Company, between Suez and Cochin China.

Oceanica, or at least that portion of it included in *Australasia* and *Polynesia*, claims our attention. In *Australia*, the result of the three exploring expeditions sent out in search of O'Hara Burke and his party, has been laid before the public during the past year. They have traversed Australia from N. to S. and from S. to N. in four different directions, all of them east of the meridian of 131° E. from Greenwich. Stuart has nearly traversed the continent three times, and in the last expedition reached the open sea on Van Diemen's Gulf, on the 24th of July, 1862. Lansborough, leaving the Gulf of Carpentaria on the 10th of February, 1862, struck S. E., and then followed nearly the course of the 145th meridian to Melbourne, which he reached on the 2d of June.

McKinlay took a more extended route, leaving Adelaide on the 14th of August, 1861, and proceeding northward, nearly on the 138th meridian, passed that locality laid down on the maps as Lake Torrens, which proved to be a shallow valley, which is covered with water during the rainy season, but becomes dry from the excessive evaporation of the dry season. Proceeding northward, with a slight inclination to the west, they reached the river Leichardt in about 19° S. lat., nearly 100 miles from its mouth, on the 6th of May, and followed it to a point five or six miles from the Gulf of Carpentaria. From this locality they turned their faces southeastward, McKinlay having determined to explore the interior of Queensland. The previous journey across the continent had been made without serious suffering or privation, but the route to Port Denison, in Queensland, was attended with great distress from want of water and scarcity of food, and the party were compelled to kill most of their draft animals, bullocks, horses, and camels, for allaying their hunger. They reached the first station in the settled districts on the 6th of August, 1862.

These three expeditions, taken in connection with that of Burke and Wills, and the previous ones of McDouall Stuart, and Sturt and Eyre, give a very accurate idea of the interior of Australia. It is not, as was supposed by the earlier explorers, a congeries of lakes, nor, as Sturt supposed, a vast arid desert. Considerable portions of it are well watered, and have a rich productive soil. Other portions are subject to seasons of drought, but in the moist seasons will yield abundant crops. A third and remaining portion has a poor soil, and is almost wholly barren, yet in the wet seasons yields some grass for herds. There is, perhaps, a larger amount of rainfall on Central Australia than in most countries; but the evaporation which takes place in the clear intensely hot weather is very rapid, and soon reduces the plains to drought, and dries up the lakes and considerable streams. The conservation of the profuse rainfall in tanks, and the resort to artificial irrigation where cultivation is required, will cause this desert to blossom like the rose.

In January, 1863, James Morrill, a seaman who had been shipwrecked in the Peruvian in 1846, and was the only one of the four persons who had reached the shore who survived the hardships that followed their shipwreck, came into the settlements near Port Denison. He had spent nearly seventeen years in the interior of Australia, mostly among the natives, who were, on the whole, very kind to him, but were unwilling that he should return to civilized life. He confirms the reports of the cannibalism of the natives, though he says they will not kill their fellow men, simply for the sake of eating them. The bushmen, he says, are cruel and treacherous even in their dealings with each other.

Mr. Alfred Howitt, son of the celebrated author William Howitt, who had been sent out by the colonial government of Victoria to seek for the survivors of the Burke and Wills party, and who found King, the only remaining member of the party, on the banks of Cooper's Creek, has, during 1862 and 1863, been engaged in an exploration of the western portion of Central Australia, and has visited the large lakes of that region.

New Zealand has, during the past year, been

involved in further trouble with the Maoris or native inhabitants. The Maoris, like most of the Polynesian islanders, are fast melting away under the contact of civilization. Intelligent residents of the islands predict that they will not outlive another generation. The Sandwich and Society Islands are becoming depopulated so far as their aboriginal inhabitants are concerned, with fearful rapidity. The Sandwich Islands, in the time of Capt. Cook, were reputed to have 400,000 inhabitants; in 1832, by actual enumeration, they had 130,313; in 1861, 69,800. The Society Islands had 200,000 inhabitants in Cook's time; they have now not more than 10,000 aborigines.

In New Zealand, M. de Hochstetter has been engaged in the exploration of the northern island, and has visited and described the singular lake, Roto Mohama, or the Hot-water Lake. This lake has its sources in numerous springs rising from its bottom and sides. It has a temperature of about 208° F. A German geographer, Julius Haast, has been exploring the southern island, and has made a survey of its lofty mountains; the chain has a mean altitude of about 7,475 feet. He has discovered the existence of an immense glacier, which feeds Lake Tapuko, through a river which he has named, from one of the colonists, Godley river. Dr. Hector, already favorably known by his researches in the Rocky mountains, has also devoted himself to the study of the physical geography of New Zealand. The European population of New Zealand, according to the census of 1862, amounted to 109,308 persons. Valuable gold mines have been discovered at several points in both of the larger islands, the most productive being in the province of Otago, in the southern island, and in Coromandel, and the province of Auckland, in the northern island. A learned society has been established in the province of Canterbury in the southern island, called the "Philosophical Institute of Canterbury."

New Caledonia, one of the Loyalty Islands, is claimed by the French, and is rapidly settling with French colonists. Lieut. Chambeyron was engaged in 1862 in exploring the interior of the island and surveying its coasts. He ascertained the height of Humboldt Peak, the principal mountain of the island, situated between seven and eight miles from the coast, to be about 5,300 feet. The *Society or Tahitian Isles* are under the protection of France, and French emigration is commencing thither on a considerable scale. An extensive botanical garden there has proved very successful in acclimatizing the useful plants of other countries.

The *Fiji or Viti Islands*, of whose exploration by Dr. Seeman some account was given last year, have been the subject of another volume of great interest by Col. Smythe and his wife, entitled "Ten Months in the Fiji Islands." Col. Smythe was the commissioner sent out by the English Government to investigate the proposed cession of the island to Great Britain. He regards the Fijians as in many respects a superior race, but like most of the Polynesians they are wholly under the influence of their chiefs. They have been, and some of the heathen tribes undoubtedly are still, cannibals, but they are not so fearless or ferocious as the Tonga islanders were before the introduction of Christianity, and those who have come under the influence of the missionaries are gentle and amiable. *Melanesia*, under which term are included the several groups lying N. E. of Australia, the Solomon Islands, Santa Cruz Islands, Banks Islands, New Hebrides and Loyalty Islands, has, for the last four or five years, under the constant and self-denying labors of the missionary Bishop J. C. Patteson (of the English Church) and his coadjutors, been improving in civilization. He has visited the different groups every year, and where it was possible, brought off young lads to be educated at the missionary college of Kohi-marima in New Zealand, founded by the liberality of the distinguished authoress, Miss Yonge. These lads, after receiving education and Christian instruction, are returned to their native islands to exert their influence for good there.

Philosophical Geography has received a valuable contribution in a recent work by the Hon. George P. Marsh, entitled "Man and Nature; or Physical Geography as modified by Human Action," published by Charles Scribner, N. Y.

The mortality among men eminent for their contributions to geographical science during the year 1863 has been very large. We mention the names of the following, of most of whom biographical notices will be found elsewhere in this volume. Among our own countrymen, Edward Robinson, D.D., LL.D., distinguished for his researches in Biblical geography; Major Howard Stansbury, the explorer of the Great Salt Lake of Utah; Major-General Amiel W. Whipple, one of the officers on the Pacific Railroad exploration; Colonel John J. Abert, for many years chief of the corps of Topographical Engineers; and Rear Admiral Andrew H. Foote, whose explorations on the African coast were of great interest. Of foreign geographers, there were Edme Jomard (*Jomard l'Institut*), of Paris; Dr. Carl Vogel, father of the traveller Vogel, and author of numerous geographical works and maps; Simon Fraser, the discoverer of Fraser river in British Columbia; Dr. George Robinson, an English Oriental traveller; Capt. Philippe de Kerhallet, the French hydrographer; Mallat de Bassilan, an explorer in Malaysia and author of a "*Description des Philippines;*" Moritz von Beurman, a German explorer in Africa, murdered by the Sultan of Waday; Dr. Henry Steudner, one of Madame Tinne's suite, who died on the Upper Nile; Richard Thornton, the geologist of Livingston's expedition; Rear Admiral Jehenne, a French naval officer, who had explored the coasts of Eastern Africa with great assiduity; and perhaps also Consul Petherick, of Khartûm.

GEORGIA. Much suffering was experienced in Northern Georgia from the scarcity of food in the early part of 1863. Such were the apprehensions of Gov. Brown, that he issued a call for the Legislature of the State to convene on the 26th of March. The object of the session was to secure the application of all the productive labor of the State to the cultivation of articles necessary to sustain life. The short crop of 1862, and the difficulty of transporting supplies, had forewarned the authorities of the dangers of a famine. In Savannah both corn meal and bacon were scarce in the spring, and the supplies which existed were greatly reduced by the seizures of the Government. In the hospitals bacon and corn bread were the only articles furnished for nourishment.

The impressments of provisions for the army caused much dissatisfaction. In March thirty cents per pound were allowed for bacon when the market price was ninety cents. This difference in the price allowed by the impressing officers, and the market value, led to the preparation of a case, by mutual agreement, at Atlanta, which was to be carried to the Supreme Court of the State to test the constitutionality of the law. The plaintiffs denied the authority of the Impressment Commissioners to fix an arbitrary price to be paid for every man's goods which the Government might from necessity impress, without regard to the circumstances of each particular case. They denied that prices thus fixed were or could be, in all cases, "just compensation," and that it was just compensation in this case; hence the suit involved the constitutionality of this feature of the law, and the competency of the Congress to pass such a law.

In September, Gov. Brown issued a proclamation on the subject to the people. It was based on information that subalterns, without authority, often made impressments, and gave certificates which were not valid. He admitted the power of the Government to make the impressments, and urged the citizens to resist when they were made by persons who could not show proper authority. He also directed all the civil and military authorities to assist persons in defending their property against illegal seizures, and to arrest and commit to jail all persons making impressments without authority, until a warrant could be issued against them for robbery. The following resolution, offered in the Legislature at its session in November, also illustrates the oppressive operation of the impressment law:

Whereas, the impressment laws passed by the Congress of the Confederate States have been greatly perverted and violated by the impressment officers, and those professing to be, by reason of which many of the citizens of this State have been greatly harassed, defrauded, and wilfully wronged; therefore, be it

Resolved, by the Senate and House of Representatives in General Assembly convened, That the Secretary of War be, and he is most respectfully requested to revoke the appointment of all the impressment officers of this State, and to have appointed in their place and stead, in counties where it may be necessary to make impressments to feed and support our gallant armies, one or more responsible citizens, not liable to military duty, residing in the counties respectively.

Liberal arrangements were made throughout the State for the relief of the families of soldiers and others. As an instance, in Muscagee county, the grand jury made an assessment of sixty thousand dollars for the benefit of the poor. The State appropriation to the county amounted to thirty-three thousand dollars for the relief of indigent families of soldiers, whether living or dead. There was also a relief association at Columbus, with a capital of $100,000, which furnished provisions to soldiers' families at less than the market prices.

The election for State officers took place on the first Monday of October. The candidates were Joseph E. Brown, who held the office when the ordinance of secession was passed, and Joshua Hill, a member of Congress at the same period. (*See* ANNUAL CYCLOPÆDIA, 1861, pp. 211, 212, 213; also CYCLOPÆDIA, 1862, pp. 272.) Gov. Brown, in his letter consenting to a renomination, said: "We should never, under any circumstances, consent to a reconstruction of the old Union, or to any political union with the Abolition States upon any terms whatever. Nor should we ever lay down our arms till the independence of these Confederate States is unconditionally recognized."

The views of Mr. Hill were also expressed in a letter that was made public. After stating that he had no desire whatever for the office for which he had been nominated, he says:

Since my resignation of my seat as a member of the Congress of the United States, which occurred immediately upon the withdrawal of my colleagues, I have taken no active part in politics. I had often expressed my honest convictions that the destruction of the Union would be followed by a long and bloody war, disastrous beyond precedent in its results to every section; and that the idea of dissolving the Union with the hopes of reconstructing it on a basis more permanent and protective of the rights of the slave States, was fallacious and absurd. I compared the effort to accomplish such an impossibility to the folly of taking the most delicate glass and crushing it to atoms, in the vain hope of collecting the scattered fragments, and, by reuniting them, making the scattered vessel more comely and durable than it was before. It was a strange delusion, without which the Union could not have been broken. I believe what I said of the impossibility of reconstruction. Time and events have deepened these convictions.

I felt little comfort in the flippant assurance of sanguine orators "that the Yankees could not fight if they would, and would not if they could." I knew the time was when they had fought, and I believed that, by collision with our brave troops, they would learn to do it again. In war, as in politics, it is unwise to underrate your adversary.

The war, with all its afflictive train of suffering, privation, and death, has served to eradicate all idea of reconstruction, even with those who made it the basis of their arguments in favor of disunion. I always regarded it as impossible, except by the success of the Northern arms, and then only the Union in name, and not the free Government of our fathers. I want no such Union as that, and will not accept it.

The best argument in favor of disunion, and the one most relied on by its advocates, was apprehension for the security of our slave property. If it was not then in danger, it is in extreme peril now.

The disasters of July evidently led to a consideration of the subject of reconstruction as well in Georgia as in other States. Thus, in August, ex-Senator Toombs was led to write as follows:

WASHINGTON, GA., *August 18th*, 1863.

Dr. A. Bees, Americus, Ga.:

MY DEAR SIR: Your letter of the 15th inst., asking my authority to contradict the report that "I am in favor of reconstruction," was received this evening. I can conceive no extremity to which my country could be reduced in which I would for a single moment entertain any proposition for any union with the North on any terms whatever. When all else is lost, I prefer to unite with the thousands of our own countrymen who have found honorable deaths, if not graves, on the battle field. Use this letter as you please.

Very truly, your friend, &c.,

R. TOOMBS.

In August, a print issued at Macon said:

To-day, and in the heart of Georgia, may be found men ready to discuss a reconstruction of these dissevered Unions! Men willing to degrade themselves, to enslave their wives and children—to insult our dead in their soldiers' graves—to make for their country a history of shame and infamy—to be the mock of all men for all time to come, by voluntary reunion with our vile, our despicable enemies. Reconstruction means but subjugation. To ask for readmission to the United States would be to petition for our own slavery and degradation.

Another in Savannah, a few days later, said:

That there are submissionists among us, remarks the Milledgeville "Union," all now see. They are banding together to form a political Union. Who compose this party or league? First and foremost the men who have never wanted the South to succeed. These are mostly men born at the North, or who have relatives in that section. Next comes the speculator, who has got rich out of the sufferings of our people, and who has bought property with his ill-gotten gains, which property he hopes to save by swearing allegiance to Lincoln, when it is put in danger. The next class (in shame and sorrow we say it) is composed of men who are between forty-five and fifty years of age, and who fear that they may yet be called to the field. They may have sons in the army—they may have had their sons butchered by the hated foe, but to keep at home themselves they are ready to dip their fingers in the heart's blood of an only son, and write traitor on his pale cold forehead. If we are not right, we are wrong. If we are not right in this war, we are all traitors. The man, therefore, who is ready to submit to Lincoln confesses himself guilty of treason, and deserves a halter.

It appears that there were a very few who were bold enough to come out openly for reconstruction, but there were many who secretly harbored a wish for it. The position taken by the secessionists is shown in the above extracts and in the following: "Now, the time has long passed for discussing that subject. Secession is a fixed fact: we have been fighting two years for it; and I cannot separate between opposition to seceders and opposition to secession, which means opposition to the war, and that means submission to Abraham Lincoln."

A third candidate for governor was nominated, by the name of Furlow; but it does not appear what his peculiar views were. The entire vote cast was 64,704. The vote shows that Brown had 36,558; Hill, 18,122; Furlow, 10,024—total vote, 64,704. For President in 1860 the total vote was 106,365.

Many of the candidates for the Congress at Richmond claimed the votes of the citizens on the ground that they were in favor of an "honorable peace."

Gov. Brown, in his message to the Legislature of the State, which convened in November, recommended the repeal of the substitute law, and the employment of negroes as teamsters and in similiar capacities in the army; that the pay of officers be increased twenty-five per cent., and that of privates to twenty-two dollars per month, and that the salaries of all State officers be increased; that cotton planting be restricted to one fourth of an acre to the hand, and that every energy be directed to the production of food; that $500,000 be appropriated to support soldiers' families; that $8,000,000 be appropriated as a military fund, and $2,000,000 as a clothing fund; that the militia be reorganized, so as to include all between eighteen and sixty, and that the 10th day of December be observed throughout the nation as a day of fasting, humiliation, and prayer. He also opposed loaning the credit of the State to the Confederate Government or the endorsement of its bonds.

The State debt was reported as follows:

Bonds bearing interest	$5,911,750
Bonds not bearing interest	176,000
Treasury notes, not bearing interest	7,588,000
State change bills, not bearing interest	478,660
Total	$14,149,410

To meet this indebtedness, the interest and principal, the State had not only her taxable wealth, returned in 1863 as $991,596,383, and in 1860 returned at $672,322,777, but held stocks in banks and railroads amounting to $992,400, and the Western and Atlantic railroad entire, which was valued by a committee of the Legislature before the inflation of prices at $8,840,124, and which paid into the treasury as its net earnings during the year the sum of $1,650,000.

Resolutions were unanimously passed by the Legislature, reënacting the resolution in reference to the secession of the State, and pledging anew its entire resources, in vindication of the position then assumed, and declaring the determination not to become weary of the war until independence was achieved.

The military operations touched Georgia only on the southeastern and northwestern borders. Some naval movements in the waters adjacent to the Savannah river, which involved the attack on Fort McAllister, the capture of the ironclad steamer Atlanta, and the burning of the town of Darien, were the most important in the southeastern part of the State. Darien was burnt on the 11th of June by a force landed from two transports, accompanied by three gunboats. All the churches except the Methodist, the market-house, courthouse, jail, clerk's office, and all the houses except three, were destroyed. The

salt works, at a distance from the town, were subsequently destroyed.

In May the governor called upon the State troops to come to the aid of the army in Mississippi, but without securing a sufficient force. On the approach of Gen. Rosecrans to Chattanooga, the reserves of the State were called into the field, and on a call for eight thousand, eighteen thousand offered themselves. The military organizations and officers had been retained, and to this cause the governor ascribed his success in securing men.

The Convention which adopted the ordinance of secession, at the same time passed an ordinance declaring that each alien within the State at that time should be regarded as a citizen, unless he made a declaration within three months before a court of record that he did not wish to be considered a citizen of the State. All aliens who omitted to make this declaration were therefore conscripted like other citizens for the army.

Claims for exemption were subsequently brought before the courts of the State by aliens, but in all cases it was decided that the plea of alienage conferred no exemption. On the same grounds the protest of the British consul, Mr. Fullerton, in similar cases was disregarded.

The number of soldiers contributed to the army during the year is at present unknown. The foreign commerce of the State was reduced to a few small cargoes in some light vessels, which escaped the blockading force.

GERMANY, a confederation of sovereign and independent states in Central Europe. The Constitution of the Confederacy consists of twenty articles. Its object, according to the first article, is "the preservation of the internal and external security of Germany and the independence and inviolability of the various German states." The organ and representative of the Confederation is the Diet of Plenipotentiaries, which is permanent, and assembles in the free city of Frankfort-on-the-Main. The executive and administrative government of the Diet is constituted in two forms: 1st. as a General Assembly or Plenum, in which every member of the Confederation has at least one vote, and the larger states have two, three, or four votes each; and 2d, the Minor Council, or Committee of Confederation, in which the eleven largest states cast one vote each, while six votes are given to the smaller states, a number of them combined having a joint vote. The General Assembly decides on war and peace, on the admission of new members, on any changes in the fundamental laws or organic institutions, but in all other cases the Minor Council is competent to act both as Legislature and Executive.

At the time of its establishment, in 1815, the German Confederation consisted of thirty-nine sovereign states, but the following five states have now ceased to exist: 1st, the Duchy of Gotha, which became extinct in 1826, by the decease of the last duke, and was according to compact divided between Saxe Coburg and Saxe Meiningen; 2d, the Duchy of Anhalt Köthen, which, in consequence of the extinction of the ducal house in 1847, became annexed to Anhalt Dessau; 3d and 4th, the Principalities of Hohenzollern Hechingen and Hohenzollern Sigmaringen, which, in 1849 were united to Prussia, in consequence of the simultaneous abdication of the two reigning princes in favor of the king of Prussia, head of the House of Hohenzollern; 5th, the Duchy of Anhalt Bernburg, which became extinct on August 19th, 1863, and was united with Anhalt Dessau-Köthen.

The following table exhibits the present members of the German Confederation, the titles of the Sovereigns, the number of votes cast by each member in the Diet, and their rank. The Presidency of the Federal Diet is permanently vested in Austria.

States.	Title of sovereign.	Votes in General Assembly.	Votes in Minor Council.	Place in the Diet.
1. Austria	Emperor.	4	1	I.
2. Prussia	King.	4	1	II.
3. Bavaria	"	4	1	III.
4. Saxony	"	4	1	IV.
5. Hanover	"	4	1	V.
6. Würtemberg	"	4	1	VI.
7. Baden	Grandduke.	3	1	VII.
8. Hesse-Cassel	Elector.	3	1	VIII.
9. Hesse-Darmstadt	Grandduke.	3	1	IX.
10. Holstein and Lauenburg	Duke.	3	1	X.
11. Luxemburg and Limburg	Grandduke.	3	1	XI.
12. Brunswick	Duke.	2	½	XIII.
13. Mecklenburg-Schwerin	Grandduke.	2	½	XIV.
14. Nassau	Duke.	2	½	XIII.
15. Saxe-Weimar	Grandduke.	1	¼	XII.
16. Saxe-Meiningen	Duke.	1	¼	
17. Saxe-Altenburg	"	1	¼	
18. Saxe-Coburg-Gotha	"	1	¼	
19. Mecklenburg-Strelitz	Grandduke.	1	½	XIV.
20. Oldenburg	"	1	¼	XV.
21. Anhalt	Duke.	1	¼	
22. Schwarzburg-Sondershausen	Prince.	1	¼	
23. Schwarzburg-Rudolstadt	"	1	¼	
24. Lichtenstein	"	1	⅐	XVI.
25. Waldeck	"	1	⅐	
26. Reuss-Greiz	"	1	⅐	
27. Reuss-Schleiz	"	1	⅐	
28. Schaumburg-Lippe.	"	1	⅐	
29. Lippe-Detmold	"	1	⅐	
30. Hesse-Homburg	Landgrave.	1	⅐	
31. Lübeck	Free City.	1	¼	XVII.
32. Frankfort	" "	1	¼	
33. Bremen	" "	1	¼	
34. Hamburg	" "	1	¼	

The population of each German state, according to the census of 1861 (unless otherwise marked), its area in English square miles, as well as the contingent of each state in the Federal army, may be seen from the following table:

The great majority of the inhabitants of the Confederation belong to the Teutonic race. In two states only—Austria and Prussia—is there a considerable number of natives of other races. Austria has more than 6 millions Slavi and about 500,000 Roumanians in its crownlands, which belong to the German Confederation, and Prussia about 850,000 Slavi. In four

Countries.	Area in English sq. miles.	Population.	Army corps. Division.	Contingent to Federal Army. Infantry.	Cavalry.	Artillery.	Pioneers. Engin'rs.
1. Austria (1857)	75,822	12,802,944	I., II., III.	134,279	21,731	15,481	2,350
2. Prussia	71,698	14,138,804	IV., V., VI.	113,515	18,633	13,134	1,888
3. Bavaria	29,638	4,689,837	VII.	49,418	8,159	6,766	925
4. Saxony	5,766	2,225,240	IX., 1. Div.	17,344	2,750	1,686	220
5. Hanover	14,776	1,888,070	X., 1. "	18,690	2,992	2,011	240
6. Würtemberg	7,675	1,720,708	VIII., 1. "	19,219	3,199	2,790	377
7. Baden	5,851	1,369,291	VIII., 2. "	13,382	2,291	2,477	184
8. Hesse-Cassel	3,858	738,454	IX., 2. "	8,201	1,301	806	105
9. Hesse-Darmstadt	3,243	856,907	VIII., 3. "	8,878	1,420	946	113
10. Holstein and Lauenburg	3,710	594,566	X., 2. "	5,015	825	694	66
11. Luxemburg (1863) / Limburg (1862)	1,886	202,313 / 218,775	IX., 2. "	1,913	1,064	....	....
12. Brunswick	1,526	282,400	X., 1. "	3,030	481	294	37
13. Mecklenburg-Schwerin	4,834	548,449	X., 2. "	5,162	822	514	66
14. Nassau (1862)	1,802	457,571	IX., 2. "	6,039	17	586	78
15. Saxe-Weimar	1,421	273,252	Reserve Division.	2,910	461	277	37
16. Saxe-Meiningen	933	172,341		1,667	264	158	21
17. Saxe-Altenburg	509	137,883		1,420	226	137	19
18. Saxe-Coburg-Gotha	816	159,431		1,615	256	154	21
19. Mecklenburg-Strelitz	997	99,060	X., 2. Div.	1,097	....	220	....
20. Oldenburg	2,417	295,242	X., 2. "	3,201	506	422	41
21. Anhalt	869	181,824	Reserve Division.	1,772	281	166	22
22. Schwarzburg-Sondershausen	318	64,895		653	103	62	8
23. Schwarzburg-Rudolstadt	340	71,913		781	123	75	10
24. Lichtenstein (1856)	64	7,150		79	12	9	....
25. Waldeck	466	58,604		753	120	70	10
26. Reuss-Greiz	148	42,130		1,078	172	102	13
27. Reuss-Schleiz	297	83,360					
28. Schaumburg-Lippe	212	30,774		306	48	28	3
29. Lippe-Detmold	445	108,513		1,025	162	97	13
30. Hesse-Homburg	106	26,817		292	45	26	3
31. Lübeck (1857)	127	49,482	X., 2. Div.	590	93	....	8
32. Franckfort	43	87,518	Res. Div.	693	110	66	10
33. Bremen	106	98,575	X., 2. Div.	702	111	....	10
34. Hamburg	148	229,941	X., 2. "	1,916	440	....	23
Total	242,867	45,013,934		426,635	69,218	50,254	6,921

of the Austrian provinces of the Confederation—Bohemia, Moravia, Carniola and Illyria, Trieste, Goerz, Istria—the non-German races even form a majority of the population.

For several years Germany has been agitated by a movement for reforming the Federal Constitution and bringing about a closer union of the states. To promote this object, the "National Verein" (National Association) was founded, which soon spread through all the states, with the exception of Austria. The greatest difficulty in the way of a union of the German states, appeared to be the Government of Austria, which had announced its design by means of the new Constitution of the Austrian Empire to consolidate permanently all the various nationalities of the empire into one body politic. The majority of the National Verein were of opinion, that the first reconstruction of Germany should not embrace Austria.

One of the earliest results of the national movement was the attention paid to the construction of a German fleet. The General Assembly of the National Verein held at Heidelberg on August 23d and 24th, 1861, decided to organize a national subscription for the construction of gunboats, to appropriate from their own receipts 10,000 florins to this end, and to transmit all the contributions to the Prussian Ministry of the navy. In the Federal Diet propositions for the construction of a fleet for the defence of the coasts of the Northern and the Baltic seas were made by the Government of Hanover, on Oct. 10th, 1861. On Feb. 13th, 1862, the military committee of the Federal Diet proposed to create a commission, consisting of experts, in which all the states might be represented, which should indicate all the general measures to be adopted. A second commission, composed exclusively of delegates of the sea coast states, would then be charged with elaborating the projects indicated by the first commission. This proposition was adopted by the Diet on March 8th, 1862, and the first commission assembled at Hamburg, on April 16th, 1862.

On Oct. 31st, 1861, the representative of the Duke of Saxe-Coburg-Gotha demanded a Federal decision whether the National Verein conformed to or was contrary to the Federal laws. He added that it was time that the princes should give satisfaction to the wishes of the nation, and he indicated as a means to arrive at the unity of Germany, the combination of diplomatic and military control in one hand.

A comprehensive project of Federal reform was elaborated by Mr. de Beust, the prime minister of Saxony, and together with an explanation, presented to Austria. This project, which is dated Oct. 15th, 1861, called forth a long and important diplomatic correspondence. The Prussian cabinet before which it was laid, on Nov. 16th, replied to it by a despatch, dated Dec. 20th. To the Prussian despatch Austria, the four kingdoms, and several other states of the Confederation, replied by a note of Feb. 3d, 1862. The project of Mr. de Beust retains the Diet with its 17 votes, but proposes that it meet twice a year, on March 1st and November 1st, alternately at Ratisbon and Hamburg, each session lasting four weeks. The Presidency was to be alternately in Austria

and Prussia. It combines with the Diet an assembly of delegates elected by the Chambers of the states. Austria is entitled to send to this assembly 30 representatives elected by the Diets of the German provinces; Prussia 30 members elected by the two Prussian Chambers, Bavaria 10, Saxony, Hanover, Würtemberg, 6 each, Baden 5, Hesse-Cassel and Hesse-Darmstadt, 4 each; Holstein, Luxemburg, Brunswick, Mecklenburg-Schwerin, Mecklenburg-Strelitz, Nassau, Saxe-Weimar Oldenburg, 2 each; Saxe-Coburg, Saxe-Meiningen, Saxe-Altenburg, Lübeck, Frankfort, Bremen, Hamburg, 1 each; the duchies of Anhalt together 1, the two Schwarzburg conjointly, 1, Waldeck, Lichtenstein, and the two Lippe, 1; total 128. This assembly is to meet only when convoked by the Diet; and it is to be convoked only when the Diet has elaborated a general law which the assembly may accept, reject, or amend, or when the Diet wishes to receive its opinion on political questions. During the interval from one session of the Diet to another an executive is charged with superintending the execution of the Federal acts. The executive power is to be alternately in the Emperor of Austria, the King of Prussia and a third prince elected by the other states of the Confederation. Three other institutions complete this organization; a federal tribunal, a federal chancellorship having its seat at Frankfort, and a military administration of the Confederation. The Austrian Government, in its reply of Nov. 5th, made to this Saxon project the following objections: 1. That it altered in a prejudicial manner the relations of the Germanic Confederation to Foreign Powers. 2. That it virtually incorporated all the Prussian provinces with the Confederation, by providing for the election of the Prussian deputies by the whole of the two Prussian Chambers. 3. That it gave to the deputies a certain competency in political questions. 4. That it was not likely to simplify Federal affairs. 5. That it demanded from Austria the sacrifice of the permanent Presidency without offering to her an equivalent. Austria declared her readiness to renounce the permanent Presidency, if the Confederation would admit to the rights of the Confederation all the territories of Austria and Prussia. She also declared in favor of maintaining the Diet at Frankfort, and of adding a representative element.

The Prussian Government, in its reply of Dec. 20th, expressed the opinion that it was especially necessary to avoid all that could transform Germany into a federal state, because the constitution of a federal state would require the chief direction to be given to one of the two great powers, which would force the other out of the Confederation. According to the opinion of the Prussian Government, the Saxon project gave to the small states a disproportionate influence. A closer union might be effected by means of special conventions between some members of the Confederation. Prussia already had concluded a military convention (June 1st) with the Duke of Saxe-Coburg-Gotha, by virtue of which the military force of the Duchy was put under the command of Prussia. But on Nov. 23d, the Duke of Saxe-Meiningen formally protested against this convention, as violating the rights of the agnates, and the King of Saxony a few days later united in this protest.

The view of Prussia respecting the right of the states to form special conventions was denied by Austria, the four kingdoms, and Hesse-Darmstadt and Nassau, in a note of Feb. 2d. They regarded such conventions as clearly opposed to the spirit of the Federal Constitution. Prussia, in notes dated Feb. 14th and 21st, again supported her views, and continued her negotiations with other small states for the conclusion of special military conventions.

A new conference for discussing the subject of Federal reform was held at Vienna, in July, 1862, and attended by representatives of Austria, the four kingdoms, the two Hesse and Nassau. A new proposition of reform was agreed upon and laid before the Diet on August 14th. The main feature of the project was again the establishment of an assembly of delegates chosen by the parliaments of the different states. Austria proposed at the same time a new project of a Federal tribunal, which was to sit at Frankfort and to consist of fifteen ordinary members and fifteen extraordinary assessors. The representatives of Prussia protested against all these schemes, and contended that any resolution of this kind could not be passed by a majority, but only by a unanimity of votes.

The people of Germany, while they were unanimous in demanding a reform of the Federal Constitution and the convocation of a German parliament, were divided on the question whether Austria was to be included in the reconstructed union or not. The majority of the "National Verein" were in favor of reconstructing Germany without Austria and under the leadership of Prussia, and they were, therefore, called by their opponents the Little German Party (Kleindeutsch). Those who insisted on embracing Austria in the union called themselves the Great German Party (Grossdeutsch). In addition to these two national organizations, each of which held annually a General Assembly, there was also organized, in 1862, a General Assembly of the members of German legislatures ("Abgeord-neten-Tag"). These three bodies, which must be well distinguished from each other, namely: 1, the General Assembly of the "*National Verein*," called by their opponents the Little German Party; 2, the General Assembly of the "Great German" Party (also called the "German Reformed Association"); and 3, the General Assembly of the members of German Diets, exercised a great influence upon the progress of the Union movement. From the detailed accounts of their proceedings in 1862 and 1863, which we give below, it will be seen

that the "National Verein" and the "General Assembly of the members of German Diets," agreed in all important points, and that they demanded a more liberal and democratic basis for the reconstructed union than the Great German Party, although the latter contained likewise a strong democratic element.

The first General Assembly of the members of German Diets met at Weimar, on Sept. 28th. The members of the Austrian Council of the Empire had been specially invited, but none of them made their appearance. The assembly was attended by 213 deputies, representing most of the German states, and elected Mr. Fries, of Weimar, president, and Mr. Unruh, of Prussia, and Barth, of Bavaria, vice-presidents. Upon motion of Mr. Joseph, of Saxony, it was resolved, that the admission by the assembly of deputies from states, where constitutions had been introduced or modified without the assent of the chambers, did in no way prejudge the validity of these constitutions. It then adopted the following resolutions: 1. The Federal unity of Germany such as it was legally expressed by the German constitution of March 28th, 1849, without encroaching upon the independence of the particular states, is a political necessity both for making Germany respected abroad and for securing liberty at home. It can only be affected by the convocation of a parliament. The creation of a parliament for all Germany constitutes a right of the German people. It is the duty of every German, of each government, and of every German chamber to urge by all legal means the establishment of this constitution. 2. The German parliament must emanate from a free popular election. The proposed assembly of delegates cannot be regarded as even a first step, and ought, therefore, to be rejected. 3. The proposed Federal tribunal appears to be very dangerous to liberty, and must be absolutely rejected. 4. German unity must embrace all Germany; no people ought to be excluded, and it is the right as well as the duty of all the states to unite. This holds good, particularly of German Austria. But if insurmountable obstacles should oppose themselves in the beginning to the formation of a Federal unity embracing German Austria, this should not be a reason for the other states to delay on their part the execution of this national work. On the other hand, the admission of other countries of the Austrian empire, which have heretofore formed no part of the Germanic Confederation, is irreconcilable with the national wants of the German people. 5th. The question of the executive German power should not be definitely settled without the participation and the assent of the first German parliament. In the discussion which preceded the adoption of these resolutions, only one dissenting voice was heard, that of Herr Von Gagern, who pleaded the cause of Austria and demanded that the central power should be placed conjointly in the hands of Austria and Prussia. The assembly appointed a standing committee of twenty members, who jointly chose eleven additional deputies.

A few days later, on Oct. 6th and 7th, the annual general assembly of the "National Verein" was held at Coburg. It passed resolutions similar to those passed at Weimar. According to a report of the committee, the "National Verein" at this time numbered 25,325 members.

The first general assembly of the "Great German" Party was opened at Frankfort on Oct. 28th, and attended by about 550 members, many of whom were representatives of the chambers of Austria, Bavaria, Baden, Hanover, and other states. The views of this assembly are expressed in the following resolutions, which were adopted almost unanimously, viz.: 1st. The reform of the constitution of the Germanic Confederation is an urgent and indispensable necessity. 2d. The reform must make it possible for all the German states to enter the union. 3d. It can be achieved only by the creation of a strong Federal executive with a national representation. 4th. The only possible form for the Federal executive under the actual circumstances would be an executive college with an appropriate distribution of votes. 5th. The assembly of delegates, proposed by eight governments, must be accepted as a first step toward the creation of a national representation; but it is to be hoped that the governments will not delay to transform this assembly into a periodical representation near the Diet with an extension of its powers. 6th. In order to procure for it the required moral authority, it ought to have a sufficiently large number of members. The legislatures of the several states ought to have the right to fix the mode of their election; but in no case should the eligibility be limited to the members of the several national representations. 7th. The reform should be effected by way of agreement upon the basis of the actual Federal Constitution. 8th. Although a Federal tribunal whose independence should be secured appears to be one of the most useful institutions, the plan proposed by the eight governments does not appear to answer the desired end.

The Federal Diet toward the close of the year had animated debates on the question of establishing an assembly of delegates. Austria and her allies (the four kingdoms, Hesse-Darmstadt and Nassau) maintained that such a measure would not be an organic change of the constitution, and that therefore no unanimity of votes was required for its passage. This view was opposed by Prussia and Baden, the latter power maintaining, moreover, that if a representation of the people was to be inaugurated at all in connection with the Diet, it ought to have greater powers than were accorded to it by the scheme of Austria and her allies. A vote on the subject was reached on Jan. 22d, 1863. Only seven out of the seventeen votes of the minor council declared in favor of the Austrian scheme. Denmark declared that the negotia-

tions concerning the position of the duchies of Holstein and Lauenburg were not sufficiently advanced to enable her to judge if so important a modification of the Federal Constitution would be compatible with the interest of the duchies. The representative of Holland declared that Luxemburg and Limburg would never consent to a modification of the Federal Constitution which would in any way interfere with their independence and legislative powers; that as to Limburg it was altogether foreign to Germany by its language, manners and nationality, and if the public opinion of the country were consulted, it would suggest rather its complete separation from the Confederation than propositions which would bind it more closely to Germany. After this vote, the representatives of Austria declared, that the imperial government reserved to itself the right to carry out the project of an assembly of delegates by means of private arrangements; that it hoped that the Diet would yet be able to take the subject up again, under more favorable circumstances; and that it was always ready to enter into deliberations upon the creation of a more effective Federal executive power and a national representation proceeding from the particular legislatures of the several states. Bavaria, Saxony, Hanover, Würtemberg, Hesse-Darmstadt, and Nassau declared their concurrence in the opinion of Austria.

On July 31st, 1863, the Emperor of Austria, in an autograph letter, invited all the sovereigns of the German Confederation and the senates of the free cities to meet in an assembly at Frankfort-on-the-Main at which all should personally attend, with the object of discussing the question of a reorganization of the German Confederation suitable to the requirements of the age. Most of the governments accepted the invitation, and the sitting of the congress was accordingly opened on August 17th, at eleven o'clock in the morning, under the presidency of the Emperor. The Emperor in his opening speech spoke at great length of the proposed reform and the King of Bavaria replied. The following is a complete list of the princes and representatives of the free cities who took part in the proceedings of this Congress. The Emperor of Austria, the Kings of Bavaria, Saxony, and Hanover, the Crown Prince of Würtemberg, Grand Duke of Baden, Elector of Hesse, Grand Duke of Hesse, Prince Henry of Holland, the Duke of Brunswick, Grand Duke of Mecklenburg-Schwerin, Duke of Nassau, Grand Duke of Saxe, Duke of Saxe-Meiningen, Duke of Saxe-Coburg-Gotha, Grand Duke of Mecklenburg-Strelitz, Grand Duke of Oldenburg, the Hereditary Prince of Anhalt-Dessau, the Prince of Schwartzburg-Sondershausen, the Prince of Schwartzburg-Rudolstadt, Prince of Lichtenstein, Prince of Waldeck, Prince of Reuss (younger branch), the Prince of Schaumburg-Lippe, the Burgomaster of Lubeck (Herr Bremer), the Burgomaster of Frankfort (Dr. Müller), the Burgomaster of Bremen (Dr. Duckwitz), the Burgomaster of Hamburg (Dr. Haller), making altogether twenty-four princes and four representatives of free towns. The Kings of Prussia and Denmark, the Princes of Anhalt-Bernburg, Saxe-Altenburg, Reus (elder branch), Hesse-Homburg, and Lippe, who constitute the remaining members of the German Confederation, were neither present themselves nor represented by deputy.

On August 19th the King of Saxony left Frankfort for Baden, where the King of Prussia was staying, with a joint written invitation from the assembled princes to the king, to take part in the Congress, but the king persisted in declining. The session of the Congress terminated on Sept. 1st. The Emperor of Austria, at the closing sitting, expressed his satisfaction at the complete fulfilment of his hopes of a direct coöperation on the part of the German sovereigns. He hoped that this first Congress of German Princes would soon be followed by a second, that all the members might be united into one great body, and that their endeavors would be crowned with success. The "Reform Act," as finally agreed upon by all the states except six (Baden, Luxemburg, Saxe-Weimar, Mecklenburg-Schwerin, Waldeck, and Reuss, younger branch), bears the date of Sept. 1st, 1863, and is entitled as follows: "Reform of the German Bund as proposed by the Congress of Princes held at Frankfort." Its provisions, briefly stated, are as follows:

1. The objects of the German Confederation are declared to be the maintenance of the security and power of Germany in regard to foreign countries; the maintenance of public order at home, and the furtherance of the interests of the German nation.

2. A Directory is established for the management of the affairs of the Confederation; a Federal Council is organized from among the plenipotentiaries of the governments; an assembly of Federal delegates is to be convoked periodically, and a Federal court of justice is established.

3. The Directory is to consist of six votes, namely: 1. Austria; 2. Prussia; 3. Bavaria; 4. Saxony, Hanover, and Würtemberg, alternatively; 5. A member elected by Baden, the two Hesse, Holstein, Luxemburg, Brunswick, the two Mecklenburg, Nassau; 6. A member elected by all the other states; the Federal Council of seventeen members nominally, but twenty-three actually, as Austria and Prussia are to have three votes each.

4. The Assembly of Delegates is to consist of three hundred and two members—elected, not by the people, but "by the representative bodies of the several German states," Austria is to have seventy-five members, and Prussia (if she pleases) the same number. The four free cities are entitled to send two representatives (the original proposition was for one only, but this was amended). This Assembly is to meet once in three years, in the month of May, and

may be prorogued by the Directory for any period not exceeding two months. Should the Assembly be dissolved, the Directory is empowered immediately to issue orders for a new election. The right to "make representations and complaints" is granted to the Assembly, and it may "pass resolutions" on national affairs, but legislative privileges are denied.

5. The Assembly of Princes "takes into consideration the results of the deliberations of the Chamber of Deputies" and "examines into the representations and complaints" of the Chamber of Delegates, and orders the promulgation, by the Directory and by the several states, of the acts it has sanctioned.

6. No formal declaration of war can be made without the consent of two thirds of the Federal Council. Should there be danger of a war between a foreign power and a state which has possessions not belonging to the Confederation, the Directory is bound by the decision of the Federal Council whether or not the Confederation shall take part in the war.

Before separating, eighteen princes and the four burgomasters of the free cities signed another letter to the King of Prussia, in which they expressed their deep regret at having been deprived of the king's personal coöperation in the great work they had undertaken, and state that they nevertheless cherished the hope that a general understanding will be ultimately arrived at. The letter concludes thus: "Being all inspired by the wish for German unity, and ready to make sacrifices, we have come to a perfect agreement upon the project of reform. We shall consider it a great success for ourselves and for our peoples if resolutions are maturing in the mind of your Majesty, by which, thanks to the unanimity of her princes, Germany will realize her desire for a wholesome reform of her Constitution, based upon the laws of the Confederation."

In its reply, dated September 24th, the Prussian Government made its participation in the work of reform contingent upon three preliminary conditions: 1, a right for both Prussia and Austria of vetoing every war which is not carried on for the defence of Federal territory; 2, complete equality of Austria and Prussia within the Confederacy; 3, the election of the Assembly of National Delegates by a direct vote of the German people.

The attempt of Austria to prevail upon the other German courts to agree upon a joint answer to Prussia failed, and it was, therefore, deemed best to call a "Conference of Ministers" to deliberate upon the next step to be taken. This conference was opened at Nurnberg on October 24th, but only ten of the twenty-three governments which had signed the letter of September 1st to Prussia, were represented. A majority of them did not agree to the propositions of Austria and Saxony, to reply to Prussia by identical notes.

On August 21st, the Assembly of German deputies (members of Legislatures of German states) was opened at Frankfort-on-the Main. It was attended by about 300 delegates. Herr von Benningsen, of Hanover, was elected president; Herr Barth, of Bavaria, and Herr von Unruh, vice-presidents. The following resolutions were unanimously adopted: 1. The Assembly regards the initiative of the Emperor of Austria in preparing the way for a reform of the Federal Constitution, and the ready participation of most of the German princes and the free cities in this work, as a cheering testimony of the universal conviction as to the insufficiency of the actual Federal Constitution, and as to the necessity of its reform. 2. The Assembly still believes that only the idea of a Federal State, as expressed in the "Constitution of the German Empire of March 28th, 1849," can fully satisfy the national demand, but under the actual circumstances, it is unwilling to reject absolutely the proposition of the Emperor of Austria. 3. But it must emphatically declare itself against some portions of the Act of Reform, especially against the proposed plan of national representation. It regards the election of a German Representative Assembly by a direct vote of the German people as indispensable. 4. The two Great Powers ought to have equal rights; and those provinces of Prussia, which before 1848 did not belong to the German Confederation, ought to be admitted to it. 5. The Act of Reform ought not to be introduced without the consent of a German National Assembly.

The "National Verein" held its third General Assembly at Leipzic, on October 17th. It was resolved that the Act of Reform proposed by Austria does not meet the expectations of the German people; that its introduction would be no step toward the realization of German unity, and therefore the National Verein must decidedly oppose it. The counter propositions of the Government of Prussia are equally insufficient. The National Verein stands by the Constitution of 1849. It rejects no means which will tend to making Germany really a Federal state. But the German people alone, through its chosen delegates, can ultimately decide upon the Constitution of the Empire.

The General Assembly of the *Grossdeutsche* (Great German) party was opened at Frankfort-on-the Main, on October 28th. This meeting expressed a more favorable opinion of the Congress of Princes and its work. It declared in favor of adopting the Act of Reform; but at the same time proposed several amendments, as the holding of biennial instead of triennial Assemblies of Delegates of German Legislatures. It was attended by 442 members, and the principal speakers were Herr von Lerchenfeld, of Bavaria, Herr von Wydenbrugk, of Saxe-Weimar, and Prof. Brinz, of Austria.

The difficulties between the Diet of Holstein and the German majority of the Diet of Schleswig on the one hand, and the Danish Government on the other, led, toward the close of the year, to a very serious complication between

Denmark and Germany, and the year 1863 closed with the almost certain prospect of a speedy war. (*See* SCHLESWIG-HOLSTEIN.)

GETTYSBURG is the capital of Adams county, Pennsylvania. It is situated on the head waters of the Monocacy, about forty miles north of Frederick in Maryland. It has a beautiful location, surrounded with hills, valleys, and the dark outline of the Blue Ridge on the west, and the billowy Catoctin range on the south. A great battle was fought here on the 1st, 2d, and 3d days of July. Subsequently the bodies of the slain of the Union Army were gathered in a national cemetery located on the battle field. This was dedicated with much ceremony in November.

GILBART, JAMES WILLIAM, Esq., born in London, March 21, 1794, died at Brompton-crescent, Middlesex, August 8, 1863. He became a clerk in a London bank in 1813, and while in that position took an active part in the Athenian Debating Society, and was subsequently connected with the Union Society, of which Mr. J. S. Mill and Lord Macaulay were members. From 1825 to 1827 he was a cashier in a Birmingham office, and during that time delivered an interesting course of lectures on the philosophy of history. Shortly after this he was appointed manager of a branch of the Provincial Bank of Ireland, but retired from that post to take the general management of the London and Westminster Bank, the duties of which he discharged with much ability until 1859, and on his retirement from the office of general manager he was elected a director of the company. Mr. Gilbart was the author of many works, among which may be mentioned "A Practical Treatise on Banking," "The History and Principles of Banking," "A History of Banking in Ireland," "The Logic of Banking," "Banking and the Currency," "History of Banking in America," "Logic for the Million," &c. He was a Fellow of the Royal Society, and in the International Statistical Congress, held in July, 1860, he was appointed one of the committee of the section of Commercial Statistics.

GRAND GULF, a village in Claiborne county, Mississippi, on the Mississippi river, two miles below the mouth of Big Black river. It contained two or three churches, a market, and several steam mills. Considerable cotton was formerly shipped from the place. The population was about 1,000. It was fortified by the Confederates with batteries fronting on the river, but evacuated on the approach of Gen. Grant in the rear. (*See* ARMY OPERATIONS.)

GREAT BRITAIN, OR THE UNITED KINGDOM OF GREAT BRITAIN and IRELAND. Area, 112,406 square miles; population, 1861, 29,334,788. Capital, London. Government, a Constitutional Monarchy. Parliament, two Houses, Lords and Commons. Queen, Alexandrina Victoria. Heir apparent, Albert Edward, Prince of Wales, eldest son of the Queen. Cabinet: Viscount Palmerston, First Lord of the Treasury; Lord Westbury, Lord High Chancellor; Right Hon. W. E. Gladstone, Chancellor of the Exchequer; Earl Granville, K. G., Lord President of the Council; Duke of Argyle, Lord Privy Seal; Rt. Hon. Sir George Grey, Baronet, Secretary of State for the Home Department; Earl Russell, Secretary of State for Foreign Affairs; the Duke of Newcastle, Secretary of State for the Colonies; Earl De Grey and Ripon, Secretary of War; Rt. Hon. Sir Charles Wood, Baronet, Secretary of State for India; the Duke of Somerset, First Lord of the Admiralty; Rt. Hon. T. Milner Gibson, President of the Board of Trade; Lord Stanley of Alderley, Postmaster General; Rt. Hon. Edward Cardwell, Chancellor of the Duchy of Lancaster; Rt. Hon. C. Pelham Villiers, President of the Poor Law Board.

There was nothing of special interest to the United States in the events transpiring in Great Britain previous to the opening of Parliament on the 6th of February, 1863. In the royal speech at the opening of the session, the approaching marriage of the Prince of Wales to the Princess Alexandra of Denmark was announced; the offer of the Greek crown to Prince Alfred and its declination were stated. It was further declared that the protectorate of the Ionian Isles would be resigned, in order that they might be incorporated with the kingdom of Greece whenever a stable government was organized. The patient endurance exhibited by the manufacturing population of the cotton districts, under their severe privations was eulogized. The neutral position hitherto maintained between the contending parties in the United States, it was announced, would still be preserved. The speech closed with a reference to the beneficial results of the commercial treaty with France, and the adjustment of a similar treaty with Belgium, and the announcement that papers relating to the recent transactions in Japan would be laid before the two Houses. The arrival of the Princess Alexandra at Margate, on the 5th of March, her subsequent progress through London, and her marriage on the 10th of that month occupied public attention to the exclusion of other topics. The relations of the British Government at this time and for two months later with the United States were of a very unsatisfactory character, and the opinion was widely entertained in Europe that ere long the two nations would drift into a war with each other. There was far less apprehension of such a result on this side the Atlantic than on the other, but there was for some time real danger of a collision. The Government of the United States, annoyed by the legal quibbles by which the escape of the Alabama had been permitted, and the spirit of the Foreign Enlistment Act violated, and fully apprized that other armed vessels, some of them of a formidable character, were in progress of construction in English ports and destined soon to add to the fleet of marauders on the high seas, unless the British Government maintained

in better faith its neutrality, remonstrated in strong terms against this unfriendliness in the treatment of a power with whom its relations had hitherto been so intimate and cordial, and gave notice of its intention to make reclamation for all losses occurring to American citizens through the destruction by the Alabama.

On the other hand the ship owners, many of them engaged in blockade running, had been subjected by Adm. Wilkes and other American commanders to so rigid a scrutiny of their vessels, under the right of visitation and search, which, following British precedent, had been most rigorously exercised, and had so often had them seized when their real destination differed from their professed ones, that they constantly besieged the British Ministry with appeals for the recognition of the Southern Confederacy, and for forcible seizure of American property to reimburse their losses. Two incidents, occurring about this time, added to the excitement. The Peterhoff, a new iron steamer, very fast, and having a valuable cargo on board, was overhauled by the American cruisers, and though her ostensible destination was Matamoras, Mexico, yet the character of her cargo and the evidence afforded by her papers was so conclusive of the intention of her officers to run the blockade, that she was captured, and sent into New York for trial and condemnation in the prize court. Her owners in England protested that she was engaged in a lawful voyage, and besought the British Goverment to interfere. Her mails were seized, but at the request of Lord Lyons were placed in charge of the British Consul at New York, and finally forwarded to their destination. The vessel and cargo, after a very fair and careful trial before the U. S. District Court, were adjudged lawful prize, and sold. (*See* PRIZE.) During the pendency of this case, a shipping house in England, Messrs. Howell & Zirman, one at least of the firm an American citizen, being about to despatch a vessel with cargo intended for the Mexicans, applied to Hon. Charles Francis Adams, the American Minister in England, for a certificate of their real design, to be placed in the hands of their captain, to secure them from capture if overhauled by one of the blockading squadron. Mr. Adams gave them the following:

LEGATION OF THE UNITED STATES,
LONDON, *April 9th*, 1863.

Amid the multitude of fraudulent and dishonest enterprises from this kingdom to furnish supplies to the rebels in the United States, through the pretence of a destination to some port in Mexico, it gives me pleasure to distinguish one which has a different and a creditable purpose. Messrs. Howell & Zirman have furnished me with evidence, which is perfectly satisfactory to me, that they are really bound to Matamoras with a cargo intended for the Mexicans. I therefore very cheerfully give them this certificate at their request. It is not the disposition of the Government of the United States to interfere in any way with an honest neutral trade, and it is deeply to be regretted that the frauds which have been so extensively practised in this country have contributed so much to throw it under suspicion.

CHARLES FRANCIS ADAMS.

This letter was made public at Lloyd's, and a deputation of merchants and others interested in the Peterhoff at once brought the matter to the notice of Earl Russell, commenting very severely upon the course of the American Minister. The matter was brought up in the House of Lords, and an attempt was made to charge upon Mr. Adams an interference with British commerce, and the giving advantage by his certificates to one British ship over another. Mr. Adams denied any such intention, and stated that he believed himself to have a perfect right to give certificates to American citizens to trade with Mexico, which was all that he had done. Notwithstanding this explanation, Earl Russell, on the 18th of May, in the House of Lords, declared his opinion to be that the letter was one which ought never to have been written. The noble earl was indeed in a trying position. His own views may be gathered from the following extract from a speech which he made in the House of Lords on the 23d of March:

I do not believe those efforts of the Federals will be successful. But no man can say that the war is finally over, or that the independence of the Southern States is established. Well, then, what is the present state of the case? Although great efforts have been made in vain, the great Federal Republic seems unwilling to accept the decision of events. So far from it, we find the last acts of the Congress which has just expired are to place, by conscription, every man fit to carry arms at the disposal of the President of the United States, and to vote sums of money amounting to not less than £180,000,000 sterling for the purpose of carrying on the war. Well, then, in this state of affairs, I should say that, looking to the question of right, it would not be a friendly act toward the United States, it would not be to fulfil our obligations to a country with which we have long maintained relations of peace and amity—a great country, which says it can still carry on the war—it would, I say, be a failure of friendship on our part, if at this moment we were to interpose and recognize the Southern States.

I have endeavored to guard myself by saying that I speak now with reference to the present aspect of affairs. I hardly know any moment in which my noble friend could have brought forward his motion with less encouragement from events. It may turn out that these immense efforts which are being made shall be made in vain; that the spirit of the South is unconquerable as their determination never to be united again with the Northern States is final and irrevocable, and that a time may come when the duty of this country will be totally different from what it is at the present moment. All I maintain is, that it is our duty at present to stand still, and not top roceed to an act so definite, so positive—an act so unfriendly to the United States, as that of the recognition of the South.

My noble friend spoke of various topics, of danger of Canada being attacked by the Northern Republic, and of the West Indies being attacked by the Southern. My lords, I cannot follow my noble friend into these suppositions. I do not venture to say what may be the future course of events. I confine myself to that which I think to be our duty now, which I think is right; and, if that be so, we must be content in future days to meet with future dangers, and it will not enfeeble our arms if we have it in our power to reflect that we have never failed in our obligations to those which have been great States in peace and amity with us, and that it has not been through any fault of ours that a great affliction has fallen on them.

But while thus measurably friendly to the United States Government, and at least disposed

to act justly and fairly by it, he was hampered in his action by some of his colleagues, who did not disguise their hostility to that Government, two only of them (Rt. Hon. T. Milner Gibson, and the late Sir George Cornewall Lewis) entertaining similar views to Earl Russell; and at the same time the Conservative, or Tory party, in Parliament, led by Earl Derby and the able and persevering Benjamin Disraeli, were constantly watching for an opportunity to overthrow the administration on this very question. They professed to be in favor of immediate recognition of the Southern Confederacy, and, whenever occasion offered, pressed a resolution to that effect upon the ministers. On the 24th of April, Mr. Cobden came to the relief of the Government in a speech of great eloquence and power in the House of Commons, in which he stated with much clearness the principles which obliged the English Government to act up to the spirit of the Navigation and Foreign Enlistment Acts, in prohibiting the furnishing of war vessels to a foreign belligerent power to be used against a nation with whom they were at peace. He reviewed the past intercourse and traditions of the two nations (Great Britain and the United States), and enforced the lesson of friendship and kindness thus inculcated by a vivid picture of the probable results of the opposite course to Great Britain herself. This speech excited a powerful influence in averting the threatened war, and in confirming the ministry in their resolution to refuse all resolutions looking to recognition, and to adhere to their position of neutrality.

The case of the Alexandra and her sister ship, two ironclad rams, building in the Mersey by the eminent shipbuilders John Laird & Sons, who had built the Alabama, began to attract attention in May. The American minister had procured evidence which he regarded as conclusive that these two vessels were intended for the Confederate Government, and he laid this evidence before Earl Russell. The builders, on being questioned, professed at first that the vessels were intended for the Emperor of China, and, when this was disproved, that they were for the Viceroy of Egypt; but the Government became satisfied that these statements were mere subterfuges, by a forged report of the Confederate Secretary of War, then believed to be genuine, which acknowledged that these vessels were intended for them. There was some difficulty, however, in securing the requisite proofs to bring the case within the strict letter of the Foreign Enlistment Act, and there was reason to fear that while the Government were engaged in these efforts, the rams would escape. This result was finally prevented on the 10th of October, by the seizure of the rams by order of the British Government, and their detention under strong guard. A suit was presently instituted under the Foreign Enlistment Act, and, being dismisse dby the courts on technical grounds, was carried before the House of Lords on an appeal, but was eventually (since the commencement of 1864) dismissed by that body, on the ground that the special case proposed at the instance of the chief baron to carry the matter before the court of the exchequer chamber, was informally and improperly made up. For the correspondence between the Government of the United States and the British ministers on this subject, *see* DIPLOMATIC CORRESPONDENCE.

On the 30th of June, Mr. Roebuck, who had distinguished himself in Parliament since the commencement of the war as the friend and advocate of the Southern Confederacy, moved an address in the House of Commons, praying that negotiations might be entered into with the Great Powers of Europe for the purpose of obtaining their coöperation in the recognition of the independence of the Confederate States; by the Great Powers he said he meant France, and gave an account of an interview which he said had taken place between the Emperor of France, Mr. Lindsay (another member of Parliament), and himself, in which the Emperor told him that he had already made an offer, through Baron Gros, to join England in such a measure. Sir George Grey declared that no such communication as that stated by Mr. Roebuck had ever been made to the Government. The Chancellor of the Exchequer (Mr. Gladstone), objected to the motion, and said that he was most anxious for the termination of the war, but recognition would only produce reaction in the North. Mr. Bright eloquently denounced the motion, and demonstrated its injustice and folly. The debate was adjourned, but when called up again on the 13th of July, Mr. Roebuck himself moved its discharge. So far from accomplishing the design of its mover was the result of this debate, that it materially strengthened the purpose of the Government now fully formed to adhere more strictly than before to a firm neutrality.

While, however, there were indications of a better state of feeling growing up between the two Governments—(to which Earl Russell gave expression in a public speech on the 26th of September, in which he said: "The Government of America discusses these matters very fairly with the English Government. Sometimes we think them quite in the wrong; sometimes they say we are quite in the wrong; but we discuss them fairly, and with regard to the Secretary of State I see no complaint to make. I think he weighs the disadvantages and difficulties of our situation in a very fair and equal balance")—there was still a hostility and bitterness toward the United States on the part of some classes in Great Britain, which manifested itself on every occasion. The masses and a considerable portion of the intelligent middle class, especially of the dissenting bodies, were friendly to the United States, but they were not generally the voters. The efforts of some of our citizens to set the people of England right in the matter were attended with good success. The public addresses delivered in

England by Rev. Henry Ward Beecher, in August and September, and the wide diffusion of pamphlets and documents, coupled with the eloquent speeches and essays of John Bright, Richard Cobden, J. Stuart Mill, Prof. Newman, Goodwin Smith, J. E. Cairnes, and others, have effected a decided change of feeling in that country, in favor of the United States, and have rendered it probable now at least that a majority of the people of England are our friends. The bitterness with which, for the last six months, Mr. Jefferson Davis has denounced the British Government, and the spirit of mortification and resentment which his ambassador, Mr. John Mason, manifested on leaving England, on finding that he could not hope to be received in any official character, fully corroborate the extent of this change.

The Polish question occupied much of the attention of the ministry and the two Houses of Parliament during the first half of the year. As early as the 20th of February, in the House of Lords, and on the 27th of the same month, in the House of Commons, the subject was introduced, and addresses to the crown asked for. The ministers avowed their sympathy with the Poles, and their belief that the treaty of Vienna had been violated systematically. The British Government subsequently united with France, Austria, and Prussia in a joint note to the Government of Russia, covering several propositions for the relief of Poland and the cessation of the civil war; these propositions were declined by Russia (*see* RUSSIA and POLAND), and France subsequently proposed a European Congress to settle this and other European questions; to this congress England declined becoming a party. Late in the year another troublesome foreign question arose, by which the British Government was placed in a condition of great embarrassment and difficulty, viz., the Schleswig-Holstein affair. This eventually resulted in a war, in which Prussia and Austria, forestalling the action of the German Diet, were the attacking party (*see* SCHLESWIG-HOLSTEIN); and the war is still in progress (May, 1864). The royal family of Great Britain were intimately connected by marriage with both the belligerents, the princess royal, Victoria Adelaide, being the wife of the Prince of Prussia, heir apparent to the Prussian throne, while Prince Albert Edward, the heir apparent to the British throne, had married Alexandra, eldest daughter of the King of Denmark. The British Government had moreover been one of the three powers (Austria and Russia being the other two) which had by a treaty or agreement in 1852, guaranteed to the new King of Denmark, Christian IX., the government of the two duchies of Holstein and Schleswig. Thus situated, the efforts of the British ministry were directed to the prevention of hostilities, and failing in this, they have sought to settle the difficulty by a conference of European powers, but thus far without much success.

The protectorate of Great Britain over the Ionian Islands was relinquished in October, 1863, and in the same month those islands were annexed to the kingdom of Greece. The Conservatives in Parliament objected to the relinquishment of the important port of Corfu, but the ministers deemed it sufficient reply to say that the people of the Ionian Islands were averse to the British protectorate, and desired to unite with Greece, and that it was not in conformity with the national policy to retain unwilling subjects under its sway.

Mr. Richardson, connected with the British embassy to Japan, having been murdered by the adherents of the Prince of Satsuma, in September, 1862, and no complete satisfaction having been obtained either from the Tycoon or the Mikado (the temporal and spiritual emperors), and the Prince of Satsuma having withdrawn to his principality, a British squadron was despatched under Admiral Kuper, to reduce his fortified town of Kagosima. The bombardment was commenced on the 15th of August, and the forts at first replied vigorously, but by dusk the town was in flames, and three of the forts silenced; on the following day the attack was renewed, the town was reduced to a mass of ruins; the palace, arsenal, factories, and three steam vessels utterly destroyed. The British lost two captains and eleven seamen killed and thirty-nine wounded.

The difficulties with the Brazilian Government in consequence of the arrest of some British naval officers while in undress uniform, were referred to the arbitration of Leopold, King of Belgium, who decided "that in the mode in which the laws of Brazil have been applied toward the English officers, there was neither premeditation of offence, nor offence to the British navy."

In the internal affairs of the kingdom, the topic of most interest was the condition of the operatives in the cotton-manufacturing districts, of whose deplorable sufferings some account was given in the ANNUAL CYCLOPÆDIA for 1862. The suffering seems to have reached its maximum intensity in December, 1862, and from the first week in December it gradually though slowly declined, till, at the close of September, 1863, the number receiving relief from the Poor Law Guardians and local committees, was 184,265, against 456,786 who had received aid in January, 1863. The moderate influx of cotton from India, Egypt, Turkey, the West Indies, South America, Central America, and small quantities from the United States, coupled with the high prices of fabrics, enabled most of the manufacturers to resume work, and the great pressure of want ceased. The number receiving relief was, however, as will appear from the following table (which we copy from the "National Almanac" for 1864), in September, 1863, more than three times as many as in times of ordinary prosperity, or on an average about one fourteenth of the entire population.

In this table the first column of figures gives

the average degree of pauperism in the prosperous period of the first quarter of 1861, by showing the numbers weekly relieved in every 1,000 of the population; the second column contains the actual mean of the numbers so relieved; the third column shows the highest numbers returned as receiving relief during the cotton famine; and the fourth column the number on the 12th of September, 1863.

Principal Cotton Manufacturing Unions.	MICHAELMAS QUARTER, 1861.		MAXIMUM WEEK, DEC., 1862.	SEPT. 12, 1863.
	Degree of pauper'm.	No. of paupers.	No. of paupers.	No. of paupers.
Haslington	12	853	11,504	3,957
Ashton-under Lyne	13	1,758	35,080	19,598
Oldham	15	1,689	16,177	7,441
Stockport	15	1,461	12,247	4,273
Chorlton	16	2,662	19,385	10,708
Burnley	18	1,356	8,812	3,057
Bury	19	1,962	11,883	7,038
Rochdale	22	1,995	14,027	6,736
Blackburn	23	2,720	24,067	6,769
Bolton	24	3,149	9,193	5,492
Salford	24	2,488	11,919	5,186
Preston	28	3,107	23,457	14,323
Wigan	28	2,619	6,293	5,829
Manchest'r Township	32	5,974	41,692	17,834
Macclesfield	37	2,292	4,106	3,188

Finances of Great Britain.—The revenue actually collected in the United Kingdom in the year ending June 30, 1863, was £70,683,-860=$342,109,887.24 in gold. The expenditure for the same time was £69,302,008=$335,-421,718.72. The corrected estimates of the Chancellor of the Exchequer for the year ending March 31, 1864, were, Revenue £68,171,-000; Expenditure, £67,705,000=$327,692,200. Of the revenue collected in the year ending June 30, 1863, £24,100,000 was received from Customs; £16,674,000 from Excise; £9,135,-000 from Stamps; £3,183,000 from other taxes; £10,713,000 from the Property and Income tax; £3,750,000 from the Post Office; £300,500 from Crown Lands; Miscellaneous, £2,828,361. The interest on the public debt for the year 1863–'4 was £26,400,000=$127,-776,000. The debt itself on the 31st of March, 1863, was £799,802,139=$3,871,042,352.76.

Army.—For the year 1863–'4, the regular army of Great Britain consists of a general staff of 104 officers, 137,769 officers and men in the regiments in active service; 9,349 officers and men in the depots of Indian regiments; 697 officers and men in the recruiting and other establishments, and 323 officers and men in the training schools, making a total of 148,244 officers and men comprising the regular army. In addition to these, the British forces in India consist of 3,474 officers, 5,480 non-commissioned officers, 63,722 rank and file; in all 72,676 officers and men. There is also a force of disembodied militia, consisting of 29,730 officers and men who have 35 days' drill and training, and 128,968 who have 21 days' training; and 162,681 officers and men of the volunteer force. There are therefore 220,918 officers and men in the regular and Indian armies, and 321,380 militia and volunteers, who can be called out in case of invasion. The total cost of the maintenance of this force for the year 1863–'4 is set down as £15,060,-237=$72,891,547. The annual cost of each private soldier to the Government for pay, beer, money, clothing, fire, forage, and other allowances, is: in the Royal Horse Artillery, £55 6s. 1½d.=$267.68; in the Life Guards, £68 16s. 8½d.=$332.13; in the Horse Guards, £63 14s. 2½d.=$308.33; Cavalry of the Line, £52 11s. 3½d.=$294.39; Royal Foot Artillery, £32 6s. 11½d.=$156.55; Royal Engineers, £31 5s. 3¾d. = $151.31; Military Train, £31 15s. 9¼d.=$153.78; Foot Guards, £28 17s. 7¾d.=$139.75; infantry of the line, £26 3s. 5½d.=$126.68.

Navy.—The navy of Great Britain in January, 1863, including vessels under construction, consisted of 1,014 vessels of all sorts, but of these on the 20th of March, 1863, only 669, including the vessels in process of construction, were effective. Of these 28, viz., six second rates, screw steamers, carrying from 30 to 40 guns; four iron and six wood third rates, carrying from 16 to 35 guns, three small turretted vessels, carrying from 5 to 8 guns each, two sloops, and three iron and four wood floating batteries, were armor plated; 59 were steamships of the line, of which 3 were building; 44 were screw and 15 paddle frigates; 9 were screw block ships; 26 were screw corvettes; 37 screw, and 28 paddle sloops of war, 166 screw gunboats (of which, however, the larger number have since proved worthless); 54 screw gun vessels, 4 screw, and 73 sailing mortar ships and vessels, and the remainder despatch vessels, troop and store ships, yachts, tenders, tugs, &c. Twenty-nine steam vessels not armor plated even in course of construction were ordered suspended. On the 1st of July, 1863, there were only 355 steamships and 36 sailing vessels afloat in the navy, aside from the coast-guard vessels (revenue service), and of these, 35 steamers and 7 sailing vessels were without guns. The number of officers, men, and boys in the British Navy is 48,000 (9,000 boys); in the coast-guard service, 10,000, and the Royal Marine Force, 18,000.

Commerce and Navigation.—The latest returns of imports and exports are to January 1st, 1853. The imports of the year 1862 were in value £226,592,720 = $1,096,808,764.80; The exports except bullion were £167,189,398, = $809,196,686.32, and the amount of bullion exported was £29,326,191 = $141,938,766.44. The total amount of cotton imported into Great Britain in 1862 was 523,973,296 lbs., against 1,390,938,752 lbs. imported in 1860. the amount exported was 214,714,528, against 250,339,040 lbs. in 1860, leaving for home consumption 309,258,768 lbs., or about $\frac{3}{11}$ of the amount in 1860.

Education.—The number of primary schools inspected in Great Britain in 1862 was 8,014; there were present in them 1,057,426 children, who were taught by 9,115 certificated teach-

ers and 15,752 apprentices. The inspectors also visited 39 training colleges for teachers (normal schools, we should call them) and found in them 2631 students, 2,779 having passed successfully in the course of the year. They also report 442 schools for pauper children containing 33,835 inmates, and 58 ragged and industrial schools containing 2,818 inmates. The amount voted for public education in Great Britain is £804,002, equal to nearly $4,000,000; for public education in Ireland £306,016, equal to about $1,500,000. Besides these sums about £35,000 or nearly $170,000 is granted to certain universities in England, Scotland, and Ireland. Aside from the public school provision thus made, there is a very large number of endowed schools and colleges in England, and a moderate number in Scotland and Ireland, accessible under certain circumstances to those desiring an education.

North American Colonies of Great Britain. Under this head are comprised Canada, New Brunswick, Nova Scotia, Newfoundland, Prince Edward's Island, Vancouver's Island, British Columbia, and Bermuda.

Canada, the most important of these, has an area of about 350,000 square miles, and a population in 1861 of 2,500,755. Its capital is for the present Quebec, but will be removed to Ottawa when the Government buildings there are completed. The Governor General, who is also Governor General, Captain General, and Commander-in-Chief of all the British Provinces of North America, is the Right Hon. Charles Stanley, Viscount Monck. The Executive Council or Cabinet consists of 13 persons, and is chosen by the Governor General from the majority in the Provincial Parliament, and they are responsible for the Government. The Provincial Parliament has two Houses; the Legislative Council of 70 members, 48 of whom are chosen by qualified electors for a term of years and 22 are appointed for life; and the Legislative Assembly, composed of 130 members, chosen from districts by the qualified electors.

Finances.—The receipts into the Provincial treasury from all sources in 1862 were $10,629,204, and the expenditures $11,395,923. Of this latter sum, $3,774,315 was for interest on the Public Debt; $533,570 for Education; $486,621 for the Civil Government; $433,048 for the Legislature; $820,300 for Judicial purposes, and $307,687 for Hospitals and other charities.

Commerce and Navigation.—The imports for the year 1862 were $48,600,633, of which $25,173,157 was from the United States, $21,179,312 from Great Britain, $574,320 from other British Colonies, and $1,673,844 from other countries. The exports for the same year were, $31,679,045, of which $15,063,730 was sent to the United States, $15,224,417 to Great Britain, $840,646 to other British Colonies, and $550,252 to other countries.

The value of goods of the growth and product of the United States, imported into Canada under the reciprocity treaty, in 1862, was $14,430,626, an advance of about four and a half millions of dollars on the previous year, and of nearly six millions on any year before. The total number of vessels passing through the Canadian canals in 1862, was 32,842, and their tonnage 3,582,396 tons. The amount of tolls paid by them was $58,603.86; of these, 27,757 vessels, having a tonnage of 2,536,586, belonged in Canada, and 5,085, with a tonnage of 1,045,810, were from the United States. The gross revenue of the canals from all sources was $527,606.88, and the expenditure, $482,813.53.

Education.—In Canada East there were, in 1862, 3,501 schools, with 188,635 pupils, maintained at a cost of $542,728, and 200 pupils in the normal schools. In Canada West, the same year, there were 4,554 schools of all kinds, with 357,572 pupils, and the expenditure for educational purposes during the year was $1,535,239, of which $1,231,913 was for common schools.

New Brunswick has an area of 27,037 square miles; a population of 252,047 inhabitants. Its seat of Government is Fredericton. The chief officer of the colony is called lieut.-governor and commander-in-chief. Hon. Arthur Hamilton Gordon, C. M. G., is now lieut.-governor. The Provincial Legislature consists of a legislative council of 21 members, appointed for life by the crown, and a house of assembly of 41 members, chosen by qualified electors for five years.

Finances.—Receipts, 1862, $668,197; expenditures, $675,189. Of the expenditures, $116,275 were for education, $191,534 for interest on the public debt, and $124,290 for public works. The debt of the province is $5,788,166.

Commerce and Navigation.—Exports, 1862, $3,856,538; imports, $6,199,701, of which $2,960,703 were from the United States. Of the exports, $889,416 were to the United States. The number of vessels belonging to the province in 1862, was 814, measuring 157,718 tons.

Education.—Whole number of children of school age, 64,000; number in attendance, 29,500; number of teachers, 810; provincial expenditure for schools, $94,437; local contributions, $106,524; total expenditure, $200,961.

Newfoundland.—Area, 35,850 square miles; population, 122,638; capital, St. John's; governor, Sir Alexander Bannerman, Kt.; legislature, two houses: legislative council of not over 15 members, appointed by the crown, to hold office during her majesty's pleasure; the house of assembly, 30 members, elected for 4 years. Revenue for the year, about $452,000; expenditure about $552,000. Exports in 1862, $4,684,000; imports, $4,028,000. Number of vessels owned in the province, 1,386, measuring 87,030 tons. Education, sectarian only. Whole number of schools, 242; scholars, 13,444; average attendance, 8.357.

Nova Scotia.—Area, 17,279 square miles; population, 330,857. Exports in 1862, $5,646,461; imports, 8,445,042. Number of vessels, 3,408, measuring 277,718 tons.

GREECE, a kingdom in Southeastern Europe. In 1861, it was divided into (Prefectures) Departments: the names, area, population, and capitals, are exhibited in the following table:

Department.	Geogr. sq. miles.	Population.	Capitals.
Attica and Bœotia...	116.4	116,024	Athens.
Eubœa.....	79.95	72,368	Chalcis.
Phthiodis and Phocis	111.67	102,291	Lamia.
Acarnania and Etolia.	138 24	109,392	Missolonghi.
Argolis and Corinth..	91.25	138,249	Nauplia.
Achaia and Elis.....	94.31	113,719	Patras.
Arcadia	89.62	96,546	Tripolitza.
Messenia.....	62.52	117,181	Calamoc.
Maconia.....	76.78	112,910	Sparta.
Cyclades	49.56	118,130	Syra.
	900.6	1,096,810	

Of the inhabitants, 552,414 lived upon the Peloponnese; 318,535 on the main land; 225,-861 upon the islands. In 1863, the territory of Greece was enlarged by the annexation of the Ionian Islands. A complete list of these islands, with their territory in geographical square miles, is given in the following table:

Names.	Geogr. square miles.	Names.	Geogr. square miles.
*Corfu.....	12.93	The Echinades	0.12
*Fano.....	0.20	Pelala.....	0.13
Merlera.....	0.14	Oxia.....	0.09
Samothraki.....	0.08	Bromona	0.02
Paxo.....	0.34	Makri and minor islands.....	0.03
Antipaxo.....	0.05	*Zante.....	7.75
*S'ta Maure.....	5.18	*Cerigo and adjacent islands.....	5.04
Meganisi.....	0.42	Strivali islands.....	0.05
Arkudi.....	0.08	Cerigitto.....	0.08
Calamo	0.37		
Castus	0.15		
Atoke.....	0 08		
*Ithaca.....	1.77		47.34
*Cephalonia.....	12.06		

The population of the Ionian Islands was, in 1862, as follows:

Corfu.....	75,532	Zante.....	38,627
Paxo	5,025	Cerigo.....	13,007
S'ta Maure.....	20,043		
Ithaca.....	11,348		234,123
Cephalonia.....	70,541		

The reigning sovereign is George I., king of the Hellenes, born December 24th, 1845, the second son of the present king, Christian IX., of Denmark, and elected king of the Hellenes by the Assembly of Athens, March 18th (30th), 1863; accepted the crown, through his father (then Prince of Schleswig-Holstein-Sonderburg-Glücksburg), and King Frederick VI. of Denmark, acting as his guardians, June 4th, 1863; landed in Greece, November 2d, 1863.

By decision of the Greek National Assembly, of May 15th, 1863, a civil list of 12,000,-000 drachmas, or £41,860, was settled on King George I., to which the Governments of Great Britain, France, and Russia, added £4,000 each, making the total income of the new sovereign of Greece £53,860 per annum. By decree of the National Assembly of March 18th, 1863, the legitimate successors of King George I. must profess the tenets of the orthodox Church of the East. The election of the king took place, under the guardianship of the three great Powers, embodied in the protocol of a conference held at the British Foreign Office, June 5th, 1863. In the protocol the Principal Secretary of the Queen of England declared that if the union of the Ionian Islands to the Hellenic kingdom, after having been found to be in accordance with the wishes of the Ionian Parliament, should obtain the assent of the courts of Austria, France, Prussia, and Russia, the British Government would recommend to the Government of the United States of the Ionian Islands, to appropriate annually a sum of £10,-000 sterling, for the purpose of augmenting the civil list of his Majesty, George I., king of the Greeks.

The Constitution of the kingdom, introduced in consequence of the revolution of September 3d, 1843, was modified by a decree of the Provisional Government, of December 4th, 1862, which proclaimed universal suffrage, and a reduction of the age of electors from twenty-five to twenty. The executive is divided into six departments, namely: the ministries of the interior; of finance; of justice; of public worship; of war, and of foreign affairs. A president of the council superintends the deliberations of the ministry, as chief functionary of the Government. The following heads of departments were appointed on November 6th, 1863, after the arrival of King George I. at Athens: Minister of the Interior, and President of the Council, Bulgaris; Minister of Finance, Drosos; Minister of Justice, Dramantopulos; Minister of Foreign Affairs, Belyami; Minister of Public Worship, Petzalis.

The budget of the year 1862, voted by the Chambers which were closed on August 23d, 1861, estimated the expenses at 24,785,795 drachmas, and the receipts at about 22 million drachmas. The deficit in the treasury, in July, 1863, was estimated by the minister of finance at about 10,700,000 drachmas.* The public debt was, in 1860, as follows:

	Drachmas.
Loan of 1832, guaranteed by the Three Protecting Powers, to Mr. Rothschild.....	44,444,107
Advanced by the three Powers.....	66,142,698
Total.....	110,586,805

Debt to Bavaria, 1,529,333 florins. To this must be added a debt contracted in 1824, at London, to Jacob and Samson Ricardo; the interior debt, and the one to the bank Capo D'Istria; the amount of all of which is not known. The debt increases annually about 3,800,000 drachmas.

The army, at the close of 1863, was entirely disorganized. The navy consisted of 31 vessels, carrying 154 guns, and having 415 horse power.

The movements of shipping, in 1860, was as follows:

	Vessels.	Tonnage.
Arrivals.....	77,958.....	2,298,158
Departures	78,107.....	2,321,048

*The islands marked with a star are those from which the Ionian Islands are often called the "Republic of the Seven Islands."

* 5.78 drachmas are equivalent to $1.

The following table gives an exhibit of Greek commerce in 1860 (value in drachmas):

Countries.	Importation.	Exportation.
Great Britain	14,282,602	13,161,830
Egypt	1,624,226	88,862
America	564,888	269,710
Austria	8,252,419	3,770,171
Belgium	437,706	7,150
France	7,863,478	1,873,078
Ionian Islands	1,333,163	1,496,268
Spain	190	9,324
Italy	1,718,346	1,017,838
Netherlands	746,319	....
Danubian Principalities	3,333,031	381,682
Russia	4,032,141	533,623
Turkey	9,791,390	4,321,877
Total	53,979,899	26,931,413

The National Assembly, on February 3d, 1863, confirmed the decree of October 22d, 1862, by which the Greek throne had been declared to be forfeited by King Otho and his family. Another decree declared that Prince Alfred, of Great Britain, had been elected king of Greece by 230,016 out of 241,202 voters, and consequently proclaimed him constitutional king of Greece, elected by the sovereign will of the Greek people.

On February 20th, Admiral Canaris resigned his functions as member of the Provisional Government. The two other members of this Government then formed a new ministry, which was confirmed by the National Assembly. But on February 21st, a military revolt under the command of Lieutenant Canaris broke out against Bulgaris, Roufos, and their ministry, who consequently offered to the National Assembly their resignation, which was accepted. The National Assembly took possession of the executive power, and. on July 23d, conferred it upon a minister without portfolio, Balbis, assisted by seven ministers.

As Prince Alfred, as well as King Ferdinand, of Portugal, and the Duke of Saxe-Coburg declined the acceptance of the throne, the National Assembly, on March 30th, proclaimed Prince William, of Schleswig-Holstein-Sonderburg-Glücksburg, son of Prince Christian (at present King Christian IX. of Denmark), king of Greece, under the name of King George I.

On April 8th, the National Assembly, having dismissed the ministry of February 23d, appointed a new ministry, under the presidency of Diomedes Kyriaku. This ministry was again relieved, on May 12th, by another under the presidency of Roufos.

On April 12th, the Bavarian Government instructed all the foreign ministers to protest against any act prejudicial to the claims of the Bavarian dynasty to the Greek throne. On April 22d, Prince Christian of Denmark announced that, the obstacles being removed, he accepted definitively the crown of Greece for his son. The representatives of the three great Powers, under whose protection the kingdom of Greece was placed at its organization—England, France, and Russia—held a conference at London, and on May 27th signed a protocol by virtue of which the throne of Greece was declared vacant. Another treaty relative to the accession of Prince William of Denmark to the throne of Greece was signed by the representatives of France, England, Russia and Denmark, on June 5th. The Greek deputation which was sent to Copenhagen, was received on June 6th by the king of Denmark, who declared on this occasion that Prince William accepted the Greek crown on condition of a complete union of the Ionian Islands with Greece. Soon after the new king addressed the following letter to the National Assembly:

Gentlemen,—Obedient to the dictates of my heart, I wished to accompany, by the personal testimony of my sentiments, the message by which the King of Denmark accepts for me the crown which the Hellenic nation calls me to wear. I shall proceed to my new country with transport, in order to prove to you that from the present moment I know no other duty than to live and die as a good Greek, for the happiness and independence of the nation; and I am convinced, gentlemen, that, with your aid, by the friendship of the Powers, and above all by the assistance of God, the interests of the country, henceforth my own, will prosper to its advantage. I am happy and proud, gentlemen, to be able to salute you by the voice of those good and noble patriots who, named by your confidence, have come here, far from their country, to salute me as your King. They will tell you that they have found me full of sympathy for my new country; and that I ardently desire to be able soon to find myself in the midst of you. Accept me, gentlemen, with the same confidence that actuates my heart for you, and teach me to labor with you for the happiness of my fine country, which may God protect. GEORGE I.

The National Assembly replied to this letter as follows:

Sire,—It was with joy and enthusiasm that the National Assembly read your Majesty's letter which accompanied the solemn act of the acceptation of the Crown, and heard the explanations of the deputation concerning your Majesty's affection for your new country, and the noble assistance of the King of Denmark, as well as of your august father, in accomplishing the common desire of the nation. The sentiments so royally expressed by your Majesty are those which the nation expected from its King when it unanimously offered to him the crown of Greece. The annexation of the Ionian Islands is the best augury of the grandeur of our country. While eagerly awaiting your Majesty's early arrival, which offers every guarantee of security and order, the Assembly, confident in the virtues with which your Majesty is endowed, declares you from this moment to have obtained your majority. Your Majesty will find on the part of the Greek nation an enthusiastic reception, that fidelity, affection, and support which render populations happy and thrones glorious. The Assembly, convinced that the nation and the King will forever bless the day of the 30th of March, addresses its prayers to the Most High that he may render your throne powerful, and your Majesty's name glorious.

On September 12th King George signed, at Copenhagen, the agreement relating to the succession to the Danish throne. By this document King George renounces his right of succession in favor of his younger brother and his heirs. King George himself and his own line then become last in order of succession to the Danish crown.

At the beginning of August King George, accompanied by Count Sponnerk as his chief

adviser, left Copenhagen for Greece, where he arrived on the 30th of October. Immediately upon his arrival at Athens he issued the following proclamation:

Hellenes,—On ascending the throne to which I have been called by your suffrages, I feel a desire to say a few words to you. I bring to you neither experience nor wisdom, qualities which you cannot expect at my age; but I come to you with confidence and sincere devotion, as also with a firm belief in the prosperity of our future, to which I promise to devote my whole life. I shall respect and conscientiously observe your laws, and especially the Constitution, that keystone of the Greek edifice. I shall also endeavor to love and respect your customs and language, everything that is dear to you, as I love you already. I shall collect around me the best and the wisest men among you, without any regard to past differences. Assisted by their intelligence, I shall endeavor to foster the numerous and happy germs of the material resources of your noble country, which henceforth is mine. My ambition is to make Greece the model State of the East. The Almighty will give strength to my weakness and enlighten my efforts. He will aid me not to forget the obligations which I have contracted toward you. Whereon I pray God to have you in his safe keeping.

ATHENS, *Oct. 30th.* GEORGE.

On the following day, October 31st, the king went to the National Assembly to take the oath of fidelity to the Constitution. On November 6th, at the request of the king, M. Bulgaris formed a new ministry.

In the early part of the year, while the negotiations with the Royal Family of Denmark respecting the Greek throne were still progressing, the country was repeatedly agitated by military revolts. On the 3d of July the French, English, and Russian Legations at Athens, addressed "identical" notes to the National Assembly, declaring that they would quit Athens if it did not reëstablish order in the country. The National Assembly replied to this collective note, on July 22d, thanking the foreign ambassadors for the service they had rendered to the cause of order, and announcing that steps had been taken for ameliorating the situation. These disturbances mostly ceased upon the arrival of King George, although a considerable excitement continued from time to time to manifest itself.

On December 24th, 1862, the extraordinary English plenipotentiary, Henry George Elliott, presented to the Provisional Greek Government at Athens a memorandum, according to which the English Government declared itself disposed, under certain conditions, to cede the Ionian Islands to Greece. The Danish Court, in accepting the throne of Greece for Prince William, made it in the protocol of the 5th of June, a distinct condition that the Ionian Islands should be effectively united with Greece. The views of England were fully set forth in the speech which the Lord High Commissioner of the islands made to the Legislative Assembly on the 3d of October. He first called upon the Assembly, which had been specially elected for the purpose of deciding the annexation question, to make known the wishes of the people. In case their answer should be in favor of annexation, he stated that certain detailed arrangements were necessary for the completion of this measure. On this subject he expressed himself as follows:

1. It will be necessary that you should pass a resolution in the usual constitutional form, by which, after the cessation of the British protectorate, and until the establishment of the new Constitution, his Majesty the King of the Hellenes shall be enabled to exercise in these States all rights of sovereignty, including those privileges and functions heretofore exercised by the protecting sovereign, the Lord High Commissioner, and the most illustrious the Senate. 2. I shall propose to you, in the name of her Majesty, that, on the cessation of the payment of the sums heretofore reserved as the contribution for military protection, and as the civil list of the Lord High Commissioner, there shall be reserved, as the first charge on the Ionian revenue, the sum of £10,000 yearly in augmentation of the civil list of his Majesty King George. 3. I shall call upon you to recognize all contracts and engagements entered into by or on behalf of the Ionian Government up to this time, and all equitable claims on the same. 4. I shall also invite you to make provision for the preservation and safeguard of the Britishcemeteries in this and the other islands. 5. I shall have to inform you of the terms on which her Majesty's Government is prepared to come to a settlement of the debt of £9,029 5s. 7d., due to Great Britain for arrears of military contribution. Should your vote be in favor of the cessation of the protectorate, and of the proposed union with Greece, it will be necessary that her Majesty the Queen should invite the powers, parties to the treaties of November, 1855, to revise that treaty, and, in conjunction with France, one of the protecting Powers of Greece, to make such arrangements as may tend to the future welfare of these States and the permanent interests of Europe.

On the 5th of October the Ionian Parliament passed a vote in favor of annexation to Greece. The conditions on which England made the surrender of her authority contingent were not received favorably by the Parliament which, on the 18th of October, 1863, resolved, by a vote of 33 to 3, that the protectorate of England over the islands should cease immediately; that the Senate should be dissolved, and the islands forthwith annexed to Greece. They demanded that the fortresses should be handed over to King George in their present condition, and not razed, as they supposed the intention of the English Government to be. On the 14th of November a treaty was concluded between Austria, France, Great Britain, Prussia, and Russia, by which the following stipulations with regard to the islands were made:

ART. 1 The Queen of the United Kingdom of Great Britain and Ireland renounces the protectorate conferred on England by the treaty of 15th November, 1815.

ART. 2. The Ionian Islands are placed in a condition of perpetual neutrality.

ART. 3. The fortifications of Corfu will be demolished preliminary to the evacuation by the English troops.

ART. 4. The commercial stipulations resulting from the treaties concluded by the protecting Powers are maintained, notwithstanding the union of the Ionian Islands with Greece.

ART. 5. Religious Liberty is maintained in the Ionian Islands, and the subjects of those islands, to whatever communion they belong, will be eligible for all public offices, the same as in the kingdom of Greece.

ART. 6. A special treaty will be concluded between

the three protecting Powers and the Hellenic Government, to regulate the stipulations which the Union of the islands with Greece should render necessary.

Art. 7. The convention mentioned in the preceding article will be communicated to Prussia and Austria.

Art. 8. The dispositions of the Treaty of 15th November, 1815, cease to be in force, and are abrogated.

Two of the above articles (arts. 2 and 3) were declared by both the Greeks and the Ionians to be inconsistent with the rights of the republic, as those rights were defined by the treaty of the 15th of November, 1815, which constituted the republic, and defined the powers of the British Protectorate. The Greek Government, and the President of the Ionian Assembly, in the name of that body, also complained that the message of the Lord High Commissioner, on the 6th of October, while it specified the conditions of Ionian annexation to Greece, made no mention either of the neutralization of the islands or of the dismantling of the fortifications, although those much more important conditions were in point of fact agreed to by all the great Powers, as soon afterward as the 14th of November.

GREEK CHURCH, also called the Greek Catholic, the Orthodox Greek, the Orthodox, the Oriental or the Eastern Church, is that part of the Christian Church which adheres only to the doctrinal decrees of the first seven œcumenical councils, to wit: of Nice, 325; Constantinople, 381; Ephesus, 431; Chalcedon, 451; Constantinople, 553 and 680; Nice, 787; of the so-called Quini-Sextum of Constantinople, held in 692, and of the council held at Constantinople under Photius, in 879 and 880, while it rejects the authority of all the succeeding councils recognized by the Roman Catholic Church as œcumenical.

The Church is made up of the following independent groups: I. The Church of Jerusalem. The bishop of this See is styled the "Most Blessed and Holy Patriarch of the Holy City Jerusalem, and all Palestine, Syria, Arabia beyond Jordan, Cana in Galilee, and Holy Sion." He resides at Constantinople, and the titular bishop of Petra, in Arabia, resides at Jerusalem, as his assistant or vicar. The Patriarchate has thirteen Sees, of which six are Metropolitical (viz.: 1, Caesarea, in Palestine; 2, Scythopolis; 3, Petra, in Arabia; 4, Ptolemais; 5, Bethlehem; 6, Nazareth), and six Archiepiscopal (viz.: 7, Lydda; 8, Gaza; 9, Joppa; 10, Neapolis; 11, Sebaste; 12, Mount Tabor; and one Episcopal See, Philadelphia). II. The Church of Antioch. The bishop of this Church is entitled "The Most Blessed and Holy Patriarch of the Divine City of Antioch, Syria, Arabia, Cilicia, Iberia, Mesopotamia, and all the East; Father of Fathers, and Pastor of Pastors." To this Church belong the following sixteen Metropolitical Sees: 1, Tyre and Sidon; (See at Chasbe); 2, Damascus; 3, Berrhœa or Aleppo; 4, Epiphani or Cham; 5, Laodicea or Latakie; 6, Seleucia (See in the Monastery Sacdonos); 7, Anida or Diarbekir; 8, Tripoli; 9, Bostra; 10, Emessa or Homs; 11, Berytus or Beyrout; 12, Adana (See at Paias, the ancient Issus); 13, Heliopolis or Baalbeck; 14, Acre (there is a suffragan of Jerusalem who also claims this See); 15, Palmyra (this prelate resides in Wallachia); 16, Theodosiopolis or Erzerum. III. Alexandria. The patriarch resides at Alexandria or Cairo, and is called "The Most Blessed and Holy Patriarch of this Great City Alexandria, and of all Egypt, Pentapolis, Libya, and Ethiopia, Pope and Œcumenical Judge." To this Church belong four Metropolitical Sees. 1, Libya; 2, Memphis; 3, Pelusium; 4, Metelis. IV. Constantinople, which patriarchate embraces one hundred and thirty-five Sees, of which ninety are Metropolitical, and four Archiepiscopal. The Metropolitans in the Turkish dominions proper are eighty-three, and the whole number of bishops is one hundred and sixteen. The principalities (Wallachia 4, and Moldavia 3) have seven bishops; Servia, 4; Venice, 1 (who is a Metropolitan, and is called president); and the Ionian Islands, 7. The bishoprics of Servia are: 1, Belgrad (Metropolitan); 2, Schabatz; 3, Negotin; 4, Tchatchat. The Ionian Islands have three Metropolitical dioceses (1, Corcyra; 2, Cephalonia; 3, Zacynthus); two archbishoprics (4, Leucadia; 5, Cythera); two other bishoprics (6, Ithaca; 7, Paxos). V. The Church of Russia, under the "Most Holy Governing Synod of all the Russias." This Church has sixty-five Sees, of which five are Metropolitical, and twenty-five Archiepiscopal. VI. Cyprus. The bishop is called the "Most Blessed and Holy Archbishop of Nova Justiniana, and all Cyprus." To it belong the bishoprics of: 1, Paphos; 2, Citium; 3, Cyrene. VII. Austria. The "Most Blessed and Holy Archbishop of Carlowitz" is Metropolitan, with the title of patriarch. This Church contains, in all, eleven Sees. VIII. Mount Sinai. This Church has only one bishop, "The Most Blessed Archbishop of Sinai." IX. Montenegro. This Church, likewise, forms a single diocese under the "Metropolitan of Scanderia and the Sea-Coast, Archbishop of Tsettineke." X. Greece. This Church is governed by the "Holy Hellenic Synod," at Athens, which is composed of the archbishop of Athens as president, and four other prelates, who change every year. This Church numbers the following twenty-four archbishoprics and bishops: 1, Athens; 2, Thebes and Livadia; 3, Chalcis; 4, Carystia; 5, Phthiotis; 6, Phocis; 7, Acarnania; 8, Naupactus; 9, Argslide; 10, Corinth; 11, Hydra; 12, Patras and Elis; 13, Kalavrita; 14, Mantinia; 15, Gortyna; 16, Messenia; 17, Triphyllia; 18, Monembasia and Sparta; 19, Gythium; 20, Octylon; 21, Lyra and Lenos; 22, Andros and Zea; 23, Naxos; 24, Thera. In consequence of the annexation of the Ionian Isles to Greece, the Sees of these islands will, of course, be separated from the patriarch of Constantinople, and placed under the Hellenic Synod.

Among the most important events in the recent history of the Greek Church belongs the movement among the Bulgarians to free themselves from the jurisdiction of the Patriarch of Constantinople, and to establish a National Bulgarian Church. In April, 1860, a pamphlet appeared in Constantinople, in Bulgarian and French, setting forth the grievances of the Bulgarians, and denouncing in the most emphatic language the pretensions and encroachments of the Holy Synod of Constantinople. The Bulgarians, to support their claims, referred to the former independence of the Bulgarian Metropolitan See of Achrida, to the equality of rank which their Metropolitan had shared with the Patriarch of Constantinople, throughout the middle ages, and which had entitled him to crown their kings. They asserted that the patriarch Samuel, of Constantinople, had, in 1767, illegally abolished the independence of the Bulgarian Church, in order to Grecize all Bulgaria, and the Ottoman Porte from political considerations had connived at these endeavors. They complained that Greek bishops had been appointed to Bulgarian dioceses; that many of the priests also were Greeks, and that the Greek language, of which the people do not understand a word, had been until lately universally in use in the services. In many places of Bulgaria, in Roumelia, even in Philippopel and Adrianople, the Greek priests were expelled by the Bulgarian congregations, the Slavic language introduced at divine service, and the payment of the taxes annually levied by the patriarchate of Constantinople, refused. At the Easter festival in 1860, the Bulgarian Bishop Hilarion, of Marianupolis, the head of the Bulgarian Church of Constantinople, even dared to omit the prayer for the Patriarch of Constantinople, and the patriarch who was present in the Bulgarian church was hissed and insulted. Being summoned, on April 14th, before the patriarchal council, he declared that he could not and would not oppose the demands of his nation, and that he could not promise a change of his views. Patriarch Cyrillos, of Constantinople, was too weak to oppose this movement efficiently, but his successor, Joachim (elected October 16th, 1860), at once proceeded against the Bulgarian secessionists with great energy. The bishops Hilarion and Auxentius were exiled for insubordination against the orders of the patriarch of Constantinople, and when the Bulgarians of that city armed themselves to resist the execution of this order, the Turkish Government enforced it through its army. These measures, however, did not put an end to the national movements of the Bulgarians. Monster petitions, covered with thousands of signatures, appealed to the Ottoman Porte and the ambassadors of the European Powers for the redress of their grievances, for the appointment of Bulgarian priests to all the ecclesiastical offices in the national churches, and for either total separation from the patriarchate or admission of at least six Bulgarian bishops to the holy synod, and a sufficient representation of the Bulgarians at the election of a patriarch. During the summer of 1861, a pamphlet of considerable learning was put out by the secretary of the Constantinopolitan Synod, reviewing the history of the Bulgarian relation to the Greek Church, and showing the groundlessness of their pretensions and complaints. The writer urges that the Bulgarian formed but a small part of the population of Western Macedonia. He says that many of the people are only Greeks who speak Bulgarian; and even goes so far as to assert that the physical appearance and customs of the Bulgarians in these parts show them to be originally Greek, and not Bulgarian. Then addressing himself to the Wallachians and other inhabitants of the district, with a view apparently to "divide and conquer," he warns them that the Bulgarians are endeavoring to get the ecclesiastical superiority over them, and that by submitting they will bring about their "Bulgarization." The Roman missionaries in Turkey endeavored to avail themselves of this internal dissension in the Greek Church, and to some extent they were successful. (*See* ANNUAL CYCLOPÆDIA for 1862, art. ROMAN CATHOLIC CHURCH.)

In the Danubian Principalities a grave contest broke out between the State Government and the Greek Church, in which even the great Powers of Europe regarded themselves entitled to interfere. The "Daily News" of London gives the following explanation of this difficulty:

"Long ago the chiefs of the Greek, like those of the Latin Church, established regulations which they considered calculated to preserve at once its unity and the supremacy of themselves and their successors. They insisted on the ritual being in the Greek language, even amongst nations which understood not a word of Greek. They also outdid the Roman Pontiff, in ordaining that the upper clergy should invariably be of the Greek race and tongue. They recognized, indeed, that purely Greek clergymen or papas would be very useless as parish priests amongst Slavonian or Roumain tribes, for the people would not have heeded a priest not speaking their tongue. But a line of separation was drawn between the upper and lower, the titled and the working clergy. The latter, as parish priests, were confined to their humble task, and allowed to marry and mingle with the population. But the bishoprics, abbacies, and all lucrative and authoritative positions, were reserved for the Greek clergy, who were brought up in convents, especially in those of Mount Athos, whence they issued to become bishops and archimandrites at Bucharest, at Jassy, and elsewhere. In order that this foreign race of clergy might not be isolated in the Principalities, convents were founded there of Greek monks, and richly endowed. This was done at a time when the Fanariot Greeks were always the functionaries and hos-

podars appointed by the Porte. These convents have extensive property, which has not only supported their inmates, but contributed large annual sums to the Greek convents on Mount Athos and in the Holy Land.

"It was utterly impossible to suppose that this system, imposed on a barbarous and tyrannical age, could endure. The Christian races, once governed most cruelly and rapaciously by Fanariot governors, sent by the Porte, are now ruled by native princes, have their own representative assemblies, and enjoy European codes of laws. The tenets of the Greek Church or its traditions do not tie its votaries down to respect or obedience toward one foreign head. Each country and each race has its Patriarch, or feels itself entitled to have one. The Russians have theirs. Why should not Roumains and Serbs? Even the Bulgarians, who have remained serfs and rayahs of the Sultan, refuse to obey the Patriarch of Constantinople, partly on account of his rapacity, partly because the clergy he appoints are of a race and language foreign to theirs. And in order to escape from bondage to him, many of them have declared themselves Catholics. The first use that the Danubian Principalities made of their quasi-independence was to shake off the yoke of the Greek monks. They have declared and passed a law, that the clergy, high as well as low, and their ritual, shall be Roumain. However willing to support the monasteries of the country, they are determined that their ecclesiastical revenues shall not be diverted to Mount Athos or Jerusalem."

The laws passed with regard to the convents led to remonstrances on the part of most of the European Powers. Prince Couza, in order to explain and justify his course, addressed a letter giving a detailed history of the whole case, to the Turkish Government and to all the great Powers which had signed the Paris Convention. The "orthodox communities of the East" (the convents of Athos) replied to this statement by a counter one, which the Archimandrite Nylos by their order presented to the courts of Paris, London, and St. Petersburg. All these Powers took sides with the religious houses and instructed their ambassadors in Constantinople, to concert means for supporting the claims of the religious communities. The Prince, however, formally adhered to his policy, and was supported in it by the vast majority of the people. On Jan. 1st, 1864, addresses were presented to the Prince by a deputation from the Chamber, by the Court of Cassation, the municipality of Bucharest, the chiefs of corporations, all of which congratulated him upon the secularization of the convent property. The Prince, in reply to these addresses, proposed the adoption of the Gregorian calendar, and the suppression of the religious communities, except those devoting themselves to the hospitals and to education. Notwithstanding the protest of the Porte, made in conjunction with the Cabinets of Paris, Petersburg, Vienna, and Berlin, against the secularization of the monastic property, the Chamber unanimously maintained its former vote on the subject.

The efforts made in England and America for bringing about an intercommunion between the Anglican and the Greek Churches, as well as those Episcopal bodies in general which hold the Apostolic succession, met with some responses among the members of the latter. (*See* ANGLICAN CHURCH.) In Paris, a paper has been established, entitled *Union Chrétienne*, which is edited by a French priest of Gallican sentiments, Abbé Guettée, and a priest of the Russian Church, Joseph Vasscheff, and which is devoted to the advocacy of the Eastern Churches and the Episcopal bodies of Western Europe, including, in particular, such members of the Catholic Church as repudiate the belief in the supremacy of the Pope. The following letter from the Patriarch of Constantinople and the "Synod of the Œcumenical Throne" explains the sentiments animating the bishops:

Joachim, by the grace of God, Archbishop of Constantinople, New Rome, and Œcumenical Patriarch:

Most reverend Arch-Priest Joseph Vasscheff, most pious and honorable Abbé Guettée, whose learning is so widely useful, and who represent the editors' staff of *L'Union Chrétienne*, our well-beloved and valued sons in the Lord.

The grace, the peace, and the mercy of our Lord Jesus Christ be with you!

We are not ignorant, well-beloved sons, of the courageous and useful works of the editors of *L'Union*, for the integrity of the faith of Christ: on the contrary, we have long praised it, and bestowed our blessing upon it, when we received with joy the delightful letter of your piety, together with the precious collection of your journal. Thus, having more perfectly conceived your aim, we rendered thanks to God, "who willeth that all should be in union, and giveth mighty words to them that preach it." We regard, indeed, as the work of God, not only a salutary thought which has inspired a labor so useful to the body of the Church, but also the perfect concord which exists between you, and which enables you to labor as brothers in Jesus Christ. The meritorious end which you pursue with sincerity, the legitimate means which you employ, the sure guides which you follow, the solid bases on which you lean, the marvellous sweetness of your words, which enters the ears not as the clap of thunder, but as the light breeze which gently penetrates souls. It is thus that your words are worthy of the God whose cause they assert, and whose service finds its perfection not by vehement speech, but by sweetness. You will receive, without doubt, well beloved sons, the recompense from God of the pious works which you have undertaken for so holy a cause.

As to our Orthodox Church of the East, she has always grieved for the alienation of her western sisters, once so venerable; and more especially ancient Rome. Yet she consoles herself by consciousness of her innocence, for she did not provoke at first, any more than since she has perpetuated or strengthened the division. Nay, she has never ceased to offer with tears fervent prayers to her God and Saviour who maketh of two one, breaking down the middle wall of separation between them, that He may bring all Churches into one unity, giving them sameness of faith and the communion of the Holy Ghost. And that she may cause Him to hear her, she shows Him the marks of her martyrdom, and the wounds which she has through so many ages received on account of her Catholic Orthodoxy from those who envy her, who trouble her tranquillity and her peaceful life in Jesus Christ.

For these causes: our humility and the holy synod of most holy metropolitans, our brothers and coadjutors in the Holy Ghost, having been informed, especially by your letter, of the divine zeal which inflames you for the desired union of the churches, are filled with spiritual joy; we crown your holy work with the most just praises, we pour forth for you the most ardent prayers, and we bestow on you with our whole heart, on you and on your fellow laborers, our fullest benediction, patriarchal and synodal. And as we have seen with joy, in the letter of your piety, one western and one eastern priest united in the same love for the truth, joining their names as brethren, so may we, one day, by the grace of that God, whose judgment and mercies are infinite, behold the sister Churches of East and West embracing each other with sincerity and truth in the unity of the Spirit, in the bond of peace, to the end that we may be one body, and only one, in Jesus Christ, to the glory of the Father, the Son, and the Holy Ghost, the most Holy and Undivided Trinity.

His grace and benediction be with you.

INDICTUM *the 5th, August 23d*, 1862.

The Archbishop of Constantinople, who blesseth you in Jesus Christ.
Paisius, Metropolitan of Cæsarea, who blesseth you in Jesus Christ.
Paisius, of Ephesus, who blesseth you in Jesus Christ.
Methodius, Vicar-General of Carpathos, who blesseth you in Jesus Christ.
Stephen, Metropolitan of Larissa, who blesseth you in Jesus Christ.
Sophronines of Arta, who blesseth you in Jesus Christ.
Chrysanthus of Smyrna, " " " "
Meletius of Mitylene, " " " "
Dorotheus of Demetrias, " " " "
Dionysius of Melenia, " " " "
Meletius of Rhascoprescene, " " " "
Anthemus of Belgrade, " " " "
Agapeus of Grebenna, " " " "

The Church of Russia is laboring, with considerable success, for the propagation of Christianity in the vast dominions of Russia, in Eastern Asia, and Northwestern America. The most efficient of the Russian missionaries is Priest Benjamin, who commenced laboring in 1823 on the peninsula of Alaska, in Russian America. His main efforts at first were for the natives of the Aleutian islands. He established himself, at length, upon one of them (Unalaska), learned their language, translated for them part of the Scriptures and several religious books, and taught them to read and write. From 1830 onward these islands rapidly turned from heathenism to Christianity, and to this day remain among the most prosperous of the Russian missions. Priest Benjamin, after a time, removed to New Archangel, on the island of Sitka, southeast of the Aleutian islands, and near the part of Russian America, which runs down the side of British America. From this point he labored especially for the tribes on the southern extremity of Russian America. He met at first with but little success; but other missionaries, having translated the Gospel of Matthew and some religious books for the natives, gathered more fruit. In 1845, one missionary, Sitziazen, baptized 530 of one tribe, the Kolustres. The whole number of converts among them up to 1860, was estimated at 4,700. But on the whole, this mission is not regarded as successful. Greater success attended the work on Cook's Sound, further north and west, among the tribe of the Kenaiz. The missionary, Nezvetoff, labored with success among tribes on the rivers Kvickpack, Kooskovim, and Nushayack, near Behring's Straits. The extreme northern tribes of Russian America have manifested a strong tendency toward Christianity, and as no missionary has yet penetrated those wilds, small bands of them often come to the southern coast for baptism. In all these colonies of Russian America, including the Aleutian islands, there were, in 1860, seven parish churches and 35 chapels, served by 27 priests. Priest Benjamin, after laboring for years in Russian America, was made Archbishop of Kamschatka and Superintendent of the Polar Churches, with the title "Innocent I." His diocese is one of the largest in the world, but he still, though very aged, visits all parts of it. Dr. Stanley, in his "Eastern Church," says: "Innocent, Archbishop of Kamschatka, is to the Russian Church, as the Bishop of New Zealand is to our own, an example of the revived missionary spirit in their vast Colonial Empire. Not in canoes or steamers, but in reindeer sledges he traverses to and fro the long chain of pagan islands which unite the northern frontiers of the Asiatic and American continents, and has, it is said, brought many to the Christian faith."

The archbishop is surrounded by a number of assistants, among whom some natives have won distinction. By their labors the Kamschatkadales were almost wholly christianized as early as 1847. Giving up nomadic life, they have settled in small villages, and 3,000 were attending the ten churches erected for them in different parts of the peninsula.

The tribe of Lamutes, on the gulf of Ochotsk, has also been almost wholly christianized. They have three chapels in the towns of Ochotsk and Ajan. Among the people of the Amoor country, a mission has been established, which bids fair to extends its operations into China.

The Christianization of Northern Asia is making rapid progress, and paganism is fast disappearing. Nearly all the tribes are furnishing their contingent to the native priesthood, for the training of which a seminary has been established at Jakutsk.

GREEN, REV. L. W., D. D., an American Presbyterian clergyman, and at the time of his death president of Centre College, Danville, Ky., born about 1802, died at Danville, Ky., May 26th, 1863. He was educated at Transylvania University, Lexington, Ky., and entered the ministry in the Presbyterian Church about 1825. He was early appointed a professor in Centre College, and after many years' service in that capacity was called to professorships successively in Hanover and Alleghany Theological Seminaries, to the presidency of Washington College, Virginia, to that of his alma mater, Transylvania University; and in 1857, on the death of Dr. Young, to the same position in Centre College. In the controversy engendered by the outspoken loyalty of Rev. Dr. Breckin-

ridge, in connection with the Danville Theological Seminary, he took a firm position on the side of the Union. His death was caused by congestive fever.

GRIMM, Jakob Ludwig, a German philologist and antiquarian, born in Steinau, in Hesse-Cassel, Jan. 4th, 1785, died in Berlin, Prussia, Sept. 20th, 1863. He was educated with his brother Wilhelm, a year younger than himself, and through life the two were almost inseparable in their studies, pursuits, labors, recreations and companionship. Their early education was obtained at the Lyceum of Cassel, and at the wish of their father, himself a jurist and magistrate, they entered the University of Marburg together, and studied law under Savigny. In 1805, Jakob accompanied Savigny to Paris to aid him in exploring the libraries of that capital. The next year he returned to Hesse-Cassel, and became a clerk in the bureau of the Hessian Secretary of War. In 1808, Hesse was incorporated in the new kingdom of Westphalia, and Jakob Grimm was appointed royal librarian, and Wilhelm his assistant. The library which had been seized from the elector of Hesse was large, and the king of Westphalia, who cared little for books, left the brothers Grimm to make the most of their opportunities, seldom requiring their services. This opportunity of study was eagerly improved, and lasted for five years. During this period Jakob was also Auditor of State. In 1813, the elector was restored, and Jakob Grimm was made Secretary of the Hessian legation at the headquarters of the Allies in 1814, and was one of the members of the Congress of Vienna in 1814 and 1815. The French had carried the library to Paris when the kingdom of Westphalia was swept away, and Jakob was sent to that city with the special mission of reclaiming it, which he succeeded in accomplishing. The brothers were now both retained in charge of it, and continued in these duties till 1829, when Jakob was appointed Professor of the German Language, Literature and Laws at the University of Gottingen, and Wilhelm sub-librarian of the University. In 1837, when Ernest (Duke of Cumberland) became King of Hanover, one of his first measures was an attempt to abrogate the Hanoverian Constitution, and seven of the professors of the University, including the two brothers Grimm, Dahlmann, Gervinus, and others, drew up and signed a protest against this violation of the rights of the people. For this offence the king dismissed them from their posts and banished them from the country. The brothers returned to Hesse-Cassel, where they lived in retirement, engaged in literary labors till 1841, when the King of Prussia called them both to Berlin, appointed them professors in the University, and made them members of the Academy of Sciences. Here they continued to reside for the remainder of their lives. Jakob presided over the assemblies of German philologists held in Frankfort in 1846, and in Lubeck in 1847, and sat in the national assembly of 1848, and in the assembly of Gotha in 1849, voting always with the moderate liberal party. In private life, Jakob and Wilhelm Grimm were remarkable for their affection, tenderness and gentleness, and the two genial, yet dignified old men were greatly beloved by a wide circle of friends throughout the continent of Europe. The death of Wilhelm in 1859 was a severe blow to the surviving brother, but was borne with great fortitude and resignation. The tribute to his brother's memory, before the Academy of Sciences of Berlin, is one of the most touching records of fraternal affection, and at the same time one of the best memoirs of life-long literary labor ever published. Wilhelm Grimm was especially devoted to German poetry of the mediæval age, in which he was profoundly versed, and for which a natural poetical taste eminently qualified him. He edited with great success many of the works of the earlier German poets, enriching the editions with ample notes and parallel passages from other writers. Jakob Grimm was a philologist in the best sense of the word, and though possessing a keen appreciation of the poetical, romantic and legendary in his own and other languages, this was subordinated to a critical acquaintance with the language, laws, customs, faith and literature of every European and many Oriental nations. One of his ablest works is his "German Grammar," in five volumes, a treatise of vast erudition, containing a history of the grammatical forms of all the Germanic dialects in the different eras of the language. He had previously written a history of the Minnesingers and Meistersangers of Germany, demonstrating their relation to each other. To his German grammar succeeded his *Deutsche Rechtsaltenthumer*, an account of the poetical and fantastic customs prevalent in Germany in the middle ages. To them were added an elaborate work on German mythology in the early ages, a "History of the German Language," in which he traced the ethnological affinities of the Germanic nations by the aid of comparative philology; a collection of German proverbs, editions of the old Spanish romances, or fairy stories; of the Hymns of the Ancient Church; of several Anglo-Saxon poems; of the Latin works of the tenth and eleventh centuries, in connection with Schmeller, and of Reynard the Fox, the great comico-political poem of Germany. In connection with his brother Wilhelm, he had published the *Kinder und Hans Märchen*, a collection of fairy legends and popular tales of all ages, which has attained a wide reputation, not only in Germany, but in every other country of Europe, having been translated into all the languages of the Continent, and having appeared in three or four English versions. The greatest labor of the two brothers was their *Deutsches Worterbuch*, a German dictionary, of which two volumes had appeared, and which was nearly completed at the time of Jakob's death. In this

dictionary no word employed in German literature between the time of Luther and that of Goethe was to be omitted, and the varied learning and research of the two brothers were tasked to make it the most perfect contribution to philological science ever published.

II. GRIMM, LUDWIG EMIL, a younger brother of the preceding, born in Steinau in 1790, died at Cassel in March, 1863. He was eminent as a painter, and at the time of his death was professor of painting in the academy at Cassel. He had studied painting under Karl Hess at Munich, served in the campaign of 1813, and after the peace resumed his studies at Cassel and Munich. He went to Italy in 1817, and returned the following year. In 1832 he was appointed professor in the Academy of Art in Cassel. Of his paintings, a madonna and numerous portraits are most admired. He also attained high reputation as an engraver, having executed nearly 150 engravings of great merit, many of them his own compositions.

GWILT, JOSEPH, Esq., an English architect, born in the parish of St. George the Martyr, Southwark, Jan. 17th, 1784, died at South Hill, Henley-on-Thames, Sept. 14th, 1863. After having passed some years at a boarding school, when about fourteen years of age, he was sent to St. Paul's School, where he remained nearly two years. In 1801, he was admitted a student in the Royal Academy, and the same year obtained the silver medal of that institution, for the best drawing of the tower and steeple of the church of St. Dunstan-in-the-East. In 1815 he was elected a Fellow of the Society of Antiquaries of London. At the end of the following year he visited Rome and the other principal cities of Italy, having previously, in order that nothing worthy of notice might escape him, compiled a catalogue of the buildings in the chief towns, classified under the names of their architects. In 1818 he published the work under the title "Notitia Architectonica Italiana," or, Concise Notices of the Buildings and Architects of Italy, preceded by a Short Essay on Civil Architecture, and an Introductory View of the Ancient Architecture of the Romans; a work of great value for reference and as a handbook in travelling. In 1822 he made a design for London Bridge. His principal work, however, was Markree Castle, near Sligo. He designed and executed the Byzantine church at Charlton, near Woolwich, dedicated to St. Thomas, and alterations to the Hall of the Grocers' Company. To this Company he was appointed surveyor; and was also architect to the Imperial Insurance Company. Mr. Gwilt was for more than forty years one of the Surveyors of the Sewers in Surrey, having succeeded his father. Though known as the author of few designs or erected buildings, he possessed in an eminent degree the combination of attainments required in the practical architect, and the work of his pen has conferred a lasting benefit upon the profession. In 1820 he wrote a pamphlet entitled "Cursory Remarks on the Origin of Caryatides," the substance of which is embodied in his introduction to "Chambers' Civil Architecture." In 1824 he published a second edition of a work on the projection of Shadows, intended for the use of Architectural Draughtsmen and other Artists. In 1825 was commenced the publication of the well-known octavo edition of Sir William Chambers's "Treatise on the Decorative Part of Civil Architecture," enriched with valuable notes, and prefaced with original matter on Grecian Architecture. The work appeared in six numbers on alternate months, and is generally bound in two volumes. In 1826 Mr. Gwilt produced a translation upon which he had been engaged for many years, of the "Architecture of Vitruvius," preceded by a short life of Vitruvius, and a list of the several editions and versions. In the same year he published an octavo volume, the "Rudiments of Architecture, Practical and Theoretical, with plates." The treatise on the Art of Music, published in the Encyclopædia Metropolitana in 1835, was from his pen. In 1842 was first published "An Encyclopædia of Architecture, Historical, Theoretical, and Practical." His last literary labor was a new edition of the "Principles of Architecture" of Peter Nicholson, whose labors were held by Mr. Gwilt in great esteem.

H

HABEAS CORPUS. The summary arrest and confinement of persons continued to be enforced during the year. In many cases the parties arrested or their friends applied to the courts for the benefits of the writ of *habeas corpus*, which, though in some cases granted by the judges, was ineffectual to procure the release of the prisoner or any examination into the charges against him, by reason of the refusal of the military authorities to obey the mandate of the writ. In one of the earliest cases in the year, that of Nicholas Kemp arrested as an anti-draft rioter, the Supreme Court of Wisconsin unanimously decided against the right of the President to suspend the writ of *habeas corpus* in time of civil war. The case arose in January, and sought the release of Nicholas Kemp from the custody of General Elliot commanding the Department of the North-West. The production of the body of the petitioner was refused and a motion was made for a writ of attachment, and on this motion the decision of the Court was rendered.

Chief Justice Dixon, in his opinion, expressed his regret that Congress had not, in the exercise of its undoubted power (5th Wheaton,

25, 71), withdrawn all cases arising under the Constitution and the laws of the United States from the jurisdiction of the State courts, and committed them exclusively to the Federal courts.

Regarding the case as involving the right of the President in time of civil war to suspend the writ of *habeas corpus*, to punish by sentence of a court martial for offences against the laws of war, and even for acts not made offences by any law of Congress, but named in the President's order of September 24th, the Court denied that right as to Wisconsin, or any State where the civil authorities are able, by ordinary legal process, to preserve order, and claimed that the power to suspend the writ of *habeas corpus* was possessed only by Congress.—(*See* ANNUAL CYCLOPÆDIA, 1862, HABEAS CORPUS.)

The Court declined for the present to issue a writ of attachment requiring the production of the body of the petitioner, though holding that no sufficient cause was shown for his detention —Chief Justice Dixon saying that the issuing of the attachment at the present time might lead to collision between the State and civil authorities and the United States military authorities, which it was possible to avoid by a short delay, it was deemed advisable, adhering to the precedent set by other courts and judges under like circumstances, and out of respect for the national authorities, to withhold it until they shall have had time to consider what steps they should properly take in the case.

The conclusions arrived at by Judge Paine are briefly stated as follows:

1. The Government of the United States is invested with full power by the Federal Constitution to prosecute war, and there is no war-power outside the Constitution.
2. Only the people, through their representatives in Congress, can suspend the writ of *habeas corpus*.
3. The President can execute the laws only by such means as the Constitution and the laws themselves have given him power to employ.
4. A military commander may declare martial law in districts which are the actual theatre of war, where hostile armies are met for the purpose of destruction, or in insurrectionary districts where domestic violence and discord have effectually displaced the civil authorities, but not elsewhere.
5. Courts martial are courts of limited and inferior jurisdiction, and have no jurisdiction to try any person except such as are by law amenable to such trial.
6. The legislative is the political department of the Government, and when the writ of *habeas corpus* is not suspended by Congress, the Executive has no political power to imprison the people.

Judge Paine further declares that he should consider the establishment of the doctrine that the President possesses illimitable power over the land by a declaration of martial law "as a calamity little if any less to be deplored than the success of the rebellion."

On the 20th of January an article appeared in the "Daily Philadelphia Evening Journal," under the title of "Davis's Message." Between twelve and one o'clock in the night of the 28th Mr. Albert D. Boileau, the editor and publisher of the paper, was arrested at his residence in Philadelphia by a detachment of soldiers, sent to Baltimore and confined in Fort McHenry. As soon as the fact became known it created great excitement. A paper published in Philadelphia gave the following reason for the arrest and account of the subsequent transactions: "The columns of the Journal have recently been filled with articles abusing the Government and bitterly denouncing the Administration, and it is probable that to this fact Mr. Boileau owes his sudden and involuntary visit to Washington."

On Wednesday afternoon, at four o'clock, the provost marshal, with his guard, in pursuance of the same order, marched to the office of the "Evening Journal" and took possession of it. Their orders were to retain possession, and until further orders allow no future publication of the paper. The guard stacked their arms in the office, and remained there.

On the 29th Judge Ludlow directed the attention of the grand jury of Philadelphia to the arrest as follows:

Gentlemen of the Grand Jury: It comes to my knowledge that within the last twenty-four hours a citizen of this Commonwealth, and of this county, has been suddenly arrested at his residence in this city, and has been forcibly carried, against his will, beyond the limits of this State and the jurisdiction of this court.

Such events have heretofore taken place, but, as we have been anxious to support the United States Government in every way compatible with a proper discharge of our duty, we were not inclined to believe that those in authority would attempt to exercise a power, under all circumstances questionable and delicate, when temporary excitement had given way to reason, and a patriotic and I believe an honest desire to do a great public duty had resolved itself into a settled purpose to discharge that duty according to law, and with at least a decent respect for the laws of this Commonwealth and for the constituted authoritities of the State.

The time has arrived when we can no longer hold our peace, when the obligations imposed upon us by our oaths of office compel us at every hazard to direct the Grand Jury to inquire into and determine by whose order and by what persons this arrest has been made; and if, after an impartial examination, it shall appear that any citizen has been forcibly abducted from the county, to inform the Grand Jury that it is their duty to present the facts in the case to the Court where bills of indictment may be framed, and the accused persons, if they have committed a crime, be tried, and if guilty be punished for what in that event may become a criminal act.

You will see, gentlemen, that the Federal and State Governments provided for the trial of those charged with having committed offences against either, but the framers of these Constitutions intended that the citizen should not be arrested without having an opportunity to defend himself.

It may be supposed by some that the offence of treason cannot be punished under the Constitution of the United States except by the exercise of military power. Such, however, is not the case, and that man is not only ignorant of the law, but must be intentionally so. You will observe that, under the Constitution and laws of the United States and of this State, a man who is in point of law a traitor, or who aids in any material way the enemy, may be punished, and that with great severity, and he ought thus to suffer.

As the laws then do exist, as the tribunals of the United States Government and the State are open, as magistrates abound at every corner of the streets, and are known to be loyal men—as peace reigns in this

county, and no impending danger destroys the authority of law as duly administered by the State courts, and lays its power in the dust, by what right or pretended right can the persons making this arrest justify it? Certainly not upon the ground of necessity, for no necessity exists, and certainly not upon a pretended Executive power, for it will be, it must be, admitted that that power can only exist when the law is silent, and we have distinctly shown that by the Constitution of the United States, and the law of this State, the Government is already secured, at least in this court, against the designs of those who may attempt by any method to destroy it.

Did the people of this Commonwealth, when they entered into the Union ever agree to devolve upon either the President of the United States, Congress, or the Judiciary, or all three combined, the power to suspend the privilege of the writ of habeas corpus in a State or district when the "public safety did not require it." If, in the case soon to be examined by you, you discover that the arrest was ordered by authority of the laws of the United States, and commonly called the "military," as distinguished from the "martial law," you will state that fact, because it may possibly be that Congress has enacted such laws as they may by virtue of the Constitution legally enact, and which, as they affect the government of the army of the United States, may be constitutional and legal when applied to those who are amenable to that particular code of laws.

Gentlemen, I have alone to take the responsibility of addressing you to-day. It has not been done without serious reflection. From the commencement of the rebellion I have endeavored, in every possible legal method, to support the constituted authorities. We have even failed to notice the fact officially that arbitrary arrests have been made in this county, because, as we have before intimated, we had hoped that they would cease. That hope has been destroyed. A legal and moral necessity urges us to this step, not to countenance any act committed by any man against the authority of the General Government, but to sustain a right as clear as the noonday sun, as vital as life-giving breath, without the existence of which the Government itself is a stupendous deception, and which, if firmly maintained now and here, will go far to unite a people of immense resources, and which power can yet be wielded as a unit, when and as soon as the constitutional rights of each citizen shall be respected and enforced.

I request you at once to suspend all other business before you at present, and instruct the District Attorney of this county to send to Gen. Montgomery and the Provost Marshal, together with all other persons who have any knowledge of this transaction, and, after you shall have heard them, your duty will be simply to represent the facts to the Court.

The Grand Jury then retired.

On January 30th, the Grand Jury made a presentment relative to the arrest of Mr. Boileau, of the "Evening Journal." They stated that the testimony before them showed that the arrest was made by order of Gen. Schenck, for the publication of an editorial article under the title of "Davis's Message," and other articles of a like dangerous character, tending to the support and encouragement of the rebellion against the United States Government. After quoting the editorial article alluded to, the jury stated that they could not refrain from saying that, whilst they individually or as a body could not conscientiously do anything which would have a tendency to weaken the arm of the General Government in the exercise of its constitutional authority for the suppression of this most wicked and causeless rebellion, yet they feel equally bound to enforce all laws that have the protection of life, the security of property, and the liberty of the citizen in their sacred keeping. After reading the presentment, Judge Ludlow said:

I shall direct the District Attorney to examine the document, and to frame such bills of indictment as he may find to be necessary in support not only of the laws of Pennsylvania, but of the Constitution of the United States. We can then arrive at the question of the legality of the charges therein contained. The record will then present detailed charges, and the defendants may object to prosecution for any cause they may have, and they may also have the judgment of this Court, and also final judgment of the Supreme Court, in case they should be dissatisfied with the finding of this court.

The Grand Jury was then discharged.

This action of Judge Ludlow was severely commented upon and repudiated by Judge Alison, who presided at the next term of the Court, commencing a few days after. He says, in his remarks to the Grand Jury:

His Honor Judge Ludlow, on Thursday, the 29th ultimo, called the attention of the Grand Jury, in a special charge, to the fact that it had come to his knowledge that a citizen of this Commonwealth, and of this county, had been suddenly arrested at his residence, and had been forcibly carried against his will beyond the limits of this State, and the jurisdiction of this court. Accompanying this statement was a request that the Grand Jury would suspend all other business, and an instruction to the District Attorney to send for the persons named; directing that the Grand Jury, after having heard the witnesses brought before them, present the facts to the court.

On the following day a presentment was made to the court in substance that A. D. Boileau, the proprietor of the "Evening Journal," had been arrested by military officers in the service of the United States, and conveyed to Fort McHenry; the alleged cause of the arrest was the publication of articles tending to the support and encouragement of rebellion against the Government of the United States.

Upon this presentment, the District Attorney, by the Judge, then holding the court, was directed to prepare and send before the Grand Jury bills of indictment.

To this proceeding I am compelled to except, regarding it as wrong in every aspect in which it can be viewed. I would be derelict in my duty as a judge of this court, if, by my silence, I might even seem to sanction it, and if, in speaking, I did not place upon it my most emphatic condemnation. It was unwise, because it was unnecessary; the ordinary mode of criminal procedure being fully adequate to remedy the wrong, if a wrong has been committed; and that method being, in my judgment, the only proper and legal way in bringing the case in court. It was injudicious, for, however well intended, the consequence of a judge, of his motion, upon mere information obtained in no legal way, for there was no complaint under oath, with unnecessary and unusual haste, making use of his official position, to institute a prosecution, strictly personal and private in its nature, is to render the whole proceeding liable to misconstruction; to place this court in a false position before the country, as anxious for and of its own motion seeking a cause of difficulty with the Government; and because the legitimate result of such action is to precipitate a collision between the courts and General Government, when such collision should by all proper means and to the last extremity be avoided.

There is still another reason why I cannot approve of the proceedings under consideration, and that is, because I believe them to be unauthorized by the law of the land, having no established principle regulating

proceedings before grand juries to sanction or sustain them; a brief reference to the essentials of the three extraordinary modes of instituting procedure, to which I have called your attention, will make this clear to a demonstration.

It is not such a presentment as can be made the basis of any action by the Court, for being aimed at individual offenders, and at a specific and distinct offence, it could be legally founded only on the personal knowledge of the grand jurors.

Neither does this fall under the second classification; the proceedings did not originate with the District Attorney, nor was any indictment of his own motion or otherwise laid before the Grand Jury.

It is equally clear, that it does not fall in with the only remaining mode, which is where the Court of their own motion call the attention of the Grand Jury to, and direct an investigation of, matters general in their nature, for, as we have already seen, that can only be done where the evil affects the entire community, and in no case where it is personal and individual.

Under these instructions no further notice was taken of the arrest by the court or Grand Jury, but the case attracted attention in the Legislature of Pennsylvania, being brought to the notice of the Senate by resolutions offered by Senators Donovan and Wallace. The resolution of the former authorizes the governor to go to Washington to demand the release of Mr. Boileau. Mr. Donovan supported it in an able speech, and was replied to by Mr. Lowry. The resolution was referred to the Committee on Federal Relations, and a motion to discharge the committee failed by a strict party vote. Considerable excitement prevailed in regard to the arrest.

Mr. Boileau was released from confinement, in consequence of his being willing to make the apology and avowal contained in the following paper:

HEADQUARTERS MIDDLE DEPARTMENT, EIGHTH ARMY CORPS, BALTIMORE, MD., *February 1st*, 1863.

I, Albert D. Boileau, citizen of Philadelphia, and editor and publisher of the "Evening Journal," now confined in Fort McHenry for the publication of an editorial article under the title of "Davis's Message," in that paper, January 20th, 1863, and "for the publication of other articles of a like dangerous character, tending to the support and encouragement of the rebellion against the Government of the United States," do hereby freely and voluntarily express my regret for the publication of that article, or of any other article of like tendency or character, and do distinctly disavow such articles being published with my proper authority or knowledge, and declare that such publication has been made by other persons, agent or employé, and without my sanction and intention; and I do furthermore give to Maj.-Gen. Robert Schenck, commanding the Middle Department and Eighth Army Corps, by whose order in behalf of the Government I have been arrested, my sacred parole of honor, that upon being discharged from my present imprisonment, and suspension of publication of my newspaper being removed, I will not write, print, or publish, or permit others in my name to write, print, or publish any articles having such dangerous character, or tending to the support or encouragement of the rebellion, but will demean myself in all things as a true and loyal citizen of the United States, intending only to support the Government, the Constitution, and the Union, as a faithful citizen should. And it is to be further understood that these declarations and pledges are made to relate as well to matters hereafter to be published in the weekly newspaper called the "Democratic Leader," made up from the "Daily Philadelphia Evening Journal" itself, and to any other newspaper that may be published or controlled by me.

Given at Baltimore this 1st day of February, 1863.

ALBERT D. BOILEAU.

During the month of March, complaint was made before a justice of the peace at Marshall, Clarke county, Illinois, that two men from Indiana were attempting to kidnap a citizen of that place. A warrant was issued, and the parties arrested and brought before the justice. At the instance of the defendants' counsel the investigation was continued before Charles H. Constable, judge of the fourth judicial circuit of Illinois. The defendants sought to justify their acts under a written communication from the authorities of Indiana purporting to give them authority to arrest deserters in the city of Terre Haute and county of Vigo, State of Indiana. There was no proof that these parties were the persons they represented themselves to be. It was also disclosed in the examination that James Gamron, for whom the complaint was made, volunteered in the — Illinois regiment; that he had been taken prisoner in Tennesseeabout the 1st of February, and was paroled; had arrived, sick, at his mother's house, in Clarke county (Ill.), and remained so up to the time of the arrest. The judge, after hearing all the evidence, held that there was probability of the guilt of the accused, and thereupon required that they make their bond to the people of the State of Illinois, jointly, in the sum of five hundred dollars, conditioned that they appear and answer further to the charge on the Thursday following.

One of the parties arrested obtained from Judge Constable the following statement of the proceedings:

March 8th, 1863.

At the request of John McFarland, as judge of the fourth judicial circuit of the State of Illinois, I state that Messrs. McFarland and Thomas Long have been arrested and brought before me for examination on a charge of kidnapping, and that I have deemed it my duty to hold them over in a bond of five hundred dollars to appear on next Thursday morning, being the tenth judicial day of the term of the Clarke Circuit Court, now in session, to answer further to said charge, and have ordered the discharge from custody of James Gamron, Hugh Scott, M. Belcher, and John Tanner, four men whom they had arrested upon the ground that they were deserters from Company K, 130th regiment Illinois volunteers.

CHARLES H. CONSTABLE,
Judge Fourth Judicial Circuit of Illinois.

The military authorities thereupon caused the arrest of Judge Constable upon the charge of interfering with the capture of deserters. An examination took place before S. H. Treat, district judge of the southern district of Illinois, on the charge of encouraging soldiers to desert. A full examination showed that the sergeants McFarland and Long had no authority to take deserters in Illinois, and that the judge had acted properly in releasing the men arrested and in holding the officers to bail. He was accordingly discharged from custody. The judgment of the Court was rendered simply

upon the evidence submitted, the merits of Judge Constable's decision not being discussed.

The action of the President in suspending the writ of habeas corpus had been hitherto taken without direct Congressional sanction. Congress, however, by an act approved March 3d, authorized the President, whenever in his judgment the public safety may require, to suspend the privilege of the writ, in any case throughout the United States or any part thereof. (*See* page 255.) Under this act the proclamation of September 15th was issued. (*See* page 485.)

The arrest, trial, and subsequent banishment of Clement L. Vallandigham, gave rise to more extended comment and excitement than any arrest which had previously been made. The prominence of the person, the manner of the arrest, the startling singularity of the tribunal, and the hitherto unknown punishment, tended to awaken and sustain a state of intense excitement throughout the country.

General Burnside, as commander of the Department of Ohio, on the 19th of April issued the following order:

General Order No. 38.

HEADQUARTERS DEPARTMENT OF THE OHIO,
CINCINNATI, *April* 13*th*, 1863.

The commanding general publishes for the information of all concerned:

That hereafter all persons found within our lines who commit acts for the benefit of the enemies of our country will be tried as spies or traitors, and, if convicted, will suffer death. This order includes the following classes of persons:

Carriers of secret mails.

Writers of letters sent by secret mails.

Secret recruiting officers within the lines.

Persons who have entered into an agreement to pass our lines for the purpose of joining the enemy.

Persons found concealed within our lines belonging to the service of the enemy; and in fact all persons found improperly within our lines who could give private information to the enemy.

All persons within our lines who harbor, protect, conceal, feed, clothe, or in any way aid the enemies of our country.

The habit of declaring sympathies for the enemy will no longer be tolerated in this department. Persons committing such offences will be at once arrested, with a view to being tried as above stated or sent beyond our lines into the lines of their friends.

It must be distinctly understood that treason, expressed or implied, will not be tolerated in this department.

All officers and soldiers are strictly charged with the execution of this order.

By command of Major-General A. E. BURNSIDE,
LEWIS RICHMOND,
Assistant Adjutant-General.

Mr. Vallandigham commented upon the contents of this order in a speech delivered by him at Mount Vernon, Knox county, Ohio, on the 1st of May, at which meeting some officers of the army were present in citizens' clothes. His remarks at this time led to an order for his arrest by the military authorities, which, we learn from the Cincinnati papers, was effected in the following manner:

A special train was sent up on the Cincinnati, Hamilton & Dayton railroad, on Monday evening, May 4th, shortly before midnight, with a company of the 115th Ohio regiment, to arrest and bring Mr. Vallandigham to Cincinnati. The train reached Dayton at three o'clock Tuesday morning, and the party at once proceeded to the residence of Mr. Vallandigham and sought admittance. Mr. Vallandigham came to an upper window, and asked their business, and on being informed that they had orders to escort him to this city, he refused to allow them to enter. While at the window, he shouted at the top of his voice, "Asa, Asa, Asa," and about the same time a pistol was fired from an upper side window of his house, to give the alarm that had been agreed upon, it is supposed, to call out his friends. In a very few minutes the fire bells began to toll to arouse his friends. The troops forced their way into the house, and Mr. Vallandigham was given time to make his toilet, when he was hurried to the cars, and they departed for Cincinnati before the crowd could assemble. The train reached the city about 6 o'clock Tuesday morning, and the prisoner was at once conveyed to the military prison on Columbia street, near Sycamore, where he was confined during the day. No one was allowed to see him, although several of his friends applied for the privilege.

From the same source we also learn that the arrest of so prominent a man gave rise to much discussion and feeling in political circles in that city, while in Dayton, the home of Mr. Vallandigham, the excitement ran so high as to lead to a popular outbreak, of which this account was telegraphed:

[*Special Despatch to the Cincinnati Gazette.*]

DAYTON, *May* 5*th*—9 P.M.

There has been a good deal of excitement to-day, but no disturbance occurred until after dark. Groups of people have congregated on street corners, discussing the arrest of Mr. Vallandigham, and denouncing the manner in which it was done.

A large number of wagons, with Vallandigham's friends, came into the city to-day from the country and joined in with the crowd.

At dark a crowd of between five and six hundred men proceeded to the "Journal" office, and commenced hooting and yelling. Presently some few bricks and stones were thrown, breaking in the windows and doors.

Soon after several pistols were fired into the building and the torch was applied. The "Journal" office was completely gutted, and the flames spread to the adjoining stores.

One man in the crowd was severely injured by a brick thrown by a rowdy. The fire spread to the hat store of Leobold, the shoe store of Darrow, Bornsten's segar store, the "Gospel Herald" office, and as far back as S. Wild's livery stables—all of which were completely destroyed.

10 P. M.—A portion of the 115th Ohio regiment, under command of Capt. Frazer, has arrived here from Cincinnati. It is the general impression of all that much blood will be shed before morning.

11.15 P. M.—The "Journal" office has been completely burned to the ground, with other buildings adjoining.

The mob seems to have quieted down, and it is thought they will give it up for to-night.

The troops are on the ground, guarding the engines, which are now at work.

John Lowe's house was attacked, and some windows broken, when the troops dispersed the crowd.

11.30 P. M.—Everything is quiet now.

On the 5th of May Mr. Vallandigham published the following address to his political friends:

MILITARY PRISON, CINCINNATI (OHIO), *May 5th*, 1863.

To the Democracy of Ohio :—I am here in a military bastile for no other offence than my political opinions, and the defence of them, and of the rights of the people, and of your constitutional liberties. Speeches made in the hearing of thousands of you in denunciation of the usurpations of power, infractions of the Constitution and laws, and of military despotism, were the sole cause of my arrest and imprisonment. I am a Democrat—for the Constitution, for law, for the Union, for liberty—this is my only "crime." For no disobedience to the Constitution; for no violation of law; for no word, sign, or gesture of sympathy with the men of the South, who are for disunion and Southern independence, but in obedience to *their* demand as well as the demand of Northern abolition disunionists and traitors, I am here in bonds to-day; but

"Time, at last, sets all things even!"

Meanwhile, Democrats of Ohio, of the Northwest, of the United States, be firm, be true to your principles, to the Constitution, to the Union, and all will yet be well. As for myself, I adhere to every principle, and will make good, through imprisonment and life itself, every pledge and declaration which I have ever made, uttered, or maintained, from the beginning. To you, to the whole people, to TIME, I again appeal. Stand firm! Falter not an instant!

C. L. VALLANDIGHAM

He was ordered to be tried by a military commission, which met on the 6th of May.

The Commission convened at 10 o'clock A. M.

The Judge Advocate read the general order from the headquarters of the Department of the Ohio, appointing the following officers a commission to try all parties brought before it, and Mr. Vallandigham was asked whether he had any objections to offer to any member of the court.

The following officers composed the court: Brig.-Gen. R. B. Potter, President; Capt. J. M. Cutts, Judge Advocate; Col. J. F. DeCourcy, 16th Ohio; Lieut. Col. E. R. Goodrich, Commissary of Subsistence; Maj. Van Buren, aide-de-camp; Maj. Brown, 10th Kentucky cavalry; Maj. Fitch, 115th Ohio; Capt. Lydig, aid-de-camp.

Mr. Vallandigham said he was not acquainted with any of the members of the court, and had no objection to offer to them individually; but he protested that the Commission had no authority to try him, he being neither in the land nor naval force of the United States, nor in the militia in the actual service of the United States, and was not therefore triable by such a court, but was amenable only to the judicial courts of the land.

The members of the Court were then sworn to try his case impartially.

The Judge Advocate then read the following charge and specification.

Charge.—Publicly expressing, in violation of General Orders, No. 38, from headquarters, Department of the Ohio, his sympathies for those in arms against the Government of the United States, declaring disloyal sentiments and opinions, with the object and purpose of weakening the power of the Government in its efforts to suppress an unlawful rebellion.

Specification.—In this, that the said Clement C. Vallandigham, a citizen of the State of Ohio, on or about the 1st day of May, 1863, at Mount Vernon, Knox county, Ohio, did publicly address a large meeting of citizens, and did utter sentiments in words, or in effect, as follows, declaring the present war "a wicked, cruel, and unnecessary war;" "a war not being waged for the preservation of the Union;" "a war for the purpose of crushing out liberty, and erecting a despotism;" "a war for the freedom of the blacks and the enslavement of the whites;" stating "that if the Administration had so wished, the war could have been honorably terminated months ago;" that "peace might have been honorably obtained by listening to the proposed intermediation of France;" "that propositions by which the Northern States could be won back and the South be guaranteed their rights under the Constitution, had been rejected the day before the late battle of Fredericksburg by Lincoln and his minions;" meaning thereby the President of the United States, and those under him in authority. Charging "that the Government of the United States were about to appoint military marshals in every district, to restrain the people of their liberties, to deprive them of their rights and privileges." Characterizing General Order No. 38, from headquarters, Department of the Ohio, "as a base usurpation of arbitrary authority;" "inviting his hearers to resist the same by saying, 'the sooner the people inform the minions of usurped power that they will not submit to such restrictions upon their liberties the better;'" declaring "that he was at all times and upon all occasions resolved to do what he could to defeat the attempts now being made to build up a monarchy upon the ruins of our free government," asserting "that he firmly believed, as he said six months ago, that the men in power are attempting to establish a despotism in this country, more cruel and more oppressive than ever existed before."

All of which opinions and sentiments he well knew did aid, comfort, and encourage those in arms against the Government, and could but induce in his hearers a distrust of their own government and sympathy for those in arms against it, and a disposition to resist the laws of the land. J. M. CUTTS,

Capt. 11th Inf., Judge Advocate, Dep't of Ohio.

Mr. Vallandigham was asked by the Judge Advocate what his plea was.

Mr. Vallandigham refused to plead, and asked time to consult his counsel, and for a process to compel the attendance of Fernando Wood, of New York city, who should be required to bring with him a letter which he received from Richmond in relation to terms offered for the return of Southern Senators to their seats in Congress, with the letter of the President declining to entertain the proposition.

Mr. Vallandigham continuing to refuse to plead to the charge, the President directed that the plea of "not guilty" be entered on the record.

The Court then gave Mr. Vallandigham time to consult his counsel, and for that purpose ordered a recess to half past one o'clock.

The court was then cleared for deliberation, as to whether the delay asked for by Mr. Vallandigham should be granted, and remained closed until near noon.

The Court again met pursuant to adjournment, and the doors were opened.

The President asked Mr. Vallandigham whether he desired to appear with counsel.

Mr. Vallandigham said he did not. His counsel, G. E. Pugh, George Pendleton, and Alexander Ferguson, remained in the adjoining room.

The Judge Advocate announced that the case would be proceeded with, and called the first witness for the prosecution.

Capt. H. R. Hill, of the 115th Ohio volunteers, was sworn.

Question by Judge Advocate: Were you present at a meeting of citizens at Mount Vernon on May 1st, 1863?

Answer. I was.

Q. Did you hear accused address that meeting?

A. I did.

Q. What position did you occupy at the meeting, and were you near enough to hear all he said?

A. I was leaning against the end of the platform on

which he was speaking; was about six feet from him; I remained in this position during the whole time he was speaking.

By Judge Advocate: State what remarks he made in relation to the war; what he said about the President of the United States, and the orders of military commanders.

Witness: In order that I may bring in events as they were referred to by the speaker, I ask permission of the court to refresh my memory from the notes which I took at the time.

President: You can read from your notes.

Witness: The speaker commenced by referring to the canopy under which he was speaking—the stand having been decorated with an American flag—the flag under the Constitution.

Judge Advocate: You need not give his introductory remarks. Confine yourself to what he said about the war.

Witness: After finishing his exordium he spoke of the designs of those in power being to erect a despotism. That it was not their intention to effect a restoration of the Union. That previous to the battle of Fredericksburg an attempt was made to stay this wicked, cruel, and unnecessary war. That the war could have been ended in February last. That a day or two before the battle of Fredericksburg a proposition had been made for the readmission of Southern Senators into the United States Congress, and that the refusal was still in existence over the President's own signature, which would be made public as soon as the ban of secrecy imposed by the President was removed. That the Union could have been saved if the plan proposed by the speaker had been adopted; that the Union could have been saved upon the basis of reconstruction; but that it would have ended in the exile or death of those who advocated a continuation of the war. He then referred to Forney, who was a well known correspondent of the "Philadelphia Press," and said he had no right to speak for those who were not connected with the Administration. That some of our public men, rather than bring back some of the seceded States, would submit to a permanent separation of the Union. He stated that France, a nation that had always shown herself to be a friend of our Government, had proposed to act as intermediator; but that her proposition, which, if accepted, might have brought about an honorable peace, was insolently rejected

Mr. Vallandigham here corrected the witness. The word he used was "instantly," not "insolently."

Witness: I understood the word he used to have been "insolently." That the people had been deceived; that 20,000 lives had been lost at the battle of Fredericksburg that might have been saved. In speaking of the objects of the war, he said it was a war for the liberation of the blacks and the enslavement of the whites. We had been told it would be terminated in three months; then in nine months, and again in a year. That the war was still in progress, and that there was no prospect of its being ended. That Richmond was theirs; that Charleston and Vicksburg were theirs; that the Mississippi was not opened, and would not so long as there was cotton on its banks to be stolen, or so long as there were any officers to enrich. That a Southern paper had denounced him and Cox, and the peace democrats, as having done more to prevent the establishing of the Southern Confederacy than ten thousand soldiers could do. That they proposed to operate through the masses of the people in both sections who were in favor of the Union. That it was the purpose or design of the Administration to suppress or prevent such meetings as the one he was addressing. That military marshals were about to be appointed in every district, who would act for the purpose of restricting the liberties of the people; but that he was a freeman. That he did not ask David Tod or Abraham Lincoln, or Ambrose E. Burnside for his right to speak as he had done, and was doing. That his authority for so doing was higher than General Order No. 38—it was General Order No. 1—the Constitution. That General Order No. 38 was a base usurpation of arbitrary power; that he had the most supreme contempt for such power. He despised it and spit upon it. He trampled it under his feet. That only a few days before a man had been dragged from his home in Butler county by an outrageous usurpation of power, and tried for an offence not known to our laws, by a self-constituted court-martial. Tried without a jury, which is guaranteed to every one; that he had been fined and imprisoned. That two men were brought over from Kentucky and tried, contrary to express laws for the trial of treason, and were now under the sentence of death. That an order had just been issued in Indiana, denying to persons the right to canvass or discuss military policy, and that if it was submitted to would be followed up by a similar order in Ohio. That he was resolved never to submit to an order of a military dictator, prohibiting the free discussion of either civil or military authority. The sooner that the people informed the minions of this usurped power that they would not submit to such restrictions upon their liberties, and that they would not cringe and cower before such authority, the better. Let them not be deluded by the image of liberty when the spirit is gone. He proclaimed the right to criticize the acts of our military servants in power. That there never was a tyrant in any age who oppressed the people further than he thought they would submit to endure. That in the days of democratic authority, Tom Corwin had in the face of Congress hoped that our brave volunteers in Mexico "might be welcomed with bloody hands to hospitable graves," but that he had not been interfered with. It was never before thought necessary to appoint a captain of cavalry as Provost Marshal, as was now the case in Indianapolis, or military dictators as were now exercising authority in Cincinnati and Columbus. That a law had recently been enacted in Ohio, as well as in some other States, regulating the manner in which soldiers should vote, that the officers have to be judges of the election.

Judge Advocate objected to this part of the testimony as irrelevant.

Mr. Vallandigham desired the Court to permit the witness to go on with his testimony.

Witness: The speaker closed by warning the people not to be deceived. That an attempt would shortly be made to enforce the Conscription law, and to remember that the war was not for the preservation of the Union, but that it was a wicked abolition war, and that if those in authority were allowed to accomplish their purposes, the people would be deprived of their liberties and a monarchy established; but as for him, he was resolved that he would never be a priest or minister at the altar on which his country was being sacrificed.

Question by Judge Advocate: What other flags or emblems were used in decorating the stage?

A. There were banners made of frame work, and covered with canvas, which were decorated with butternuts, and bore inscriptions. One banner, which was carried at the head of a delegation which came in from a town in the county, bore the inscription, "The Copperheads are coming."

Mr. Vallandigham: The South never carried copper cents.

Judge Advocate: But butternuts are a Southern emblem.

Mr. Vallandigham shook his head, and said they were not.

Question by Judge Advocate: Did you see any persons have emblems on their persons?

A. Yes; I saw hundreds of persons wearing butternut and copperhead badges.

Mr. Vallandigham: The copper badges were simply the head cut out of the common cent coins, with pins attached.

Mr. Vallandigham: Did you notice what inscription these copperhead badges bore?

A. No; I did not look at them.

Mr. Vallandigham: The inscription on them was "Liberty."

Question by Judge Advocate: Did you hear any cheers in the crowd for Jeff. Davis.

Mr. Vallandigham: That is not in the specification. I did not hear cheers for Jeff. Davis, but I heard a shout in the crowd that "Jeff. Davis was a gentleman, and that was more than the President was."

CROSS EXAMINATION BY MR. VALLANDIGHAM.

Q. Did not I refer in my speech to the Crittenden Compromise propositions, and condemn their rejection?

As the witness was about answering, the Judge Advocate objected to the question, on the ground that it was bringing in matter foreign to the charge and specification. The Court allowed the question to be answered.

A. When endeavoring to show that the party in power had not the restoration of the Union in view in conducting the war, and that that was not their object, he stated a number of means by which that could have been accomplished; and from the fact that none had been adopted, he considered it proof that the restoration of the Union was not the object for which the war was being waged.

Q. Did I not quote Judge Douglas's declaration that the rejection——

Mr. Vallandigham: I desire to prove that in my speech I stated that Mr. Douglas had said that the responsibility for the rejection of the Crittenden propositions was with the Republican party.

The Judge Advocate stated that his objection was that the question was bringing in political opinions and discussions with which the Court had nothing to do.

The room was cleared for deliberation, and the doors closed.

After an interval of fifteen minutes, the doors were again opened, and then the Judge Advocate announced that the question would not be admitted.

Q. When speaking in connection with Forney's "Press," did I not say that if other democrats in Washington and myself had not refused all idea and suggestions of some prominent men of the party in power to make peace on the terms of disunion, that I believe the war would have been ended in February.

A. When speaking of the propositions before referred to, and that this war was not being carried on for the restoration of the Union, he stated that if the democrats in Washington had united in influence for the permanent separation of the Union, it would have been accomplished in February.

Q. Did I not refer expressly to myself in that connection, and say that I had refused, and always would refuse, to agree to a separation of the States, in other words, to peace on terms of disunion?

A. Well, that idea is not exactly as it was expressed. He stated something to that effect. That he wished to have a voice in the manner in which the Union was to be reconstructed, and that our Southern brethren should also have a voice in the matter.

Q. Referring to the "Richmond Enquirer" article, did I not say that Jeff. Davis's organ had called Dictator Lincoln to lock up Mr. Cox, Senator Richardson and myself in one of his military prisons, because of our doing so much against Southern recognition and independence.

A. That is substantially what he said.

Q. Referring to General Order No. 38, did I not say that, in so far as it undertook to subject citizens not in the land or naval forces of the United States, or militia of the United States in actual service, to trial by court-martial or military commission, I believed it to be unconstitutional, and a usurpation of arbitrary power?

A. Yes; except in the words "in so far."

Q. Referring to two citizens of Kentucky, tried by military court in Cincinnati, did I not say that if what they were charged with was actual treason, punishable by death, and that if guilty, the penalty by State law was hanging, that they ought to be hung, after being tried by a judicial court and a jury, instead of which they had been tried by a military court, and, as I understood, sentenced to fine and imprisonment—one of them $300 fine.

A. I don't think he put those "ifs" in. I think he said they were improperly tried, and by a usurpation of power.

Mr. Vallandigham: Strike out the "ifs" then.

Witness: That was substantially what he said.

Q. Did I not also say in that connection that the rebel officer who was tried as a spy by the military court of Cincinnati, was legally and properly tried, according to the rules and articles; tried and convicted—that that was a clear case, where the Court had jurisdiction?

A. It is my recollection that he denounced the Court as an unlawful tribunal, and did not make any distinction?

Question by Judge Advocate: Did he refer to the case of Campbell, the rebel spy, and make any distinction?

A. No. He denounced the Court first, and then gave the instances, which I have already related in my direct testimony.

Question by Mr. Vallandigham: Do you not remember my speaking of the Campbell case, and saying that he was properly tried?

A. He may, but I don't recollect it. He probably did refer to the Campbell case.

Q. May I not have made the distinction, and you not have heard it?

The Judge Advocate said he would admit that the accused did draw the distinction between the cases, and that he admitted the right of the court to try the spy. In other words, that he condemned the trial of the Butler county man, and approved the case of the spy, who was tried and convicted.

Q. Did I not distinctly, in the conclusion of the speech, enjoin upon the people to stand by the Union at all events, and if war failed not to give the Union up, but to try by peaceable means, by compromise, to restore it as our fathers made it; and that though others might consent, or be forced to consent, I would not myself be one of those who would take any part in agreeing to a dissolution of the Union?

A. Yes. He said that he and the peace men were the only ones who wished the restoration of the Union.

Q. Did not one of the banners you refer to as decorated with butternuts, bear the inscription, "The Constitution as it is, and the Union as it was."

A. The banners were numerous. One of them, I believe, did bear that inscription.

Q. Do you mean to be understood to say that I heard the reference to Jeff. Davis in the crowd, or gave any assent to it whatever?

A. I cannot say that he did. Did not see or hear him give any assent to it. There were many other remarks of that character uttered.

Q. What was the size of the crowd assembled there?

A. I do not know the proper estimate, but the crowd was very large.

The Court then adjourned to Thursday morning at ten o'clock.

SECOND DAY.

The Court met at ten o'clock A. M. President as before. Yesterday's proceedings and testimony were read and approved, and were signed by the President.

Capt. Hill was again called to the stand, and his cross-examination was resumed by Mr. Vallandigham.

Q. In speaking of the character of the war did I not expressly say, as Mr. Lincoln in his proclamation, July 1st, 1862, said, "This unnecessary and injurious civil war?"

Judge Advocate: So, Mr. Vallandigham, was that used in your speech as a quotation from the President's proclamation?

Mr. Vallandigham: Yes, it was.

Witness: I do not recollect that he did. The language he made use of I understood to be his own.

Mr. Vallandigham: Of course I could not put the quotation marks in my speech.

Q. Again, in speaking of the character of the war, did I not expressly give the President's proclamation

of September 22d, 1862, and January 1st, 1863, declaring the emancipation of the slaves in the Southern seceded States as a proof that the war was being waged for that purpose.

The witness was about to answer, when the Judge Advocate checked him. He said it was bringing up matters which were foreign to the charge and specification, and that the Court was not called upon to pass upon the merits of the President's proclamation. He then desired that the Court should be closed for deliberation.

Mr. Vallandigham: I desire to show this fact, in explanation of the purpose and object of my declaration as to the present character of the war, and as my authority for the statement; for I assume that the President is not disloyal.

The Judge Advocate insisted that the question required the Court to pass judgment upon the merits of the President's proclamation, and not whether he (Mr. V.) was expressing his own sentiments or those of the President.

The Judge Advocate said the question would not be admitted.

Q. Did you continue at the same place during the delivery of the whole speech?

A. I did.

Q. Were your notes taken at the time or reduced to writing afterward?

A. They were taken at the time, and as they fell from the speaker's lips.

Q. Were you not in citizen's clothes, and how came you to be at Mount Vernon that day? Did you go to Mount Vernon for the purpose of taking notes and reporting the speech?

Judge Advocate: I object to this question on the ground of its immateriality.

Mr. Vallandigham insisted on the question on the ground that it explained the temper and spirit of the witness, and his prejudices, and as showing that the notes were taken with reference to the arrest and prosecution before this Commission; he being a captain in the service, and his regiment in Cincinnati.

The question was objected to by the Judge Advocate, and the Court was cleared for deliberation.

On opening the doors again the Judge Advocate announced that the question would be allowed.

A. I was in citizen's clothes, and I went up for the purpose of listening to any speech that might be delivered by him. I had no order to take notes or report.

Q. Did you go provided with pencil and paper?

The Judge Advocate objected to the question. Of course the witness had pencil and paper.

Q. Did you take notes of any other speech?

A. I commenced taking notes of Mr. Cox's speech, but considered it harmless, and stopped. I took no notes of any other speech.

Q. Were you not sent expressly to listen to my speech?

A. I was not any more than any other speech.

Q. By whom were you sent or requested to go?

A. By Captain Andrew C. Kemper, Assistant Adjutant-General of the Military Commandant of the city.

Q. From whom did you obtain leave of absence?

Judge Advocate: He did not need any leave of absence; the order was enough.

Mr. Vallandigham: Then strike out the words "or requested" from the answer, for it leaves it ambiguous.

Q. Did you make report to Captain Kemper on your return?

The Judge Advocate objected to the question, but the Court allowed it.

A. On my return I did not report to Kemper.

Q. To whom did you report?

A. To Colonel Eastman himself, and he sent me to headquarters Department of the Ohio.

This closed the testimony of Captain Hill on both the direct and cross-examination.

The Judge Advocate called

Capt. John A. Means, 115th Ohio Volunteer Infantry, who was sworn. He was asked by the Judge Advocate if he was at the Mount Vernon Meeting, and whether he heard Mr. Vallandigham speak, and, if so, what he said of the war, &c.?

Witness: I was present at the meeting, and heard Mr. Vallandigham address the people. I was in two or three positions most of the time, and about five or ten feet from the stand. I heard the whole speech.

By the Judge Advocate: State what remarks you heard him make, and give as near as you can his language.

Witness: He stated the war was not carried on for the restoration of the Union, and that it might have been stopped some time ago, and the Union restored, if the plans which had been submitted had been accepted.

Mr. Vallandigham objected to this testimony on the ground that he had applied for a subpœna to compel the attendance of Fernando Wood, who would produce the written evidence of what he (Mr. V.) had asserted about the return of Southern senators to their seats in Congress.

Judge Advocate: I will strike from the specification that part which refers to the "propositions by which the Southern States could be won back," &c.

To the witness: You will omit that part of your testimony.

Witness continued: If the plans he had proposed himself had been adopted, peace would have been restored, the Union saved by a reconstruction, the North won back and the South guaranteed her rights; that Richmond, Charleston, and Vicksburg had not been taken, and the Mississippi was not opened, and could not be as long as there was cotton on the banks to be stolen or officers enriched. He said that after the rebuke which the Administration received at the last fall election, no more volunteers could be had, and the Administration had to resort to the French Conscription law. But he would not counsel resistance to military or civil law. That was not needed. The people were not deserving to be freemen who would submit to such encroachments on their liberties.

Mr. Vallandigham: What was I referring to when I made the remark you say I did?

Witness: He was speaking of the Conscription Act. He said he believed the Administration was attempting to erect a despotism, and in less than one month Mr. Lincoln had plunged the country in this cruel, bloody, and unnecessary war. He stated that General Order, No. 38, was a usurpation of power that he despised—he spit upon it and trampled it under his feet—that he, for one, would not regard it. He styled the officers of the Administration and officers of the army as Lincoln minions. He said he did not ask Lincoln or Burnside whether he might speak; that he was a freeman and spoke as he pleased. He stated the military orders and proclamations were intended to intimidate the people and prevent them from meeting as they had done that day. He claimed the right to discuss and criticize the actions of the civil and military authorities.

Q. Did he advise the people to take any steps to obtain their rights?

A. At the close of his speech he advised the people to come up together and at the ballot box to hurl the tyrant from his throne. In one part of his speech he styled the President as King Lincoln.

Cross-examined by Mr. Vallandigham: Did you take notes at all during the delivery of the speech, or are you testifying solely from memory?

A. I took no minutes during the delivery of the speech. After Pendleton commenced speaking, I went and wrote out what I had heard. It was, perhaps, an hour and a half after I heard the speech.

Q. About what was the length of the speech?

A. I think about an hour and a half.

Q. You made no shorthand report of it, I suppose. Did you ever report in shorthand?

Judge Advocate: The witness has already said he made no report of the speech.

Mr. Vallandigham wanted to know if he was accustomed to reporting speeches.

The Judge Advocate objected to the question.

Q. You speak of my saying the North might be won back—was it not the South that was to be won back?

Mr. Vallandigham said he noticed that the witness used the word "North" in place of the "South." It was the South he referred to.

A. No. I noticed this particularly. It struck me very forcibly.

Q. You say that I said that I would not counsel resistance to military or civil law. Did I not expressly counsel the people to obey the Constitution and the laws and to pay proper respect to men in authority, but to maintain their political rights through the ballot box, and to redress personal wrongs through the judicial tribunals of the country, and in that way to rebuke and put down administrations and all usurpations of power?

A. Not in that connection. He said, at the last of his speech, to come up to the ballot box and hurl the tyrant from power.

Q. Do you recollect the whole connection in which that sentence was used?

A. I did not understand him to advise submission at all times.

Q. Do you recollect the sum and substance of what I said?

A. I remember part of it; but I cannot remember the language or the substance so as to answer the question.

Q. Did I not say that my authority to speak to the people in public assemblages on all public questions was not derived from General Order, No. 38, but from General Order, No. 1—the Constitution of the United States, George Washington commander?

A. I understood him to say that his authority to speak to the people was higher than General Order, No. 38, by that military despot, Burnside. It was Order No. 1, signed Washington. I did not hear him say "constitution."

Q. Were not the names Tod, Lincoln, and Burnside used in the same connection, and that I did not ask their consent to speak?

A. At another time he did use these words.

Q. Were not the remarks you say I made about despising, spitting, and trampling under foot, expressly applied in reference to arbitrary power generally, and did I not in that connection refer to General Order, No. 9, of Indiana, signed by General Hascall, denying the right to criticize the war policy of the Administration?

A. The remarks in regard to despising and spitting upon were in direct reference to Order No. 38. Some time afterward, in speaking of the tyranny of the Administration, he did refer to Order No. 9, and of the right to criticize the acts of the Administration, and said that if submitted to it would be followed by civil war in Ohio.

Q. Did I approve or condemn the order?

Judge Advocate: The question, I think, has already been answered.

Q. Will you undertake to give any connected or methodical statement of my speech of over one hour and a half long?

A. I simply remember parts of it. I do not pretend to give the speech just as he spoke it.

Q. Were you not present in citizen's clothes, and how came you to be at Mount Vernon that day, by whose order, and were you sent for the purpose of listening to and reporting the speech?

A. I was there in citizen's clothes by order of Col. Eastman. I was sent to listen to the speech, and to give my careful attention, and to get his language as near as I could.

Q. Did you make such a report?

A. I did; to Colonel Eastman.

Q. Did you make report of any other speeches on that occasion?

A. I did; I got the substance of Cox and Reiney's speeches.

Q. Were you directed to go to Mount Vernon and make a report of my speech, with reference to the prosecution under General Order, No. 38?

A. I was not.

Q. Were any reasons given you why you should go?

The Judge Advocate objected to the question, as the answer had been sufficiently given before.

Q. Was any object stated to you, and if so what, for your going there in citizen's clothes, listening to and reporting the speech?

A. There was not any.

The cross-examination here closed, and the Judge Advocate stated that he did not propose to introduce any further testimony on the part of the prosecution.

Mr. Vallandigham asked for a few minutes to consult with his counsel, which was granted, and the Court took a recess of fifteen minutes.

THE DEFENCE.

On the reassembling of the Court, Mr. Vallandigham called Hon. S. S. Cox, who was sworn. He was examined by Mr. Vallandigham.

Q. Were you present at a public political meeting of citizens of Ohio, at Mount Vernon, on Friday, May 1st, 1863, and if so, in what capacity?

A. I was present as one of the speakers.

Q. Did you hear the speech of Mr. Vallandigham on that day made to the assemblage?

A. I did.

Q. State where your position was during its delivery; what your opportunities for hearing were, whether you heard it at all, and whether and why your attention was particularly directed to it?

A. Before the speaking began I was on the stand, a few feet from Mr. Vallandigham, and was most of the time standing near him, so that I could not fail to hear all that he said. I do not think my attention was distracted unless for a very few minutes during the whole speech. I had not heard Mr. Vallandigham speak since the adjournment of Congress, and as I came in from a different direction, from the West, I did not know that he was to be there. I took an especial interest in listening to his speech throughout. Having to follow him, I naturally noticed the topics which he discussed. I believe that answers the question.

Q. Did you hear any allusions to General Burnside, by name or description, and if so, what were they?

A. The only allusion he made to the General was, I think, near the beginning of his speech, in which he said he was not there by the favor of David Tod, or Abraham Lincoln or Ambrose E. Burnside.

Q. Were any epithets applied to him during the speech?

A. No, sir. If there had been I should have noticed them, because General Burnside was an old friend of mine; I should have remembered any odious epithets applied to him.

Q. Did you hear the reference to General order No. 38, and if so, what was it?

A. The only reference made in that speech to that order was something to this effect: that he did not recognize (I do not know that I can quote his language) Order No. 38, as superior to General Order No. 1, of the constitution from George Washington, commanding. It was something to that effect. I thought it was a handsome point at the time. I remembered that, because Mr. Vallandigham used the same expression in the debate in Congress on the conscription bill, or in some debate somewhere else when I heard him speak.

Q. Were any violent epithets, such as spitting upon, trampling under foot or the like used at any time in the speech in reference to that Order No. 38; and if any criticism was made upon it, what was that criticism?

A. I cannot recall any denunciatory epithets applied to that order. I did not hear them, and if I had I should have remembered them. The criticism upon the order was made as I have stated before.

Q. In what connection did I use the strong language?

A. Mr. Vallandigham discussed the order very briefly, in order to get away on the four o'clock train, and occupied most of his time in discussing other

propositions. It was in connection with remarks about closing the war by separation of the Union. He charged that the men in power had the power to make peace by separation. He exhausted some time in reading proofs of this—one was from Montgomery Blair and another from Forney's "Press." He also said there were private proofs which time would disclose. He said they pursued this thing until they found that the democrats were unwilling to make any peace except on the basis of the restoration of the whole Union.

Q. Do you remember to what, if at all, in connection with future usurpations of power he applied his strongest language?

A. I cannot say as to the strongest language, for he always spoke pretty strongly. He denounced in strong language any usurpations of power to stop public discussions and the suffrage. He appealed to the people to protect their rights, as the remedy for every grievance. Twice in his speech he counselled and warned against violence and revolution. By the peaceful means of the ballot box all that was wrong of a public nature might be remedied, and that the courts would remedy all grievances of a private nature. I cannot quote the language, but that is the substance. During his speech he referred to those in power having rightful authority, and that they should be obeyed. He counselled no resistance, except what could be had at the ballot box.

Q. Was anything said by me at all looking to forcible resistance of either law or military orders?

A. Not as I understand it.

Q. What was the sole remedy that I urged upon the people?

A. The sole remedy was, as I have stated, in the courts and in the ballot box. I remember this distinctly, because I had been pursuing the same line of remark at Chicago and Fort Wayne, and other places where I had been speaking, and for the purpose of repressing any tendency toward violence among our democratic people.

Q. Was anything said by me on that occasion in denunciation of the Conscription Bill, or looking in any way to resistance to it?

A. My best recollection is that Mr. Vallandigham did not say a word about it.

Mr. Vallandigham: Not one word.

Q. Did I refer to the French Conscription law, and if not, by whom was reference made to it?

A. He did not. I did in this connection.

The Judge Advocate objected to what Mr. Cox had said, as not being competent evidence.

Mr. Cox desired to say to the Court, in explanation of what he had said about the conscription law, that he had just before the meeting been talking with Judge Bartley about our conscription law having been copied from the French law, and I merely referred to that in my speech.

Q. Do you remember my quoting from President Lincoln's proclamation of July 1, 1862, the words "unnecessary and injurious war?"

A. I do not. He may have done so, but I did not hear it.

Q. Did you hear similar language used by me?

A. I cannot recollect it.

Q. Do you remember my comments on the change of the policy of the war some year or so after its commencement, and what reference was made by me in that connection?

A. He did refer to the change in the policy of the war, and I think devoted some time to show that it was carried on for the abolition of slavery, and not for the restoration of the Union.

Q. What did he claim to have been its original purpose, and did he refer to any message or proclamation of the President in that connection?

A. He referred in that defence to the Crittenden proposition, declaring that the war was for the restoration of the Union, and not to break up the States.

Q. Did I counsel any other mode in that speech, of resisting usurpations of arbitrary power, except by free discussion and the ballot box?

A. He did not.

Mr. Vallandigham: As I understand that portion of the specification which relates to the proposition from Richmond has been stricken out, I will ask no questions about it.

Q. Was any denunciation of the officers of the army indulged in by me, or any offensive epithets applied to them?

A. Well, occasionally, Mr. Vallandigham used the words, "The President and his minions," but I did not think he used it in other than the general acceptation of that term. He did not use it in connection with the army.

Mr. Vallandigham: I did not use it in connection with the officers of the army?

Mr. Cox—It was in connection with arbitrary arrests perhaps that he used it.

Q. Was it not in connection with army contractors and speculators?

The Judge Advocate objected to the question, and said the witness had distinctly stated that he did not think Mr. Vallandigham had applied it to the officers of the army.

Q. Do I understand you to say that the denunciations to which you refer were chiefly in reference to arbitrary arrests?

A. My recollection is that that was the connection in which it was used. He used strong epithets toward spies and informers, and did not seem to like them very much.

Mr. Vallandigham: As the Court has admitted that I did make a distinction between the Butler county case and the Kentucky spy, I will not refer to it now.

Q. Do you remember the connection in which words to this effect were used at the close of the speech: "in regard to the possibility of a dissolution of the Union" and of his own determination in regard to such a contingency, "and his declining to act as a priest"?

A. I cannot give the exact words, but I remember the metaphor, "that he would not be a priest to minister at the altar of disunion." It was as he wound up his speech. He was speaking about disunion, and his attachment to the Union.

Q. What counsel did I give the people on the subject of the Union at the close of my speech?

A. He invoked them under no circumstances to surrender the Union. I think he said something about leaving it to our posterity.

Q. Do you remember my rebuke of arbitrary court-martials, and was it in connection with the Butler county case?

A. Yes; I so understood it.

Q. What was the general character of my remarks on that subject?

A. He denounced the applause of Jeff. Davis by that party, and said there was a mode by which this man could be tried.

Mr. Vallandigham asked whether the rebuke had not reference to and was spoken in connection with the Butler county case? He desired a distinct answer to this.

Mr. Cox: He was speaking of the Butler county case, and he pointed out a mode by which such a man could be tried.

Q. Was anything said in my speech in reference to the war except in condemnation of what I claimed to be the policy upon which it is now being waged, and as a policy which I insisted could not restore the Union, but must end finally in disunion?

A. I can only give my understanding. I do not know what inferences other people might draw from it. I understood his condemnation of the war to be launched at the perversion of its original purpose.

Mr. Vallandigham: I do not remember anything further just now. I have some other witnesses whom I desire to examine on this same point who are not yet here.

Judge Advocate: I have no questions to put to the witness.

To Mr. Vallandigham: Has not this witness suf-

ficiently developed the purpose and spirit of your speech?

Mr. Vallandigham: I have called but one witness, and I understand the Court has several more to corroborate what their first witness has testified.

Judge Advocate: The Court will not be influenced by the number of witnesses. The number had nothing to do with the case.

Mr. Vallandigham: I did not counsel any resistance in my speech, and there were three witnesses on the stand, one of whom was the presiding officer, and one a reporter, who is accustomed to reporting speeches, though he did not report on that occasion, whom I have telegraphed for, and expect here at four P. M.

The Judge Advocate suggested that Mr. Pendleton, who was now present, was at the meeting at Mount Vernon, and that he might be called to the stand.

Mr. Vallandigham: Mr. Pendleton has been engaged in this case, and I would prefer not to call him, as I have other witnesses. I also desire to show that the criticisms in my speech were not in reference to General Order, No. 38.

Judge Advocate: The witness has just said so.

Mr. Vallandigham: If the Court will admit that, then I will not call other witnesses.

Judge Advocate: I will admit that the language might not have been used especially toward General Order, No. 38; but it has been proved that such language was used in the Mount Vernon speeches in reference to military orders.

Mr. Vallandigham: I want to prove that it was not used in relation to General Order, No. 38.

Judge Advocate: I will admit that the language was not used in regard to General Order, No. 38, but generally to military orders.

Mr. Vallandigham said he desired time to prepare a defence covering this testimony, and would, according to the rules governing courts-martial, submit it in writing.

The Judge Advocate said he might cover one hundred or two hundred pages of foolscap in reviewing the case, and this would take time. He (the Judge Advocate) did not propose to say anything on the evidence, but would leave it with the Court. Mr. Vallandigham might say what he desired in defence verbally, and it could be reported in short hand, and thus save time.

Mr. Vallandigham preferred to have the record correct, as it would have to go before another tribunal.

The Court then took a recess to half past four o'clock.

The Court reconvened at five P. M.

The Judge Advocate stated that the witnesses for the accused, who were expected, namely: Lickey Harper, J. F. Irwin, and Frank H. Hurd, had not arrived, and that he had agreed with the accused to admit, as it would avoid a continuance, that if they were present and under oath, they would testify substantially the same as Mr. Cox had done.

Thereupon Mr. Vallandigham said he had no more testimony to offer, and the case closed.

The Judge Advocate now announced that the testimony was all in.

At the request of Mr. Vallandigham, the testimony of Mr. Cox was read over.

Mr. Vallandigham: Gentlemen of the Court, very briefly and respectfully I offer the following protest:

MR. VALLANDIGHAM'S PROTEST.

Arrested without due "process of law," without warrant from any judicial officer, and now in a military prison, I have been served with a "charge and specification," as in a court-martial or military commission.

I am not in either "the land or naval forces of the United States, nor in the militia in the actual service of the United States," and therefore am not triable for any cause by any such court, but am subject, by the express terms of the Constitution, to arrest only by due process of law, judicial warrant, regularly issued upon affidavit and by some officer or court of competent jurisdiction for the trial of citizens, and am now entitled to be tried on an indictment or presentment of a grand jury of such court, to speedy and public trial by an impartial jury of the State of Ohio, to be confronted with witnesses against me, to have compulsory process for witnesses in my behalf, the assistance of counsel for my defence, and evidence and argument according to the common laws and the ways of judicial courts. And all these I here demand as my right as a citizen of the United States, and under the Constitution of the United States.

But the alleged "offence" itself is not known to the Constitution of the United States, nor to any law thereof. It is words spoken to the people of Ohio in an open and public political meeting, lawfully and peacefully assembled under the Constitution and upon full notice. It is words of criticism of the public policy of the public servants of the people, by which policy it was alleged that the welfare of the country was not promoted. It was an appeal to the people to change that policy, not by force, but by free elections and the ballot box. It is not pretended that I counselled disobedience to the Constitution or resistance to laws and lawful authority. I never have. Beyond this protest, I have nothing further to submit.

C. L. VALLANDIGHAM.

CINCINNATI, OHIO, *May 7th*, 1863.

Judge Advocate: I find nothing in the defence of the accused to call for remark, except that in regard to counsel and summoning of witnesses. He was permitted to have, and did have, counsel to consult with, and an opportunity was offered him to send for witnesses.

The Court was then cleared for deliberation, and after a session of three hours, their decision was made and submitted to General Burnside for approval.

SENTENCE.

The Commission, after mature deliberation on the evidence adduced, and the statement of the accused, find the accused, Clement L. Vallandigham, a citizen of the State of Ohio, as follows:

Of the specification (except the words "That propositions by which the Northern States could be won back, and the South guaranteed their rights under the Constitution, had been rejected the day before the battle of Fredericksburg," meaning thereby the President of the United States, and those under him in authority, and the words "asserting that he firmly believed, as he asserted six months ago, that the men in power are attempting to establish a despotism in this country, more cruel and more oppressive than ever existed before,") "Guilty."

And as to those words, "Not Guilty."

Of the charge, "Guilty."

And the Commission do therefore sentence him, the said Clement L. Vallandigham, a citizen of the State of Ohio, to be placed in close confinement in some fortress of the United States, to be designated by the commanding officer of this department, there to be kept during the continuance of the war.

II. The proceedings, finding and sentence in the foregoing case are approved and confirmed, and it is directed that the place of confinement of the prisoner, Clement L. Vallandigham, in accordance with said sentence, be Fort Warren, Boston harbor. By command of

Major-General BURNSIDE.

LEWIS RICHMOND, Assist. Adj.-Gen.

This sentence was not approved by the President, who changed it to one, sending Mr. Vallandigham beyond our military lines.

Previous to the finding of the Commission being made public, Mr. Vallandigham, through his counsel, George E. Pugh, applied to Judge Leavitt, of the United States Circuit Court, for a writ of habeas corpus. The hearing was postponed to the 11th of May, and the clerk directed to give notice of the same to Gen. Burnside. On that day the matter was argued at

great length by G. E. Pugh in favor of the motion, and by A. F. Perry, on behalf of Gen. Burnside, against it.

An attractive feature in the case was the presentation to the Court by Flamen Ball, Esq., the District Attorney, of a written statement from Gen. Burnside, in explanation and defence of his military administration:

HEADQUARTERS DEPARTMENT OF THE OHIO,
CINCINNATI, OHIO, *May* 11*th*, 1863.

To the Honorable the Circuit Court of the United States within and for the Southern District of Ohio:

The undersigned, commanding the Department of the Ohio, having received notice from the Clerk of said Court that an application for the allowance of a writ of habeas corpus will be made this morning before your honors on behalf of Clement L. Vallandigham, now a prisoner in my custody, asks leave to submit to the Court the following statement:

If I were to indulge in wholesale criticisms of the policy of the Government, it would demoralize the army under my command, and every friend of his country would call me a traitor. If the officers or soldiers were to indulge in such criticism, it would weaken the army to the extent of their influence; and if this criticism were universal in the army, it would cause it to be broken to pieces, the Government to be divided, our homes to be invaded, and anarchy to reign. My duty to my Government forbids me to indulge in such criticisms; officers and soldiers are not allowed to so indulge, and this course will be sustained by all honest men.

Now, I will go further. We are in a state of civil war. One of the States of this Department is at this moment invaded, and three others have been threatened. I command the Department, and it is my duty to my country and to this army to keep it in the best possible condition—to see that it is fed, clad, armed, and, as far as possible, to see that it is encouraged. If it is my duty and the duty of the troops to avoid saying anything that would weaken the army, by preventing a single recruit from joining the ranks, by bringing the laws of Congress into disrepute, or by causing dissatisfaction in the ranks, it is equally the duty of every citizen in the department to avoid the same evil. If it is my duty to prevent the propagation of this evil in the army, or in a portion of my Department, it is equally my duty in all portions of it; and it is my duty to use all the force in my power to stop it.

If I were to find a man from the enemy's country distributing in my camps speeches of their public men that tended to demoralize the troops, or to destroy their confidence in the constituted authorities of the Government, I would have them tried and hung if found guilty, and all the rules of modern warfare would sustain me. Why should such speeches from our own public men be allowed?

The press and public men, in a great emergency like the present, should avoid the use of party epithets and bitter invectives, and discourage the organization of secret political societies, which are always undignified and disgraceful to a free people; but now they are absolutely wrong and injurious; they create dissensions and discord, which just now amount to treason. The simple names of "patriot" and "traitor" are comprehensive enough.

As I before said, we are in a state of civil war, and an emergency is upon us which requires the operations of some power that moves more quickly than the civil. There never was a war carried on successfully without the exercise of that power.

It is said that the speeches which were condemned have been in the presence of large bodies of citizens, who, if they thought them wrong, would have then and there condemned them. That is no argument. These citizens do not realize the effect upon the army of our country, who are its defenders. They have never been in the field; never faced the enemies of their country; never undergone the privations of our soldiers in the field; and, besides, they have been in the habit of hearing their public men speak, and as a general thing of approving of what they say; therefore, the greater responsibility rests upon the public men and upon the public press, and it behooves them to be careful as to what they say. They must not use license and plead that they are exercising liberty. In this department it cannot be done. I shall use all the power I have to break down such license, and I am sure I will be sustained in this course by all honest men. At all events I will have the consciousness before God of having done my duty to my country, and when I am swerved from the performance of that duty by any pressure, public or private, or by any prejudice, I will no longer be a man or a patriot.

I again assert, that every power I possess on earth, or that is given to me from above, will be used in defence of my Government, on all occasions, at all times, and in all places within this department. There is no party, no community, no State Government, no State Legislative body, no corporation, body of men that have the power to inaugurate a war policy that has the validity of law and power, but the constituted authorities of the Government of the United States; and I am determined to support their policy. If the people do not approve that policy, they can change the constitutional authorities of that Government at the proper time and by the proper method. Let them freely discuss the policy in a proper tone; but my duty requires me to stop license and intemperate discussion which tend to weaken the authority of the Government and army; whilst the latter is in the presence of the enemy it is cowardly so to weaken it. This license could not be used in our camps—the man would be torn in pieces who would attempt it. There is no fear of the people losing their liberties; we all know that to be the cry of demagogues, and none but the ignorant will listen to it; all intelligent men know that our people are too far advanced in the scale of religious civilization, education, and freedom to allow any power on earth to interfere with their liberties; but this same advancement in these great characteristics of our people teaches them to make all the necessary sacrifices for their country, when an emergency requires. They will support the constituted authorities of the Government, whether they agree with them or not. Indeed, the army itself is a part of the people, and is so thoroughly educated in the love of civil liberty, which is the best guarantee for the permanence of our republican institutions, that it would itself be the first to oppose any attempt to continue the exercise of military authority after the establishment of peace by the overthrow of the rebellion. No man on earth can lead our citizen soldiery to the establishment of a military despotism, and no man living would have the folly to attempt it. To do so would be to seal his own doom. On this point there can be no ground for apprehension on the part of the people.

It is said that we can have peace if we lay down our arms. All sensible men know this to be untrue. Were it so, ought we to be so cowardly as to lay them down until the authority of the Government is acknowledged?

I beg to call upon the fathers, mothers, brothers, sisters, sons, daughters, relatives, friends and neighbors of the soldiers in the field, to aid me in stopping this license and intemperate discussion, which are discouraging our armies, weakening the hands of the Government, and thereby strengthening the enemy. If we use our honest efforts God will bless us with a glorious peace and a united country. Men of every shade of opinion have the same vital interest in the suppression of this rebellion; for should we fail in the task the dread horrors of a ruined and distracted nation will fall alike on all, whether patriots or traitors.

These are substantially my reasons for issuing "General Order No. 38," my reasons for the determination to enforce it, and also my reason for the arrest of the Hon. C. L. Vallandigham for the supposed violation

of that order, for which he has been tried. The result of that trial is now in my hands.

In enforcing this order, I can be unanimously sustained by the people, or I can be opposed by the factious, bad men. In the former event quietness will prevail; in the latter event the responsibility and retribution will attach to the men who resist the authority and the neighborhoods that allow it.

All of which is respectfully submitted.

A. E. BURNSIDE, Maj.-Gen.,
Commanding Department of the Ohio.

The motion was denied by Judge Leavitt, who delivered a very lengthy decision, of which the following are extracts. After arguing at length, and with great ability, the more strictly legal and constitutional points involved in the case, he proceeds:

Now, the question which I am called upon to decide is, whether Gen. Burnside, as an agent of the Executive Department of the Government, had transgressed his authority in ordering the arrest of Mr. Vallandigham. If the theory of his counsel is sustainable, that there can be no legal arrest except by warrant based on an affidavit of probable cause, the conclusion would be clear that the arrest was illegal. But I do not think I am bound to regard the inquiry as occupying this narrow base. Gen. Burnside, by the order of the President, has been designated and appointed to take the military supervision of the Department of the Ohio, composed of the States of Kentucky, Ohio, Indiana, Illinois, and Michigan. The precise extent of his authority in this responsible position is not known to the Court.

It may, however, be properly assumed, as a fair presumption, that the President has clothed him with all the powers necessary to the efficient discharge of his duties, in the station to which he has been called. He is the representative and agent of the President, within the limits of his department. In time of war the President is not above the Constitution, but derives his power expressly from the provision of that instrument declaring that he shall be Commander-in-Chief of the Army and Navy. The Constitution does not specify the powers he may rightfully exercise in this character, nor are they defined by legislation. No one denies, however, that the President, in this character, is invested with very high powers, which it is well known have been exercised on various occasions during the present rebellion. A memorable instance of its exercise is seen in the Emancipation Proclamation, issued by the President as Commander-in-Chief, and which he justifies as a military necessity.

It is, perhaps, not easy to define what acts are properly within this designation, but they must, undoubtedly, be limited to such as are deemed essential to the protection and preservation of the Government and the Constitution, which the President has sworn to support and defend. And in deciding what he may rightfully do under this power, where there is no express legislative declaration, the President is guided solely by his own judgment and discretion, and is only amenable for an abuse of his authority by impeachment, prosecuted according to the requirements of the Constitution. The occasion which calls for the exercise of this power exists only from the necessity of the case; and when the necessity exists, there is a clear justification of the act.

If this view of the power of the President is correct, it undoubtedly implies the right to arrest persons, who, by their mischievous acts of disloyalty, impede or endanger the military operations of the Government. And, if the necessity exists, I see no reason why the power does not attach to the officer or General in command of a military department. The only reason why the appointment is made, is that the President cannot discharge the duties in person. He, therefore, constitutes an agent to represent him, clothed with the necessary power for the efficient supervision of the military interests of the Government throughout the department. And it is not necessary that martial law should be proclaimed or exist, to enable the General in command to perform the duties assigned to him. Nor is it necessary that it should have been in force to justify the arrest. The power vested by virtue of the authority was conferred by the appointment of the President. Under that appointment, Gen. Burnside assumed the command of this department.

In the exercise of his discretion, he issued the order—No. 38—which has been brought to the notice of the Court. I shall not comment on that order, or say any thing more in vindication of its expediency. I refer to it only because Gen. Burnside, in his manly and patriotic communication to the Court, has stated fully his motives and reasons for issuing it, and also that it was for its supposed violation that he ordered the arrest of Mr. Vallandigham. He has done this under his responsibility as the commanding General of this department, and in accordance with what he supposed to be the power vested in him by the appointment of the President. It was virtually the act of the Executive Department under the power vested in the President by the Constitution; and I am unable to perceive on what principle this judicial tribunal can be invoked to annul or reverse it. In the judgment of the commanding General, the emergency required it; and whether he acted wisely or discreetly, is not properly a subject for judicial review.

I am aware there are points made by the learned counsel representing Mr. Vallandigham, to which I have not adverted. I have had neither time nor strength for a more elaborate consideration of the questions involved in this application. For the reasons which I have attempted to set forth, I am led clearly to the conclusion that I cannot judicially pronounce the order of Gen. Burnside for the arrest of Mr. Vallandigham as a nullity, and must, therefore, hold that no sufficient ground has been exhibited for granting the writ applied for.

In pursuance of the sentence of the President, Mr. Vallandigham was sent south beyond our lines, of which occurrence the following account is given in a letter from Murfreesboro', under date of May 25th:

Last night, at a little past ten o'clock, Clement L. Vallandigham arrived at this place on an extra train of cars from Nashville, in charge of Capt. Murry, of the 13th Regular Infantry, with a small squad of men. It was two o'clock in the morning before Vallandigham was started on his journey. He rode in the same wagon that brought him up from the depot. Col. McKibben, Senior, Aid to the General Commanding; Lieut.-Col. Ducat, Inspector General of the Department; Major Wiles, Provost Marshal General; Capt. Goodwin, 37th Indiana, Assistant Provost Marshal General; Capt. Doolittle, of the 4th Regular Cavalry; and Lieut. Kelley, commanding two companies of cavalry, composing the general escort, accompanied the prisoner. The first signs of daylight were appearing in the east, when the cavalcade stopped at a house to wait for the full morning. Soon after we were again on the way, and just as the sun rose reached our extreme outposts, and signalled to the rebel videttes, a half mile ahead. Maj. Wiles and Col. McKibben started forward with a flag of truce, and were soon in communication with the rebel authorities. The latter having expressed a willingness to receive Mr. Vallandigham, the two officers returned.

Maj. Wiles and Capt. Goodwin accompanied the prisoner within the rebel lines, and about ten o'clock A. M., delivered him into the hands of a single private soldier of the 31st Alabama, Colonel Webb—Mr. Vallandigham making the following declaration:

"I am a citizen of Ohio, and of the United States. I am here within your lines by force, and against my will. I therefore surrender myself to you as a prisoner of war."

The bearing of Mr. Vallandigham, throughout the whole affair, was modest, sensible, and dignified.

At the next session of the Supreme Court of the United States an application was made by the Hon. George E. Pugh, counsel for Mr. Vallandigham, for a writ of *certiorari* to bring up the proceedings of the military commission before which he was tried for review in that court. The motion was subsequently denied, on the ground that no writ of *certiorari* could be issued by the Supreme Court to a military commission, the court not having jurisdiction over the proceedings of such a body.

The arrest, trial, and banishment of Mr. Vallandigham, as has been stated, occasioned much discussion both in public assemblies and in the papers of the day. Without an exception among the Democratic newspapers, the whole transaction was denounced as a violation of the rights of free speech, personal liberty, and trial by the constituted tribunals of the country. The papers in the support of the Administration took different views of the case; some maintained that the necessities of the case justified the measure, while others deprecated the act of Gen. Burnside and the military commission. The "Evening Post," of New York, says:

Nothing can be clearer or more explicit than this; nothing shows a more tender regard for the rights of the citizen, or a stronger determination on the part of the lawgiver to keep the military power subordinate to the civil power.

Under the provisions of these statutes Vallandigham is a prisoner of State, and the Secretary of War is bound to report him as such to the Circuit Judge of the district in which his supposed offences were committed, to be regularly tried by the civil tribunal. There is no escape from the plain demands of the law, even if there were a desire to do so, which we cannot suppose, and we expect to hear in a few days that the culprit has been handed over to the only legitimate authorities.

The Louisville "Journal" thus treats the case:

It is a great mistake, it is indeed an inexcusable mistake, to suppose that the all but universal feeling, which the arrest and trial of Vallandigham by the military power has awakened, arises in any degree from sympathy with his peculiar views; on the contrary, it arises in spite of a decided antipathy to those views, as is shown conclusively by the fact that the feeling is shared by such Republican champions as the New York "Tribune," the New York "Evening Post," the New York "Commercial Advertiser," the Albany "Statesman," the Boston "Advertiser," the Boston "Traveller," the Springfield "Republican," and, in short, by the ablest and most influential champions of the Republican party, backed, as the New York "Evening Post" avows, by at least three-fourths of the Republican party itself.

The feeling under notice arises clearly not in consequence of Vallandigham's peculiar views, but in spite of them; it arises in spite of them and in spite of many other things, from an irrepressible sense of the value and sacredness of the rights which have been violated in his person. In other words, it arises from a rooted and solemn conviction of the truth of the principle which the General Assembly of Kentucky declared a few months ago, as follows: "That the General Assembly of Kentucky declares that the power which has recently been assumed by the President of the United States, whereby under the guise of military necessity, he has proclaimed and extended martial law over the State where war does not exist, and has suspended the writ of *habeas corpus*, is unwarranted by the constitution, and its tendency is to subordinate civil to military authority, and to subvert constitutional and free government." This declaration a few weeks afterward was adopted by the Union State Convention of Kentucky, and has since been adopted in like manner by the Democracy of Pennsylvania and of New York. The principle itself formed a conspicuous part of the platform on which the conservatives of the North won their great triumph at the ballot box last fall. It is a principle dear as life to the whole people. It is one they never will surrender—one they never can surrender without ceasing to be freemen. And the all but universal protest against the arrest and trial of Vallandigham by the military power is simply the expression of his vital devotion.

The peculiar views of Vallandigham have no necessary relation to the question. Such relation as they have but serves to place in yet stronger relief the affecting and inextinguishable devotion of the people to this great principle. "As in the celebrated case of John Wilkes, in the last century," to quote the language of Judge Parker in his letter to the New York meeting, "thousands, many thousands, who differ from the individual, will rally around him in defence of a great principle of constitutional liberty." This natural effect is one of the many witnesses that attest the culpable folly of the proceeding, tending, as the proceeding does, speaking hyperbolically to turn "a monkey" into a "god," as Dr. Johnson fiercely said of Wilkes. Judge Parker is right. "I earnestly hope," adds this eminent jurist and patriot, "that the national administration will be prompt to repudiate the act, and to forbid all arbitrary arrests hereafter in the Northern States. To fail to do so would go far to discourage the efforts now being made to strengthen the arm of the Government in the suppression of the rebellion." These are words of wisdom and of patriotism. They are the words of one whose loyalty is fervent and unspotted. We entreat the President to heed them. And because they signalize a mighty truth, and are supported by the bulk of the President's own party as well as by the solid body of the conservative opposition, we cannot doubt that he will heed them. It is impossible that the President can deliberately set at defiance the voice of the whole people thus unequivocally and impressively uttered in behalf of what he must own up to be the right. There is not at present on the face of the globe a monarch who would even dream of defying such monitions as President Lincoln is now receiving in this grave matter from the free and loyal people whose Chief Magistrate he is. Let him at once respect these monitions, if he would serve and not freshly imperil his country, to say nothing of his own future renown.

On the other hand, those holding that it was a necessity to proceed in this manner, say:

I think you are wrong about Vallandigham. His offence was essentially a military one, in this aspect, that it demoralized the army, prevented recruiting, encouraged desertion, incited men to resist the arrest of deserters, and tended to make trouble about the increase of the army by conscription, by inciting resistance to the execution of that law. These, mind you, are not problematical results of his course, but actual. Specific cases of all of them, except the last, are continually occurring, invariably among men who call themselves democrats and swear by Vallandigham. The only remedy was by sudden and short stoppage.

This could not possible be effected by the civil law.

His offence is hardly known to civil law, and there would have been no end of trouble in getting him indicted. Then he would have been simply bound to stand his trial at some future day, and would have gone on talking his treason and sedition. And the bad effects before mentioned would have gone on growing in power and influence, and might have got too big to stop.

Moreover, special cases of ill-doing, resulting from and directly in accordance with his teachings, have constantly to be attended to. They cannot be overlooked. Should we punish them and let him go on inciting the commission of just such acts? abusing the courts that try them, and bringing their authority into disrepute.

You have no idea of the amount of open and bold disloyalty—not simply disloyalty by the Republican standard, but by that of any honest man—existing in Ohio, Indiana, and Illinois, among the Vallandigham party. It must be stopped and put down now—not six months hence—and military tribunals are the only ones that can do it. It must be put down if it should take a temporary military despotism out here to do it. It is that, or the loss of the cause. The course of these men prolongs the war and costs lives by thousands, and I tell you either they or the Government must go down, and that speedily.

The law of the case was reivewed in an article in the "National Intelligencer" of May 20th, as follows:

As much confusion seems to prevail with regard to the legal aspects of the arrest, trial, and conviction of Mr. Vallandigham, on the charge of giving aid and comfort to the enemy, we think it proper, in view of the interest attaching to this question, considered as one of law rather than military caprice, to place distinctly before our readers the points on which it turns.

The charge brought against Mr. Vallandigham was as follows:

Publicly expressing, in violation of General Order No. 38, from headquarters department of the Ohio, his sympathy for those in arms against the Government of the United States, declaring disloyal sentiments and opinions, with the object and purpose of weakening the power of the Government in its efforts to suppress an unlawful rebellion.

The specification adduced by the Judge Advocate in support of this charge, see *ante*.

It will thus be seen that the charge and the specification, even if entirely sustained by the evidence (as to which in this inquiry we raise no question), seek to convict Mr. Vallandigham, a citizen of Ohio, of "giving aid and comfort to the enemy."

Now this offence has, by the recent legislation of Congress, been made expressly cognizable by the courts of the United States. This will appear from "An act to suppress insurrection, to punish treason and rebellion, and confiscate the property of rebels, and for other purposes," approved July 17, 1862, and found in volume 12, chapter 195, page 589 of the Statutes at Large as printed by order of Congress, sections 2 and 3.

The tribunal to take cognizance of such cases and questions distinctly appears from the concluding section of this statute, as follows:

SEC. 14. *And be it further enacted*, That the courts of the United States shall have full power to institute proceedings, make orders and decrees, issue process, and do all other things to carry this act into effect.

This is conclusive as to the jurisdiction of the courts of the United States, and of them alone, over the offence alleged to have been committed by Mr. Vallandigham.

But the last Congress did not stop here. As if to shut the door against any such proceedings as those instituted by Gen. Burnside, it passed an act, approved March 3, 1863, expressly "relating to *habeas corpus* and regulating judicial proceedings in certain cases." The section of this act relevant to the case of Mr. Vallandigham may be found on page 755 of the volume of the Statutes at Large as just printed by order of Congress, sections 1, 2, and 3.

The reader can easily educe from these provisions the law of the question raised by the arrest made by Gen. Burnside. They will perceive that proceedings under the writ of *habeas corpus* are to be suspended by the courts whenever and wherever the privilege of this writ has been suspended by the President, which is not the case in the State of Ohio. Judge Leavitt, in refusing to grant the writ sued out in behalf of Mr. Vallandigham, stated that he had not seen this law, which was cited in court by Mr. Pugh, the attorney for Mr. Vallandigham.

And when a judge of the United States is ignorant of the legislation of Congress on this head, surely Gen. Burnside may be excused for not knowing that Congress, by the act of July 17, 1862, had expressly provided for the trial by the courts of the offence he alleges against Mr. Vallandigham. Nor is it any answer to say, as Gen. Burnside urges in his statement made to the judge, that "we are in a state of civil war, and an emergency is upon us which requires the operations of some power that moves more quickly than the civil," for it was precisely in view of such an "emergency" that Congress passed the act of July 17, 1862, already cited, and it was to exclude the possibility of the arbitrary detention of persons held "as prisoners of the United States by order or authority of the President of the United States, as a state or political prisoner, or otherwise than as prisoners of war," that Congress passed the act approved on the 3d of March last, and the sections of which, so far as they relate to this case, we have recited above. The intervention of a court-martial, illegally charged with the trial of a citizen, does not alter the nature of the imprisonment of Mr. Vallandigham, who, while deprived of his liberty, must be regarded in law as one "imprisoned by the order or authority of the President, acting through the Department of War."

Congress has by its recent legislation "anticipated" precisely such a case as that raised by the alleged conduct and language of Mr. Vallandigham, and has thus made provision for the "emergency." The only justification heretofore assigned for such extraordinary arrests in the heart of a loyal population no longer exists, for the "normal course" of proceedings is now plainly marked out by the law made and provided for the trial and punishment of all who give "aid and comfort to the enemy," and who are "citizens of States in which the administration of the laws has continued unimpaired in the federal courts.

In May, Brig.-Gen. Hascall in command in Indiana and Illinois, issued an order similar in substance to the order of Gen. Burnside, which subjected him to strictures in some of the papers, for which offence Gen. Hascall caused the arrest of the editors and the suppression of the paper. (*See* FREEDOM OF THE PRESS and INDIANA.) The extent to which the summary arrest of parties was carried may be gathered from the number in confinement in Cincinnati May 19th. It is said:

There are now confined in the military prison here two hundred and twenty political prisoners, all to be tried by the court-martial now holding daily sessions. Gen. Burnside has notified sundry weekly papers of this State to send him proofs of the matter they design publishing, before it appears in their issues; the reason assigned being the publication of articles against the Administration Order No. 38, &c.

Another correspondent, writing from Indianapolis, mentions two more papers which have

been suppressed by order of Brig.-Gen. Hascall, the South Bend "Forum" and the Columbia City "News."

From this it will be seen that the suppression of the public press kept pace with the military arrests.

Immediately following, the Hon. Nat. Wolfe, who was the Democratic candidate in the Louisville District, Ky., was arrested and put in confinement in consequence, as charged, of having uttered disloyal sentiments on the stump. He was kept under arrest until after the election.

On June 3d, Gen. Burnside issued General Order No. 90, from which the following extracts are made:

General Order No. 90.

HEADQUARTERS DEPARTMENT OF THE OHIO,
CINCINNATI, OHIO, *June* 3, 1863.

The general commanding directs that Gen. N. C. McLean, provost-marshal general, at once institute an investigation into the cases of all citizen prisoners now confined in this department, and in all such cases as do not clearly show premeditated disloyalty on the part of the accused, or when a desire is manifested to atone for past faults by future good conduct, the prisoners will be released on taking the oath of allegiance and giving bonds for a strict observance thereof. The general commanding is convinced that a large majority of the men arrested have been misled by dishonest and designing politicians, and he prefers to strike at the sources of the evil, and allow those who have been led astray to return to their loyalty and allegiance, if they have seen the folly and sin of opposing the Government. * * *

The general commanding desires to again call the attention of all officers, provost marshals, and others in authority, to the necessity of great care in the making of arrests, which should in all instances be founded on full affidavits, sustaining distinct charges, except when the exigencies of the case demand instant action. Carelessness in this respect is only less censurable than negligence in the detection and punishment of crime.

With the exercise of scrupulous care and sound discretion on the part of officers, and a candid consideration on the part of all citizens, of the relations of the people and the army to each other, as above set forth, the general commanding is full of hope that mutual coöperation in putting down the rebellion will become more hearty and effective, the necessity for arrests will be diminished, and the tendency to factious opposition to the Government, and hurtful criticism of its measures, be removed.

By command of Major-Gen. A. E. BURNSIDE.
LEWIS RICHMOND, A. A. G.
Official: W. P. ANDERSON, A. A. G.

On the 1st of July the Provost-Marshal General issued the following directions in reference to the duties of officers, to whom writs of *habeas corpus* might be directed to produce persons charged as deserters:

Circular No. 36.

WAR DEPARTMENT,
PROVOST MARSHAL GENERAL'S OFFICE,
WASHINGTON, D. C., *July* 1, 1863.

The following opinion of Hon. William Whiting, Solicitor of the War Department, is published for the information and guidance of all officers of this Bureau:

ARREST OF DESERTERS—HABEAS CORPUS.

Opinion.—It is enacted in the 7th section of the Act approved March 3d, 1863, entitled "An act for enrolling and calling out the national forces, and for other purposes," that it shall be the duty of the Provost Marshals appointed under this act, "to arrest all deserters, whether regulars, volunteers, militiamen, or persons called into the service under this or any other Act of Congress, wherever they may be found, and to send them to the nearest military commander or military post."

If a writ of *habeas corpus* shall be issued by a State Court and served upon a Provost Marshal while he holds under arrest a deserter, before he has had opportunity "to send him to the nearest military commander or military post," the Provost Marshal is not at liberty to disregard that process. It is the duty of the Marshal, or other person having custody of the prisoner, to make known to the Judge or court by a proper return, the authority by which he holds him in custody. But after this return is made, and the State Judge or Court judicially apprised that the party is in custody under the authority of the United States, they can proceed no further.

They then know that the prisoner is within the dominion and jurisdiction of another Government, and that neither the writ of *habeas corpus*, nor any other process issued under State authority, can pass over the line of division between the two sovereignties. He is then within the dominion and exclusive jurisdiction of the United States. If he has committed an offence against their laws, their tribunals alone can punish him. If he is wrongfully imprisoned, their judicial tribunals can release him and afford him redress. And although, as we have said, it is the duty of the Marshal, or other person holding him, to make known, by a proper return, the authority under which he retains him, it is, at the same time, imperatively his duty to obey the process of the United States, to hold the prisoner in custody under it, and to refuse obedience to the mandate or process of any other Government. And, consequently, it is his duty not to take the prisoner, nor suffer him to be taken, before a State Judge or Court upon a *habeas corpus* issued under State authority.

No State Judge or Court, after they are judicially informed that the party is imprisoned under the authority of the United States, has any right to interfere with him, or require him to be brought before them. And if the authority of a State, in the form of judicial process or otherwise, should attempt to control the Marshal or other authorized officer or agent of the United States, in any respect, in the custody of his prisoner, it would be his duty to resist it and to call to his aid any force that might be necessary to maintain the authority of law against illegal interference. "No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the Court or Judge by whom it is issued; and an attempt to enforce it beyond these boundaries is nothing less than lawless violence." The language above cited is that of Chief Justice Taney, in the decision of the Supreme Court of the United States, in the case of Ableman *vs.* Booth, 21 Howard's Reports.

If a writ of *habeas corpus* shall have been issued out from a State Court, and served upon the Provost Marshal while he holds the deserter under arrest, and before he has had time or opportunity to "send him to the nearest military commander or military post," it is the duty of the Marshal to make to the Court a respectful statement, in writing, as a return upon the writ, setting forth:

1st. That the respondent is Provost Marshal, duly appointed by the President of the United States, in accordance with the act aforesaid.

2d. That the person held was arrested by said Marshal as a deserter, in accordance with the provision of the seventh section of the act aforesaid. That it is the duty of the respondent to deliver over said deserter "to the nearest military commander or military post," and that the respondent intends to perform such duty as soon as possible.

3d. That the production of said deserter in Court would be inconsistent with, and in violation of, the duty of the respondent as Provost Marshal; and that the said deserter is now held under authority of the United States. For these reasons, and without intending any disrespect to the honorable Judge who issued process, he declines to produce said deserter, or to subject him to the process of the Court.

To the foregoing all other material facts may be added.

Such return having been made, the jurisdiction of the State Court over that case ceases. If the State Court shall proceed with the case and make any formal judgment in it, except that of dismissal, one of two courses may be taken:

1. The case may be carried up, by appeal, to the highest court of the State, and removed therefrom by writ of error to the Supreme Court; or,

2. The Judge may be personally dealt with in accordance with law, and with such instructions as may hereafter be issued in each case.

JAMES B. FRY,
Provost Marshal General.

In carrying out the principles upon which this circular was issued, Gen. Burnside published the following:

General Order No. 113.

HEADQUARTERS DEPARTMENT OF THE OHIO,
CINCINNATI, OHIO, *July* 8, 1863.

In accordance with the opinion of the Solicitor to the War Department, and with instructions of the Secretary of War, through the Judge Advocate General, based upon the decision of the United States Supreme Court, delivered by Chief Justice Taney, in the case of Alderman *vs.* Booth, the following directions are given for the conduct of the military officers of this Department in cases of *habeas corpus*, issued from State Courts for persons in the official custody or control of such military officers, whether as enlisted soldiers, arrested deserters, or arrested parties chargeable with offences to be tried before a Military Court.

I. Whenever such writ is served upon a military officer, in the case referred to, he shall make a respectful return in writing, setting forth: 1. That the respondent is a military officer, duly commissioned and appointed in accordance with the laws of the United States, and stating the nature of the duty to which he is assigned; 2. The reason of the custody of the person demanded, whether as enlisted soldier, deserter, or criminal arrested under military law; 3. That the production of said person in Court would be inconsistent with and in violation of his duty as a military officer, under the orders of his superiors; 4. That said person is now held under authority of the United States, and that for these reasons, and without intending any disrespect to the honorable Judge who issued the process, he declines to produce said person, or to subject him to the process of the Court. To this return a statement of all other material facts may be added.

II. When the return to the writ has been made in accordance with the foregoing instructions, the jurisdiction of the State Court over the case is held to have ceased, and the officer will proceed with his military duty as if no such writ had been issued.

III. If, after such return, the Judge should proceed in the case, either personally against the officer making the return, or in favor of the person held, and for the purpose of enforcing his release from custody, complete protection will be afforded by the nearest military authority, acting firmly but with all possible respect to the Court.

IV. Official information of every case arising under this order will be immediately forwarded, through the regular channels, to these headquarters.

V. It will be carefully noticed that the provisions of this order do not apply to writs or processes issued out of the Federal Courts.

By order of Major-General BURNSIDE.
LEWIS RICHMOND,
Assistant Adjutant General.

A case soon arose before Judge Paddock in Cincinnati, in which the opinion of Mr. Whiting was subjected to the test of a judicial decision. The Judge in his opinion says:

Upon the 17th day of July, 1863, petitions were presented to the probate judge of this county by the parents of Henry Hicks and James Archibald, respectively, alleging that said parties were minors, and that the petitioners were entitled to the custody of their respective children; that said minors had enlisted in the volunteer service of the United States army, and were illegally detained in the military prison of this city by Lieutenant-Colonel Boone, and pray that writs of *habeas corpus* may issue for them.

Upon the same day the writ was allowed and issued to the sheriff of the county, returnable upon the 18th, at 10 o'clock A. M., at which time the hearing, at the request of counsel, was continued to the 25th inst. at the same hour.

The sheriff made the following return to the writ:

"I have served the within-named Colonel T. C. Boone with a copy of this writ personally, and have demanded the body of the within-named Henry Hicks from Colonel T. C. Boone, and he refuses to deliver him into my custody until further orders from the commanding general."

"WM. LONG, Sheriff Hamilton county.
"WM. H. GLASS, Deputy."

The same return was made in the case of Archibald.

Upon the 20th ult. the cause came on for hearing. H. L. Burnett, judge advocate of the Department of the Ohio appearing in behalf of Lieutenant-Colonel Boone, and filing for him an answer, setting up that he was Lieutenant-Colonel of the One Hundred and Fifteenth regiment O. V. I., and was in command of Kemper Barracks, a military prison in this city; that, on the 13th of July, Henry Hicks was delivered to him to be forwarded to his regiment to answer for desertion; that he has since held said Hicks as a deserter, in pursuance of official duties, &c.; that said Hicks had been arrested by order of the provost marshal of the Second Congressional district of Ohio as a deserter from the United States Army, where he owed service and allegiance.

The answer further sets up a circular from the War Department, and an order from headquarters Department of the Ohio, by which Lieutenant-Colonel Boone is to be governed, and attaches copies thereof.

For these reasons, and in obedience to the orders above named (the answer says), the respondent, as an officer of the United States army, cannot deliver up or produce in this court the body of the within-named Henry Hicks, and not from any disrespect to the court issuing the writ.

A motion for an attachment of Lieutenant-Colonel Boone, for contempt of the order of the court in resisting the sheriff in the execution of the writ, was thereupon made, and upon the hearing, the various questions arising in the cases were argued and submitted, and are now to be decided.

The answer of Lieutenant-Colonel Boone is prepared in pursuance of the instructions in the General Order No. 113, an official copy of which is attached.

This order, it will be seen, prescribes the kind of answer to be made by the military, and also names the stage of the proceedings when the State courts are to be regarded as ousted from and denied all further jurisdiction or power; enjoins that any further proceedings of the judge for the release of the party for whose benefit the writ is issued, or against the officer holding him, must be resisted by force.

If this right exists, it ought to be, and will be, yielded without objection by every good citizen; but of its existence there should be no doubt. The claim is a novel one, and interests every citizen, and is of such magnitude as to demand full and careful consideration.

If the right does not exist, that should be declared, and the claim abandoned.

The simple question is, whether the State Courts have concurrent jurisdiction with Federal Courts to discharge, on *habeas corpus*, persons held in military custody. The power of United States Courts so to do, is expressly reserved by the order. The right and propriety of discharging are not drawn in question; only it is declared that State Courts shall not exercise such right.

The question is not a new one, except in the manner in which it now arises. The adjudications are numerous in the highest Courts of the States.

The right and duty of the State to inquire into the illegal imprisonment of the citizen is among the earliest and most eminent of its attributes. No State that formed a part of the General Government ever, by grant or otherwise, divested itself of these.

On the contrary, the highest tribunals of all the States have asserted, from the earliest days of the formation of the General Government, their right and duty to inquire into and relieve from illegal restraint its citizens within its own territorial limits, regardless of the authority, or pretext of authority, by which the restraint may have been imposed.

The acts of Congress are the supreme law of the land; and yet Judge Story says: "The right of all courts, State and National, to declare unconstitutional laws void, seems settled beyond the reach of judicial controversy."—2 Story's Com., sect. 1852; 1 Kent, 494.

And so as to judgments rendered by the United States courts, Williamson *vs.* Barry, 8 Howard 540.

Let us next examine into the authorities determining the right of State Courts to inquire into and relieve from illegal restraint persons held under United States authority. The cases are numerous, and are to be found in the reports of all the States.

The case *ex parte* Sergeant, 8 Hall's Law Journal, occurred in April, 1809. Sergeant was held under attachment from United States District Court. A writ of *habeas corpus* issued to the United States Marshal returnable before the chief justice of the State of Pennsylvania, and the court, in holding that they had the power to discharge the prisoner, remarked that this "right flows from the nature of our Federal Constitution, which leaves to the several States absolute supremacy in all cases in which it is not ceded to the United States."

In the year 1815, the Supreme Court of New York enforced, by attachment for contempt, obedience to the writ of *habeas corpus* directed to Morgan Lewis, General of Division in the Army of the United States.

In the case of Carleton, 7 Cowen, 471, in 1827, the Supreme Court of New York were unanimous in discharging a minor who had enlisted in the United States army, alleging himself at the time to be over twenty-one years of age.

In 1813, in the Lockington case, Bright, Rep. 260, before the Supreme Court of Pennsylvania, this right of the State Courts to issue the writ was reaffirmed.

[The Court here cited the remarks of Chief Justice Tilghman.]

In New Jersey, in 1819, the question came before the Supreme Court in the case of The State *vs.* Brearly, 2 Southard, 555.

Southard, J., said: It will require, in me, a great struggle, both of feeling and judgment, before I shall be prepared to deny the jurisdiction of the State, and say that she has surrendered her independence on questions like this; that her highest judicial tribunal for such purposes is incapable of inquiring into the imprisonment of her citizens, no matter how gross or illegal it may be, provided it be by agents of the United States, and under color of their laws."

[The opinion of the court was also cited in the case of The State *vs.* Dimmick, 12 New Hampshire, 167, and the Commonwealth *vs.* Harrison, 11 Massachusetts, 63.]

The question was again before the Supreme Court of Pennsylvania in 1847. The Commonwealth *ex rel.* Webster and Fox, 7 Barr, 336.

Coulter, J., delivered the opinion of the Court, saying: "In Pennsylvania, the jurisdiction of the State judges and State Courts has not before been doubted; and from the case of the Commonwealth *vs.* Murray, 4 Binn. 487, down to the present time, numerous cases have occurred in which it has been exercised.

This is in accordance with the principles of the common law, by the provisions of which the writ of *habeas corpus* is the prerogative writ of the citizen—the safeguard of his person and the security of liberty. No matter how or where the chains of his captivity have been forged. The power of the judiciary of the State is adequate to crumble them to dust, if an individual is deprived of his liberty, contrary to the law of the land.

This was the case of enlistment of a minor, who had deserted, and he was discharged.

Such are some of the adjudications of the highest courts of the States, and more might be presented, affirming the right of State Courts to try the legality of imprisonment under color of authority for the United States.

The opinion of Chief Justice Kent in the Ferguson case, 9 Johns, stands almost alone; and the exception to this and other opinions was participated in by not one of the judges of the court who sat with him in the case, and has never yet, so far as I have examined, been assented to by a single State Court wherever the question has been presented. But it has been expressly denied and disclaimed.

In a case reported in the Law Journal, 438, in 1850, in the charge of Mr. Justice Nelson to the grand jury, in 1851, of the Circuit Court for the Southern District of New York, and by Mr. Justice McLean in Norris *vs.* Newton, 5 McLean, 92, the right was denied.

And yet Hurd, in summing a review of the action of the various courts, says: "In some of the inferior courts of the United States the power has been denied; but in most of them, when the question has arisen, the power to issue the writ has been conceded; but the jurisdiction under it has been claimed by them to be more circumscribed than the State Courts have held it to be.

It may be considered settled that State Courts may grant the writ in all cases of illegal confinement under the authority of the United States. Hurd on *Habeas corpus*, 166.

Now, at the formation of the General Government, this right remained, unless surrendered by the State, or unless "Congress has the power to, and has exercised it, to take it away." It existed inherently, and not by grant from Congress. There may be, and are, cases flowing from the relations and duties of the citizen toward the General Government, where the action of the State Court may be controlled.

The acts of Congress may impose additional duties, new obligations may be contracted, and new relations formed by the citizens.

So far as these are in conformity with the grants of power as written in the Constitution, they are, of course, valid and binding upon the citizens of the States. Whether they are so or not is the unquestioned right of every State Court to determine in a proper case. So likewise is it the right of the State to inquire whether its citizens are properly restrained by virtue of those laws, whose validity it has the right to pass upon and determine.

It is the right, then, to inquire whether the detention be lawful or not. And the detention may be lawful under and by virtue of laws National, State, or Municipal, or by treaties with Foreign Governments. If the detention be legal the right is exhausted, the

writ has served its purpose, and the applicant will be left in the jurisdiction where found; if illegal, he would be discharged, because there is no law for holding him.

The State cannot abandon the right, cannot abandon the citizen when in the custody, it may be, of some usurper of power, under color or claim of law. This would be disgrace, dishonor, faithlessness to the citizen whose support and service it commands.

In the cases at bar there is no contest between a State Court and a United States Court, or any other court. These parties, Hicks and Archibald, are not in the custody of any court or its officers, by virtue of any process or commitment; have never been tried, convicted, or sentenced. They are in the custody of Lieutenant-Colonel Boone, who is simply the keeper of the barracks; they are in the jurisdiction of no court—civil, criminal, military, State, or National—in existence.

Lieutenant-Colonel Boone holds them by virtue of no writ or process from any court or authority; they were arrested without any process, and without any proof or showing that they owe service to the United States.

Lieutenant-Colonel Boone is merely the custodian, and over him the United States have not exclusive jurisdiction.

It was claimed in the argument, that, upon the familiar principle that where the jurisdiction is concurrent, the court first acquiring must proceed, and the other is rested that the court-martial has the right to retain the custody, and proceed. There is no proof that the parties are in the jurisdiction of any court-martial—there is no showing of the existence of any such court—but a suggestion that such an one is or will be created, in some distant State not named, at some time in the future not mentioned.

The parties are not charged with having violated a criminal law of the United States, of which any civil court, State or United States, could try and punish them.

It is admitted that the writ of *habeas corpus* may be issued by the State Court, but that the court shall not exercise the power and authority implied and conferred by the right to issue it. The rule is that when authority is given to do a thing, all the power necessary is conferred.

But that which in these proceedings strikes me as startling and ill-boding is, that the military, under color and pretence of law, should claim the right and proceed to its exercise, to proclaim and order the limits within which the civil authorities shall be exercised, and beyond which it shall not go, without being met and overcome by force. Power is corrupting, and in these days when vast powers are concentrated and wielded, we must closely watch the progress of events.

The Constitutions of the United States and of the State of Ohio declare that "the military shall always be subordinate to the civil authority."

And yet, in these peaceful and loyal States, whose people have given so freely of their aid to the Government, the claim is now made of the right to modify and nullify the Constitutions and laws of them all —to modify and nullify the powers of every State Court—to modify and nullify the rights and immunities of every citizen of those States.

And in the argument it was claimed by the Judge Advocate that military officers could not obey the process of courts, because in so doing they might disobey their superiors in command.

And further, that a court that should proceed to enforce obedience to its writ of *habeas corpus*, in a case like the present, would be guilty of nullification, secession, and rebellion.

According to these doctrines, a military officer might violate every article of the criminal code, from murder down, and although the Constitution of the State says that "the military shall always be subordinate to the civil authority," the offender shall walk abroad untouched and unharmed.

It is an assertion that the military is high over all, and above all, and that the civil authority of the land and the people shall be subordinated and subjected—an assertion by those, too, who, coming from obscurity, will, when these troublous days are passed, sink to that obscurity again, away from that people they scorned and wronged—but will then fear.

The motion for an attachment against Lieutenant-Colonel Boone would be allowed.

Judge Flynn asked what the Court proposed to do in relation to Gen. Burnside, who was made a party.

Court remarked that on consideration it did not appear essential that he should be made a party. It was Colonel Boone who had the parties in custody, and had to elect whether he would obey this court or his superior officers. Gen. Burnside gave no special order in this case, but a general order, which had no reference to the action of this court especially.

Major R. M. Corwin asked that the entry might be deferred, as he desired to examine the answer of Colonel Boone before preparing an exception to the decision.

Major C. has resigned his position in the army, and was present now only at the request of the Judge Advocate, and by invitation of the Court.

The following is Gen. Burnside's return to the writ in the above case:

HEADQUARTERS DEPARTMENT OF THE OHIO,
CINCINNATI, *August* 5, 1863.

I know of no such person as Henry Hicks, and he is certainly not in my custody, as I do not take charge of the imprisonment of any person.

If, as indicated by the sheriff, this man is a minor, and enlisted in the service against the consent of his parents, and the case is one which justly and honorably calls for a discharge, by making the fact known to these headquarters, the discharge will be at once granted without the expense of a lawsuit, or the chance of clashing between the State and United States authorities, which all just and loyal men should seek to avoid at a time like the present.

My instructions are distinct, to deliver up no prisoners upon writs issued from the State Courts, where they are held by authority of the General Government. These instructions are based upon a well-known decision of the Supreme Court of the United States, and I have issued an order embracing the leading features of that decision.

In conclusion, I beg leave to state to the honorable Court that it is far from my desire to come into collision with its authority, or to disregard any of its decrees; and I hope to be always found willing and anxious to obey any of its orders that are not in opposition to my instructions from the General Government; and I feel sure that the honorable Court has no disposition to give any such orders.

All which is respectfully submitted.

(Signed) A. E. BURNSIDE,
Maj.-Gen. Com'g Department of the Ohio.

The result of this opinion was fully sustained by Judge Mullin of the 5th district of the Supreme Court of New York. In the case of an "infant" in whose behalf a writ had been sued out, Provost Marshal Eastman of the Jefferson and Lewis district made the return prescribed by the War Department and stood upon it, refusing to produce the prisoner. The latter's counsel moved for a writ of attachment for the arrest of the marshal. Judge Mullin instantly granted and ordered the sheriff to execute it. The sheriff soon appeared with the marshal in custody. Judge Mullin took the same course in a case at Watertown, N. Y., putting the provost marshal in the custody of the sheriff on an attachment.

But in a case before Judge Bacon of the Su-

preme Court of New York, who had allowed a writ of *habeas corpus* to produce the body of one Charles E. Hopson, and to which the provost-marshal had made the return prescribed in the orders from the Provost Marshal-General's office, upon which return an attachment was ordered to be issued, and a rule afterward entered to show cause why the return should not be deemed sufficient, the judge held the return to be sufficient, and sustained the correctness of Mr. Whiting's opinion. On this decision being removed to the general term of the district, the court were equally divided; Judges Bacon and Morgan decided that the court had no jurisdiction while the proclamation was in force, Judges Allen and Mullin that it had.

Judge Leonard, of the Supreme Court of New York, in a case in New York city, fully concurs in the conclusions of Judges Paddock and Mullin. A person named Barrett was held by Provost-Marshal Nugent as a deserter. It was claimed on behalf of Barrett that he was never legally enlisted, and therefore could not desert. A writ of *habeas corpus*, issued, which the provost-marshal declined to obey, on the ground that Barrett was only amenable to military law. Counsel then applied for an attachment against Nugent for not obeying the writ, and Judge Leonard decided the motion.

The judge in his opinion held that the military authority was subordinate to the civil; that the case of Ableman *vs.* Booth was essentially different from this, as Booth was in custody on process by a United States court, which Barrett was not; that this was a question not sought for by the court, and it must be decided according to law, not in view of expediency, and that this inquiry was not as to whether Barrett was a deserter or not, but an enquiry as to whether he was legally enlisted. The judge therefore concluded that Marshal Nugent must produce the body of Barrett.

In the order granted by Judge Leonard, in accordance with his opinion, the following language was used:

Ordered, That the person of the said Michael Barrett be produced by the respondent, Robert Nugent, in this court at 10 o'clock of the day next after the service of a copy of this order, or in default, that an attachment issue against the said Robert Nugent.

Judge Chapman, of the Supreme Court of Massachusetts, ordered the release of a person held by the provost-marshal, the marshal in that case making the return directed by the provost-marshal-general.

The question arising in all these cases was as to the jurisdiction of the State courts. The United States courts exercised the right to issue the writ in cases of persons held under the Enrolment Act as deserters, and of minors enlisting without any objection being urged to their jurisdiction, Judge Leavitt, of Cincinnati, discharging a minor, who, it was alleged, had enlisted without his parents' consent. Judge Hall, U. S. District Judge of the Northern District of New York, discharged a minor named Jordan, who had enlisted, holding that the signing of the enlistment paper, and taking the oath which it contains, do not preclude the recruit or his parent from showing his true age, and if his age is shown to be less than eighteen years at the time of his enlistment, and that the parent had not consented thereto, he might be discharged from the service on *habeas corpus*. The denial of jurisdiction in the State courts had proceeded from military orders; but on the 15th of September the President issued the following proclamation:

By the President of the United States, a Proclamation: Whereas, the Constitution of the United States has ordained that the privilege of the writ of *habeas corpus* shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require it, and whereas a rebellion was existing in March 3d, 1863, which rebellion is still existing, and whereas, by a statute which was approved on that day, it was enacted by the Senate and House of Representatives of the United States in Congress assembled, that during the present insurrection, the President of the United States, whenever, in his judgment, the public safety may require, is authorized to suspend the privilege of the writ of *habeas corpus* in any case throughout the United States or any part thereof; and whereas, in the judgment of the President, the public safety does require that the privilege of said writ shall now be suspended throughout the United States, in cases where, by the authority of the President of the United States, military, naval, and civil officers of the United States, or either of them, hold persons under their custody, either as prisoners of war, spies, or aiders or abettors of the enemy, or officers, soldiers, or seamen, enrolled, drafted, or mustered, or enlisted in, or belonging to the land or naval force of the United States, or as deserters therefrom, or otherwise amenable to military law, or to the rules or articles of war, or the rules and regulations prescribed for military or naval service by the authority of the President of the United States, or for resisting a draft, or for any other offence against the military or naval service.

Now, therefore, I Abraham Lincoln, President of the United States, do hereby proclaim and make known to all whom it may concern, that the privilege of the writ of *habeas corpus* is suspended throughout the United States in the several cases before mentioned, and that this suspension will continue throughout the duration of said rebellion, or until this proclamation shall, by a subsequent one to be issued by the President of the United States, be modified and revoked; and I do hereby require all magistrates and other civil officers within the United States, and all officers and others in the military and naval service of the United States, to take distinct notice of this suspension, and give it full effect, and that all citizens of the United States are to conduct and govern themselves accordingly, and in conformity with the Constitution of the United States, and the laws of Congress in such cases made and provided.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed, this 15th day of September, in the year of our Lord 1863, and of the Independence of the United States of America the 88th.

By the President, A. LINCOLN.
WM. H. SEWARD, Secretary of State.

On the 17th of September the Provost-Marshal-General published this circular:

WASHINGTON, *September* 18*th*, 1863.

The Secretary of War has ordered the act of Congress relative to the suspension of the writ of *habeas corpus*, and the proclamation of the President based upon the same, to be published for the benefit of all concerned;

and that the following special instructions for persons in the military service of the United States be strictly observed, viz.:

The attention of every officer in the military service of the United States, is called to the proclamation of the President, issued on the 15th day of September, 1863, by which the privilege of the writ of *habeas corpus* is suspended.

If therefore a writ of *habeas corpus* should, in violation of the aforesaid proclamation, be sued out and served upon any officers in the military service of the United States, commanding him to produce, before any Court or Judge, any person who is held in his custody by the authority of the President of the United States, belonging to any one of the classes specified in the proclamation, it shall be the duty of such officer to make known by his certificate under oath, to whomsoever may issue or serve such writ of *habeas corpus*, that the person named in said writ is detained by him as a prisoner under the authority of the President of the United States. And such return having been made, if any person serving or attempting to serve such a writ, either by command of any Court or Judge or otherwise, and with or without process of law, shall attempt to arrest the officer making such return and holding in custody such person, the said officer is hereby commanded to refuse submission and obedience to such arrest, and if there should be any attempt to take such person from the custody of such officer, or arrest such officer, he shall resist such attempt, calling to his aid any force that may be necessary to maintain the authority of the United States, and render such resistance effectual.

JAMES B. FRY,
Provost-Marshal-General.

The courts were immediately called upon to decide whether the proclamation affected cases in which the writ had already been issued, and which were then pending. Several cases were in this position in the U. S. District Court of Pennsylvania, before Judge Cadwalader. In many of these cases postponements of the hearings had been allowed on the application of the Boards of Enrolment, and in one case the writ had been issued two weeks before, and the final hearing deferred on account of continuances granted on the Board of Enrolment's application. Judge Cadwalader, it appears, invited a full and free discussion, in order that he might have all the information possible before giving a decision.

One new case was presented which raised an important question. It is thus stated:

On Tuesday Gustavus Remak, Esq., counsel for a drafted man named John Yunger, prepared a petition in the usual form in his behalf for a writ of habeas corpus. Yunger, it seems, had been served in the sixth ward with a notice that he had been drafted, but as the notice had been directed to William, and not John, and as he alleged the name of John Yunger had not been drawn from the wheel, he appeared before the board claiming exemption. The board disallowed his claim, and, taking his notice, erased the name of William and inserted that of John.

The President's proclamation intervening, his counsel on Wednesday appeared, and, together with the petitioner, presented the following supplemental affidavit:

John Yunger, the petitioner named in the foregoing petition, being duly sworn according to law, doth further depose and say: I am not held under the command, nor am I in the custody of any military, naval, or civil officer of the United States, either as a prisoner of war, spy, aider or abettor of the enemy, or as an officer, soldier, or seaman enrolled, drafted, or mustered in or belonging to the land and naval forces of the United States, or as a deserter therefrom, or otherwise amenable to military law or the rules and articles of war, or the rules and regulations prescribed for military and naval service by authority of the President of the United States, or for resisting a draft, or for any other offence against the military or naval service.

It will be noticed that the words of the President's proclamation are quoted in order to aver that the relator does not come within its terms. Judge Cadwalader granted a rule to show cause why the writ should not be granted, and this will bring up the whole question. In the course of the discussion Judge Cadwalader stated that the question was not whether there were hardships or whether a man had a remedy, but whether the remedy by a writ of habeas corpus was suspended. Congress could not, constitutionally, suspend all remedies which a man might have, but could they not suspend this particular form of remedy?

Mr. Remak stated that he should follow a line of argument in order to present the case thus:

1. Has Congress the power to delegate the authority of suspending the writ of habeas corpus to the President of the United States? or is not Congress bound, if the Constitution invests it with the right of suspension, to exercise that power?

2. If Congress have the power so to delegate that authority, can they do it for an indefinite period of time? Is not "during the present rebellion" an indefinite period?

3. The act of Congress, if valid, authorizes the suspension "of the privilege of the writ of habeas corpus in any case throughout the United States, whenever in his judgment the public safety may require it." This means that the President shall exercise his judgment in each individual case as it arises, but does not empower the President to suspend the writ in all cases that may occur in future, as he does in his proclamation. He must decide in each case.

4. The act of Congress does not contemplate that the writs shall be refused by the judges, but, on the contrary, states in what manner, when issued, the writs shall be suspended.

5. The President's proclamation does not embrace parties who are applying for the writ when not drafted, but claimed as drafted persons.

He contended that the power to suspend the privilege of the writ existed in Congress, and in Congress alone, as it is a legislative power; and this power would seem to be limited in the Constitution, first, as to the territory to be affected; second, as to the time during which it is to last; and, third, as to individuals engaged or charged with being engaged in the rebellion or invasion; that is to say, there being nothing to the contrary in the Constitution, it was not contemplated by the framers of the Constitution that Congress should ever suspend the writ except in parts of the United States. The place where the rebellion or invasion exists forms a material question. Mr. Remak's next point was that the proclamation was limited to the individual. It must be against some person charged with an offence, but it does not touch the civilian who is not charged or is not held by any magistrate or any officer, civil or military, but who is still in the enjoyment of his rights, except that he stands in the position of having been enrolled, as one who may be called upon to serve the United States, and who may or may not be exempt on account of age or disability. When he had concluded—

Judge Cadwalader said that, as at present advised, he would not hear the district attorney. It appeared to him that the words "either as" in the proclamation, governed all the words until we came to the words "or as," and hence that any person held "as" a soldier, enrolled or drafted, whether rightfully or not, came within the meaning of the act of Congress. There are none of these cases where the parties do not allege that they are held as "drafted" men, and hence they place themselves within the provisions of the act and the proclamation. My present opinion is that the proclamation applies to every man of whom the custody is held or claimed by military persons, so that they exert power over them as drafted men. As to those cases under the 14th section of the Conscription Act, there is no doubt that the proceedings are suspended. (These are the cases of appeals from the decision of the Board of Enrol-

ment.) In regard to the other cases, where the allegation is that the parties are not enrolled or drafted, he promised to give his decision the next morning.

By implication it would seem that Judge Cadwalader did not assent to the first point, and was of opinion that Congress had the right to delegate the power of suspending the writ to the President. A New York paper of September 17th says:

Considerable excitement has been occasioned in legal circles of this city and Brooklyn by the President's proclamation suspending the privilege of the writ of *habeas corpus* during the continuance of the war. For several days past the Judges of the State Courts have been applied to for writs to discharge recruits and young men who had enlisted without the consent of their parents, while under age. Frederick A. Waring, a young man from Brooklyn, was brought up before Judge Betts yesterday on a writ of *habeas corpus*. This morning Mr. Slossom, for the Government, interposed the proclamation of the President of the United States, suspending the privilege of the writ. Mr. Waring, the uncle of the relator, contended that as the young man was yesterday in the custody of the Judge, before the proclamation of the President was known judicially, therefore, the case must be proceeded with as if no such proclamation had been issued, suspending the privileges of the writ. The Judge differed in opinion with Mr. Waring, but held the matter under consideration.

In the Supreme Court, Judge Clerke had the cases of James Mehan and David C. Doremus, who claimed to have been illegally enlisted by Colonel Jenkins, brought up before him on writ of *habeas corpus* by adjournment. His Honor said that in view of the proclamation of the President of the United States suspending the writ of *habeas corpus*, the prisoners must be remanded and the writs discharged. The boys went off in custody of the sergeant and the guard.

In the case of John Baldinger, Judge Betts, of the U. S. District Court, said that the fact whether this man is improperly in custody or not is the very question which the Court is, by the proclamation, not allowed to inquire into.

The basis of the argument appears to be that the Government cannot compel an infant to serve. I do not concur in that view. Our form of government has as much right to call to the field every man capable of bearing arms as any absolute monarchy on the face of the earth. The return states that he is detained as a deserter. It is a high crime for any one to desert his colors. The question occurs where he shall be tried. If he was brought before any of the courts of the United States he could not be tried, and the only tribunal before which he can be heard is that of the Provost Marshal. I see nothing in this case to induce me to take it out of the jurisdiction in which it is properly placed by the proclamation, which is conclusive on all the courts, and I have no power to inquire into the case of any man who is a soldier and under the military authorities. I have no more authority to act under the writ than I would have to issue a writ. This writ is, therefore, dismissed and the relator is remanded to the military tribunals.

On Saturday morning, Oct. 26th, Judge Sprague gave a decision in the United States District Court, Boston, in the case of the five persons held for military service by General Devens, and who had asked for writs of *habeas corpus*, one claiming to be a felon, one an alien, and the three others minors. It was urged by the counsel for the defendants that the President's proclamation suspending the writ of *habeas corpus* did not apply to such cases. The judge concluded his opinion by saying that the objections made by the counsel in these cases to the application of the proclamation cannot prevail, and he was precluded from further inquiry by the proclamation, and if any of the parties before him were entitled to relief they must seek it from the officers or the tribunals able by law to grant it. The prisoners were then remanded to the custody of Gen. Devens, to be taken back to the camp at Long Island.

A writ of *habeas corpus*, issued by Judge Shipman, of the U. S. Circuit Court, upon Provost marshal Pardee at New Haven for the body of George Howland, an alleged deserter from the Sixth Connecticut volunteers, was returnable the next day. A return was accordingly made, setting forth that the President's proclamation suspending the *habeas corpus*, having just been received, the marshal found it necessary to decline giving up the prisoner. The judge accepted the return, and suspended further proceedings in the case.

It was stated that the War Department had made a modification of the President's proclamation suspending the *habeas corpus* act, so that hereafter the civil courts would be allowed to take cognizance as heretofore of all cases for the discharge of minors improperly enlisted and illegally detained by the military authorities. No other change or modification was made in the proclamation during the year, so that at the end of 1863 the privileges of the writ were suspended as to all persons held by military authority except minors illegally enlisted.

HARCOURT, Admiral Octavius Vernon, an officer in the British navy, born December 26th, 1793, died at Swinton Park, Yorkshire, August 14th, 1863. He was a son of Dr. Edward Vernon, late Archbishop of York (who took the name of Harcourt, in 1831, on his coming to the estate of the last Earl Harcourt). He entered the navy in 1806 as midshipman of the "Tigre," under Captain B. Hallowell, in the expedition to Egypt and Alexandria, 1807; and saw much boat service on the Nile. He was present in the same ship at the blockade of Toulon, and destruction of the French line-of-battle-ships "Robuste" and "Lion," in 1809; and on the promotion of Captain Hallowell to his flag, followed him into the "Malta," and continued serving with him on the coast of Spain, and at the siege of Tarragona, until made a lieutenant in 1814. He was then appointed to the "Mulgrave," was transferred to the "Amelia," and, after the battle of Waterloo, was sent with a major of the Tuscan army to summon the town of Porto Ferrajo. In 1820 he was promoted to the rank of Commander, serving successively upon the "Drake," "Carnation," "Britomart," and "Primrose," the latter vessel on the West India station; from which he returned to England with a freight of more than a million dollars; and, after acting as aide-de-camp to the

lord high admiral during the visit of his royal highness to the seaports, was promoted to the rank of captain, July 7th, 1827. In 1834 he was appointed to the "North Star," and was for a time employed on a survey of the coast of Central America. He became rear-admiral in July, 1854. Upon his marriage, in 1838, he took up his residence at Swinton Park, and soon after became magistrate for the north and west districts of Yorkshire; and in 1848 was high-sheriff. He was a man of great benevolence of character, and a benefactor of the Church, having built and endowed one near Masham, and another in Devonshire. He built a number of alms-houses for the benefit of the poor, beside contributing largely to the different schools in and near Masham.

HATHERTON, Rt. Hon. Edward John Littleton, Lord, born March 18th, 1791, died at Teddesley Park, May 4th, 1863. He was the only son of Moreton Walhouse, Esq., of Hatherton, but on the death of his great uncle, Sir Edward Littleton, Bart., he inherited the estates and assumed the name of Littleton. He was educated at Rugby, graduating at Brasennose College, Oxford, and had barely attained his majority when, in 1812, he succeeded to the representation of Staffordshire.

The business habits of Mr. Littleton, his tact and good judgment, soon gained him a high station in the Commons, and he was long considered one of the best authorities on the forms and procedure of Parliament. He succeeded his uncle in the chairmanship of the Staffordshire and Worcestershire Canal Company, an office he retained to his death. Mr. Littleton was a constant supporter of Catholic Emancipation, the advocacy of which measure for many years imperilled his seat. He was also one of the principal framers of the "wings" of the Catholic Relief Bill, as well as one of the promoters of the unsuccessful measure for the payment of the Catholic clergy. He was a supporter of Mr. Canning's short lived ministry, and on the accession of Lord Grey to the premiership, he immediately joined the whig party. Upon the passage of the measures of Reform, the Cabinet intrusted to him the difficult duty of planning the boundaries of the newly enfranchised towns and divisions of counties, and of extending the limits of the old parliamentary cities and boroughs, and with very few and immaterial modifications the suggested boundaries became the law of the land. On the dissolution of Parliament in 1835 he was again returned for South Stafford, and the same year was created a peer, by the title of Baron Hatherton, of Hatherton. In 1854 he was appointed Lord-lieutenant of Staffordshire. During the Crimean War he devoted himself to the organization of the militia of his county, and latterly to the formation of Volunteer Rifle Corps. His hospitality was profuse, and he annually entertained public men of all parties and men of letters, together with many distinguished foreigners visiting England; and no man of his rank took a deeper interest in the welfare of the working classes.

HEAT. An important revolution has been going on within the last few years in the philosophy of physics, which must have the effect of changing our fundamental conceptions of the nature and relations of force. The publication in London of Prof. Tyndall's new and admirable work on "Heat as a Mode of Motion," must be regarded as an important result of the progress of thought in this direction, and the republication of this book in New York—as it is the first regular work upon this subject in America—by bringing forward the new views, and opening the general discussion, has a special interest at the present time.

Every reflecting student of physical science has no doubt been perplexed by the phrase "imponderable forms of matter," which is applied in our text books to heat, light, electricity, and magnetism. No one has proposed to rank chemical affinity in this category, or to consider the force which produces or resists motion as an *imponderable.* By this hypothesis agencies, which are closely allied, and unquestionably of a kindred nature, have been so completely separated as to involve the whole subject in absurdity, and prevent the progress of rational and consistent theory.

According to the old view, caloric is regarded as the substance of heat—as a subtile, imponderable matter which flows in and out of bodies, warming and cooling them according to its quantity. When heat disappears, the caloric is said to become "latent;" as different bodies require different quantities of heat to raise them through the same degree of temperature, they are said to have different "capacities" for containing or holding the caloric fluid; while if a body becomes heated by rubbing, it is because its latent heat is liberated by friction. So also with electricity. By friction of various bodies the equilibrium of the all-pervading "electric fluid" is supposed to be disturbed. When the glass plate of the electrical machine is rubbed by the cushion the effect is to draw up the "electric fluid" out of the earth, the "common reservoir," and when a circuit of wire becomes electrically active, it is because a "current" of the "electric fluid" is flowing round and round through the conductors. This old hypothesis has no doubt been of important service in its day. Before the time had come to perceive the true relations of these agencies, the best that could be done was to borrow the conception and language of fluids, and apply them to these subtile and mobile effects of force that had to be represented in some way. But the hypothesis was grossly material; caloric was regarded as matter, as truly and essentially as gold or iron. And as the fundamental modern conception of the chemical elements is that they cannot be transmuted one into the others, so the radical conception of the imponderables was that as each had an independent material

existence, they could not be transformed into each other. This hypothesis being the very reverse of the fact, its dogmas have long offered a barrier to the true course of physical investigation.

It is now established that the forces possess none of the attributes of matter—they are not entities—substantive things, endowed with peculiar, persistent individual properties, but they are modes of motion, or forms of movement in common matter, and are convertible one into another. It has long been known, for example, that heat, as in the case of the steam engine, produces mechanical force, while mechanical force, as in the case of friction, produces heat. But in what way is the effect related to the cause? The old hypothesis assumes the intervention of a fluid, which, so long as its agency is entertained, blinds us to the simplicity of the facts. The new explanation says that the conception of the fluid is superfluous—that heat actually *passes into* mechanical motion, and mechanical motion actually passes into heat, or that there is a *conversion* of one into another. So with all the other forces known as "imponderables;" they are mutually convertible into one another—a fact which has been described by Mr. Grove, under the phrase "correlation of forces." In his able treatise upon this subject, which, we are glad to learn, is to be republished in this country, he gives a lucid account of the principle from which the following paragraphs are abridged.

The various affections of matter, which constitute the main objects of experimental physics —namely, heat, light, electricity, magnetism, chemical affinity, and motion, are all correlative, or have a reciprocal dependence. Neither, taken abstractly, can be said to be the essential cause of the others, but either may produce or be convertible into any of the others. Thus heat may mediately or immediately produce electricity, electricity may produce heat, and so of the rest, each merging itself as the force it produces becomes developed. The same must hold good of other forces, it being an irresistible inference from observed phenomena, that a force cannot originate otherwise than by the dissolution of some preëxisting force or forces.

The term correlation, strictly interpreted, means a necessary mental or reciprocal dependence of two ideas inseparable even in mental conception; thus the idea of height cannot exist without involving the idea of depth; the idea of parent cannot exist without involving the idea of offspring. The probability is that, if not all, the greater number of physical phenomena are correlative, and that without a duality of conception the mind cannot form an idea of them. Thus matter and force are correlates in the strictest sense of the word; the conception of the existence of the one, involves the conception of the existence of the other. The correlation of forces implies their reciprocal production; that any force capable of producing another may, in its turn, be produced by it—nay more, can be itself resisted by the force it produces in proportion to the energy of such production, as action is ever accompanied and resisted by reaction. Thus the action of an electro-magnetic machine is reacted upon by the magneto-electricity developed by the action. With regard to the forces of electricity and magnetism in a dynamic state, we cannot electrize a substance without magnetizing it—we cannot magnetize without electrizing it. Each molecule, the instant it is affected by one of these forces, is affected by the other, but in transverse directions; the forces are inseparable and mutually dependent; correlative, but not identical.

In many cases where one physical force is excited, all the others are also set in action. Thus, when a substance, such as sulphuret of antimony, is electrified, at the instant of electrization, it becomes *magnetic* in directions at right angles to the lines of electrical force; at the same time it becomes *heated* to an extent greater or less according to the intensity of the electric force. If this intensity is exalted to a certain point, the sulphuret becomes luminous, or *light* is produced; it expands, consequently motion is produced; and it is decomposed, therefore chemical action is produced.

Motion, the most obvious, the most distinctly conceived of all the affections of matter will directly produce *heat* and *electricity*, and electricity, being produced by it, will produce *magnetism*. Light also is readily produced by motion; either directly, as when accompanying the heat of friction, or immediately by electricity resulting from motion. In the decompositions and compositions which the terminal wires proceeding from the conductors of an electrical machine develop when immersed in different chemical media, we get the production of *chemical affinity* by electricity, of which motion is the initial source.

If heat be now taken as the starting point, we shall find that the other modes of force may be readily produced by it. Motion is so generally, if it be not invariably, the immediate effect of heat, that we may almost, if not entirely, resolve heat into motion, and view it as a mechanically repulsive force tending to *move* the particles of all bodies, or to separate them from each other. This molecular motion we may readily change into the motion of masses, or motion in its most ordinary and palpable form. Heat, then, being a force capable of producing *motion*, and motion, as we have also seen, being capable of producing the other modes of force, it necessarily follows that heat is capable immediately of producing them. It will immediately produce electricity, as shown in the beautiful experiment of Seabeck. With regard to chemical affinity and magnetism, perhaps the only method by which, in strictness, the force of heat may be said to produce them, is through the medium of electricity; the thermo-electric current being capable of deflecting the magnet, of magnetizing iron, and exhibiting the other

magnetic effects; and also of forming and decomposing chemical compounds.

But investigation has gone still further. It is found that all these changes take place in rigorous accordance with the laws of quantity. As matter cannot be destroyed, neither is force capable of destruction; and as matter may be pursued through all its multitudinous changes without loss, the same principle is found to hold in regard to force. It has long been familiarly known that machines do not create force, but only communicate, distribute, and apply that which is imparted to them. In all cases the force expended is exactly measured by the resistance overcome. In the case of water-power, to lift a hammer of 100 pounds one foot high at least 100 pounds of water must fall through one foot; or, what is the same thing, 200 pounds must fall through half a foot, or 50 pounds through two feet. If a hammer weighing 1,000 pounds is employed with the same driving force, it will either be raised to only one-tenth the height, or, tenfold the time will be required to raise it the same height. Thus in machines a certain amount of power acting as *cause*, produces an exactly equal amount of change, as *effect*.

It is precisely the same when the molecular forces are involved—those forces which involve the agency of atoms. It is well understood that a certain amount of fuel is necessary to perform a given amount of work with a steam engine. This means, strictly, that definite quantities of the chemical action of combustion give rise to a fixed quantity of heat, and this to a determinate quantity of mechanical effect. Dr. Faraday made the important discovery of the definite chemical effect of the voltaic current. He found that an equivalent of an element consumed in a battery gives rise to a definite quantity of electricity which will produce exactly an equivalent of chemical decomposition. For example, the consumption of 32 grains of zinc in the battery excites a current which will set free from combination 1 grain of hydrogen, 104 of lead, 108 of silver, 39 of potassium, and 31·6 of copper. But these are the combining numbers of those elements, and thus is established a remarkable equivalency between chemical and electrical forces.

That a certain amount of heat produces a definite quantity of mechanical force has been long known; but only lately has the question been inverted: how much heat is produced by a certain amount of mechanical force? The answer to this question gives rise to the science of thermodynamics. All friction, collision, and condensation, whether of solids, fluids, or gases, produce heat. But to ascertain at what rate mechanical force produces heat it requires certain standards of comparison known as the units of heat and force. The English unit of heat is one pound of water, raised through 1° F. The unit of force is one avoirdupois pound falling through one foot of space. By a great number of experiments, Dr. Joule of Manchester, Eng., demonstrated the mechanical equivalent of heat—that is, how many units of force are equal to a unit of heat. He agitated water, mercury, and oil successively in suitable vessels, by means of paddles driven by falling weights, and determined the exact amount of heat produced, and the force spent. By varied and repeated operations, conducted with consummate skill and great patience, he found that the same expenditure of power produced the same absolute amount of heat, whatever materials were used; and that a pound weight falling through 1 foot, and then arrested, would produce a unit of heat, that is sufficient to raise 1 lb. of water 1° F. The vast significance of this fact to science is obvious; every movement that takes place throughout the universe, whether of molecules or masses, has its fixed thermal value—it represents and may be converted into a definite amount of heat.

The imponderables, then, have passed away, with the epicycles of the old astronomers and the phlogiston of the old alchemists—monuments of the past progress of thought—and we have in their stead pure forces which are all varying *modes of motion* of ordinary matter. Science assumes the atomic constitution of matter; that there are interspaces between the atoms, and that these atoms are capable of various motions, and are probably in a state of constant movement. They may rapidly oscillate backward and forward, or whirl upon their axes, or even revolve through orbits, like what we may term the larger *atoms* of the solar system. Perhaps they execute several of these movements at the same time as do the planets. They are also believed to be endowed with polarities, and that their motions are subject to a polar control. Each molecular force is regarded as a mode of motion among the atoms; and as these motions may pass into each other the forces are convertible. Heat is that mode of motion among atoms by which they are caused to move further apart, producing expansion of the mass, or heating it. As the motion declines the body contracts and cools. Heat is produced by friction or collision because the mechanical motion which is arrested and disappears is changed to the molecular motion of the mass; while the mechanical motion produced by heat, as in the case of the steam-engine, is simply the consequence of the translation of atomic movement into massive motion. No force can be annihilated, and what the atoms lose, the mass gains.

Caloric, the electric fluid, and luminous corpuscles are denied; yet science still holds to the conception of a universal ether. Some writers, prominent among whom is Mr. Grove, protest against this as an inadmissible assumption. They say we can neither make nor prove the existence of a perfect vacuum, and, therefore, are not entitled to deny that matter is universal. There may be, and there probably is, matter, in some form, however attenuated,

everywhere; and, so long as there is a universal material vehicle for motion, the conception of a hypothetical ether is superfluous. But it is replied that, by the term ether, is meant this universal material, something capable of motion, and assumed to possess certain definite properties. Some such conception is necessary at the present time, in order to express those systems of movement in which the various forces consist.

As thermometric heat, or the heat of conduction, is a motion of the constituent atoms of bodies, so radiant heat, or that which darts forward rapidly in straight lines, is a movement of the ether. Light is no longer the shooting of corpuscular particles; it is a certain rate of undulation of the ethereal medium —it is motion. The different colors result from different rates of undulation. The various actinic, or chemical rays, are due to the same cause, and thus there is seen to be a close correlation between the radiant forces; they are all but *modes of motion.* The vibrations of the atoms may impart motion to the ether as it occurs in the radiation of every heated body; and, conversely, the undulations of the ether may be spent in setting the particles of bodies in motion, and thus bodies are warmed by radiation.

The most recent and important step in the progress of thermotic science has been made by Prof. Tyndall, and consists of an analysis of the relations of radiant heat to gaseous bodies, and especially to water vapor. We condense from the new edition of Youmans' Chemistry, in which the recent views are fully developed, a statement of the principles involved in this subject. An opaque body destroys the luminous waves which fall upon it; while a transparent one permits them to glide through between the atoms without interference. But there are bodies which destroy some of the waves and allow others to pass. If a piece of red glass be placed between the prism and the spectrum it stops the blue rays and transmits only the red—that is, it cuts down the more minute waves and gives passage only to the larger. If blue glass be used there is a reverse effect, the red rays being extinguished and the blue alone transmitted. Both glasses are transparent, yet, if placed together in the path of the rays, they are as opaque as a plate of iron, each destroying what the other transmits.

This is also the case with the heat rays; they are of different kinds like the colors of light, and are arrested and transmitted differently by different substances. Rock salt is the most perfect diathermic body; that is, it allows all the heat rays, those from the sun and from the hand to pass through with equal freedom. Glass and a thin film of water will absorb or arrest the dark or obscure radiations, while they will pass luminous heat or those radiations which come from a luminous source. It is well known that the sunbeam is a bundle of heterogeneous radiations, and that the prism spreads them out into a spectrum, thermal at one end, chemical at the other, and luminous in the centre. The same thing holds true of all sources of heat, luminous and obscure—they emit rays of different qualities. When the mixed rays from any source are passed through a plate, a certain portion of them is stopped, and another portion transmitted. But if the rays that are passed are made to fall upon a second similar plate, a much larger portion will be transmitted than went through the first —the first plate *sifted* the ray, and the purified beam is better fitted to penetrate another similar plate. This principle explains the fact that glass readily transmits solar heat, while it stops the heat from a red-hot cannon ball in large quantities. The rays of the sun in coming through the atmosphere are strained of those rays which would be stopped by glass, so that the altered beam passes our windows without loss.

Tyndall's apparatus for investigating the influence of gases upon radiant heat, consisted of a long glass tube three inches in diameter, closed air tight at either end by caps of pure rock salt, and connected with apparatus so as to be exhausted and filled with various gases at pleasure. At one end of the tube was placed his source of heat, a blackened canister of hot water, and at the other end a thermo-electric pile—the most delicate instrument for measuring or detecting heat. By this machine, controlled so carefully as to secure the utmost precaution against error, Tyndall exposed various gaseous bodies to the dark thermal radiations. Purified air was found to arrest none or an exceedingly minute proportion of the rays; while pure oxygen, hydrogen, and nitrogen behave in a similar manner, being almost neutral. But when compound gases were introduced, there was a remarkable effect: olefiant gas, which is just as transparent as air, arrests 80 p. c. of the rays of heat. Pure transparent ammonia is still more impenetrable and stops the heat as light would be stopped if the cylinder were filled with ink. The same effect is produced if only a small proportion of these gases is mingled with the air of the cylinder.

In this manner, invisible gases become the means of sounding the atomic constitution of bodies. While heat rays pass through common oxygen without being intercepted, ozone, which is but another form of oxygen, arrests a large proportion of it like compound gases; we therefore infer that its atoms are arranged in groups or complex molecules. When aqueous vapor was introduced into the tube, it was found to be highly opaque to the dark radiations. Where the atmospheric gases arrest one ray of obscure heat, the small proportion of watery vapor contained in the air strikes down sixty or seventy rays. The consequences of this fact are in every way of the highest importance in the economy of nature. Luminous heat from the sun penetrates the air, and falling upon the

earth, is changed into obscure heat which is intercepted by the watery vapor of the atmosphere, and cannot therefore be radiated back again into space. The atmospheric vapor is therefore the means of maintaining the earth's temperature, and if it were withdrawn from the air, the loss of terrestrial heat would soon render the earth uninhabitable. In all those localities where the atmosphere is dry, the nightly loss of radiant heat is so great, that even in the burning desert of Sahara there is nocturnal freezing.

The aqueous vapor contained in the air exists mostly in its lower strata near the ground. The upper portions of the atmosphere are comparatively dry. Hence, high mountains being raised above the zone of watery vapor, are unprotected, and their heat consequently streams away into space with such rapidity that the temperature sinks to a low degree. As the winds dash against the frigid mountain peaks, their moisture is rapidly condensed and frozen into snow—hence the everlasting snow of these lofty land summits. In these circumstances, where the snow falls incessantly in large quantities, it is condensed into ice, and slowly creeps down the valleys in the form of vast rivers of ice known as *glaciers*. We thus see how the relations of radiant heat to aqueous vapor afford an explanation of the magnificent phenomena of snow peaks and glacial action. The ultimate cause of all these effects is of course that solar heat which originally changed the water into the vaporous form. The heat thus absorbed must again escape in condensation, while the grand function of the mountains appears as that of condensers. Each fragment of glacial ice is to be regarded as the product of the heat spent in first evaporating its water, and in this point of view the glaciers represent an amount of heat equal to five times their weight of melted cast iron. In connection with these important discoveries of the opacity of gases to radiant heat, Prof. T. Sterry Hunt has called attention to the effect which a large proportion of carbonic acid in the earth's ancient atmosphere must have had in preserving the high temperature of the earth.

The consummate series of investigations by which these results were reached, is admirably described by Dr. Tyndall, in his late work on heat, in which the new views of the nature of heat itself are applied with great skill and ingenuity to many of the phenomena of nature.

The history of the dynamical theory of heat is deeply interesting, as throwing a striking light on that action of the human mind which leads to great discoveries of the laws of nature. It illustrates, in a remarkable manner, that great truths are growths of time, and that discoveries oftener belong to epochs than to individuals. As far back as the time of Bacon, we find statements concerning heat which contradicted the common view, and which are susceptible of easy interpretation, in harmony with the recently established views. In the twentieth aphorism of the second book of the Novum Organon, its illustrious author remarks: "Now from this our first vintage, it follows that the form, or true definition of heat (heat, that is in relation to the universe, not simply in relation to man), is in a few words as follows: Heat is a motion, expansive, restrained, and acting in its strife upon the smaller particles of bodies, but the expansion is thus modified: while it expands all ways, it has at the same time an inclination upward. And the struggle in the particles is modified also; it is not sluggish, but hurried, and with violence." Again, the philosopher Locke remarks: "Heat is a very brisk agitation of the insensible parts of an object, which produces in us that sensation from which we denominate the object, but so that what in our sensations is heat, in the object is nothing but motion." But the first experimental step in this direction of thought, and perhaps the grandest step taken by any single mind, was made by an American, Benjamin Thompson, afterward known as Count Rumford. He went to Europe in the time of the revolution, and devoting himself to scientific investigations, became the founder of the Royal Institution of England. He exploded the notion of caloric, demonstrated experimentally the conversion of mechanical force into heat, and arrived at quantitative results, which, considering the roughness of his experiments are remarkably near the established facts. He revolved a brass cannon against a steel borer by horse power, for two and a half hours, and generated heat enough to raise 18¾ lbs. of water from 60° to 212.° In his paper read before the Royal Society, in 1798, he observes: "From the results of these computations, it appears that the quantity of heat produced equally in a continuous stream, if I may use the expression, by the friction of the blunt steel bar against the bottom of the hollow metallic cylinder, was greater than that produced in the combustion of nine wax candles, each ¾ of an inch in diameter, all burning together with clear bright flames." Rumford explicitly announced the view now held of the nature of heat and wrote as follows, the italics being his own: "What is heat? Is there any such thing as an *igneous fluid?* Is there anything that with propriety can be called caloric? We have seen that a very considerable quantity of heat may be excited by the friction of two metallic surfaces, and given off in a constant stream or flux in *all directions*. Without interruption or intermission, and without any signs of *diminution or exhaustion*. In reasoning upon this circumstance, we must not forget *that most remarkable circumstance*, that the source of the heat generated by friction in these experiments, appeared to be *inexhaustible*. It is hardly necessary to add that anything, which any insulated body or system of bodies can continue to furnish without limitation, cannot possibly be a *material substance;* and it appears to me to be extremely difficult, if not quite impossible, to

form any distinct idea of anything capable of being excited, and communicated in these experiments except it be MOTION."

Sir Humphrey Davy, the associate of Rumford, in the Royal Institution, adopted these views concerning heat. He instituted some delicate experiments by which they were strikingly confirmed. One of these consisted in rubbing two pieces of ice together in a vacuum, at a temperature below the freezing point. The heat of friction melted the ice. The old explanation of the fact was that the friction *liberated* the latent *caloric* of the ice. To this, Davy replied: "If I by friction liquefy ice, I produce a substance which contains a greater absolute amount of heat than the ice; and in this case it cannot with any show of reason be affirmed, that I merely render sensible the heat hidden in the ice, for that quantity is only a small fraction of the heat contained in the water." Davy also propounded the hypothesis of atomic vibrations or oscillations, as the cause of thermal phenomena. This cannot be better stated than in his own words: "It seems possible to account for all the phenomena of heat, if it be supposed that in solids the particles are in a constant state of vibratory motion, the particles of the hottest bodies moving with the greatest velocity, and through the greatest space; that in fluids and elastic fluids, besides the vibratory motion, which must be conceived greatest in the last, the particles have a motion round their own axes with different velocity, the particles of elastic fluids moving with the greatest quickness, and that in ethereal substances the particles move round their own axes, and separate from each other, penetrating in right lines through space. Temperature may be conceived to depend upon the velocity of vibrations; increase of capacity in the motion being performed in greater space; and the diminution of temperature during the conversion of solids into fluids or gases, may be explained on the idea of the loss of vibratory motion, in consequence of the revolution of particles round their axes, at the moment when the body becomes fluid or aëriform, or from the loss of rapidity of vibration in consequence of the motion of the particles through space."

The researches of Davy upon this subject may be regarded as continuing those of Count Rumford. In 1812 he wrote: "The immediate cause of the phenomena of heat, then, is motion, and the laws of its communication are precisely the same as the laws of the communication of motion." Seguin in 1819 published a work entitled *De l'Influence des Chemins de Fer*, in which he shows that the old theory leads to the absurd conclusion, that a limited quantity of heat can produce an unlimited quantity of chemical action. He says: "It appears to me more natural to suppose that a certain quantity of caloric disappears in the very act of the production of the force or mechanical power, and reciprocally the mechanical force which disappears during the lowering of the temperature of a gas is the measure and the representation of the elimination of heat."

The time had now arrived for the reception of these views by many minds, and accordingly we find that, during the next ten years, eminent scientific men in England, France, Germany, Denmark, and America, devoted themselves with assiduity to their theoretical and experimental development. In 1850 Joule's law was established, which placed the subject upon an immovable experimental basis. While, during the same year, Dr. Carpenter formally extended the research so as to include the *vital* forces. His paper on the correlation of the physical and vital forces, was published in the philosophical transactions for that year. From that time, the views have been gradually accepted by scientific men, until they may now be regarded as generally established. Science has thus changed her standpoint, and all phenomena are presented in a new light. The most important results alike to science, philosophy, and education, may be expected to follow this revolution of scientific thought.

HILDRETH, SAMUEL PRESCOTT, M. D., an American historian and physicist, born in Methuen, Massachusetts, Sept. 30th, 1783, died at Marietta, Ohio, July 24th, 1863. His boyhood was passed on his father's farm, until he was fifteen years old, his primary education being received at a common school. From thence he was sent to Phillips Academy, Andover, and the Franklin Academy, in the North Parish. He studied medicine with Dr. Thomas Kittridge, a noted surgeon of Andover, and received a diploma from the Medical Society of Massachusetts in Feb., 1805. He commenced the practice of his profession in New Hampshire, but, in 1806, having made up his mind to settle in Ohio, journeyed thither on horseback, and after spending about two months in Marietta, located himself at Belpre, where, in 1807, he married Miss Cook (formerly of New Bedford, Mass.). He was very successful in practice; but, in 1808, removed to Marietta, where the duties of his profession were less arduous, and where he remained to the close of his life. In 1810 and 1811 he served in the Ohio Legislature as a supporter of the administrations of Jefferson and Madison; but on the formation of the republican party, in 1854, he connected himself with it. For a period of nearly forty years he was a contributor to "Silliman's Journal of Science," his articles embracing a wide range of scientific subjects, but more especially devoted to meteorology, geology, and palæontology. In 1837 he was a member of the Geological Survey, and delivered the annual address at Cleveland, before the Medical Society, of which he was then president, giving a history of the diseases and climate of Southeastern Ohio, from its settlement, which was published by the Society. The same year he published a history of the settlement of Belleville, Western Vir-

ginia, in the "Hesperian," a magazine published in Cincinnati. In 1848 he prepared his "Pioneer History," an account of the first examinations of the Ohio valley, and early settlement of the Northwest Territory, which, with his "Lives of the Early Settlers of Ohio," were published under the auspices of the Ohio Historical Society; both works of great value. In 1830 he commenced the collection of a cabinet of natural history, and in the course of eight years had gathered more than 4,000 specimens, arranged, classified, and catalogued, and all this without interfering with the duties of his profession. He collected also more than 5,000 shells, some of which he exchanged for books of a scientific nature, thus enabling him in time to form a large and valuable scientific library, which, previous to his death, he donated, together with his cabinet, to Marietta College. He was in the enjoyment of good health and remarkably active in all his movements until a fortnight preceding his death.

HOLSTON RIVER. This is the largest branch of the Tennessee river. It is formed by the junction of the north and south forks which rise among the Alleghany Mountains of Virginia, and unite at Kingsport, Sullivan county, Tennessee. Flowing thence and passing Knoxville, in East Tennessee, it unites with the Clinch river, at Kingston. The length of the main stream is estimated at two hundred miles. It is navigable by small steamboats to Knoxville, and during the winter they can ascend to Kingsport.

HOPE, George William, M. P., born at Blackheath in 1808, died at Suffness, Haddingtonshire, October 18th, 1863. He was a son of the Hon. Alexander Hope, was educated at Christ Church, Oxford, and called to the bar at Lincoln's Inn, in 1831. The death of an elder brother, however, altered his position, and removed him from the ranks of practising barristers. Soon after, his attention was turned to politics, and in 1837 he was elected for Weymouth. In 1842 he was returned for Southampton, and became Under Secretary for the Colonies, an appointment which he held until the retirement of Lord Stanley, the Colonial Secretary, in December, 1845. In 1859 he again came forward, and was chosen for New Windsor as a supporter of the Derby Administration. He retained his seat until his death.

HOPE, Admiral Sir Henry, K. C. B., born in 1787, died at Holly Hill, Hampshire, September 23d, 1863. He entered the navy in the spring of 1798, as midshipman, became lieutenant in 1804, and captain in 1808. He served in the Mediterranean on board the "Kent," and was afterward transferred to the "Swiftsure," and was on that ship when she was taken a prize by a portion of the French squadron which had escaped from Toulon. In 1815, he was in command of the "Endymion," forty gun frigate, and distinguished himself in the engagement with the American ship "President," which he took as a prize to Spithead, and was presented by the admiralty with a gold medal, and the nomination of a Companion of the Order of the Bath. He was successively advanced to the rank of rear-admiral, vice-admiral, and admiral, and was also aide-de-camp to William IV., and to her Majesty. In July, 1855, he was nominated a Knight Commander of the Order of the Bath. He left personal property to the amount of £70,000, nearly one half of which he bequeathed to various religious and charitable societies.

HUBBARD, Joseph Stillman, an American astronomer, born at New Haven, Conn., in 1823, died in that city August 16th, 1863. He graduated with high honor at Yale College, in 1843, giving evidence of extraordinary mathematical ability, and in the spring of 1844 was appointed an assistant to the late distinguished astronomer, Sears C. Walker, in the High School Observatory, Philadelphia. In the autumn of the same year he was employed by Captain (now Major-General) Fremont to reduce his Rocky "Mountain Observations," and was invited to accompany him on his next expedition. Declining this offer, he was, at the instance of Col. Fremont and Senator Benton, appointed by Hon. George Bancroft, then Secretary of the Navy, a professor of mathematics in the U. S. Navy, and assigned to duty in the Naval Observatory, then just established at Washington. This post he filled with remarkable zeal and fidelity to the time of his death. The printed volumes of the Washington Observations are full of the evidences of his skill as an observer and a computer. Professor Hubbard was a frequent and valued contributor to the "Astronomical Journal." His investigations on Biela's comet, and on the great comet of 1843, are recorded in that journal in a series of elaborate papers. He also contributed papers on the orbit of Egeria, and many other topics. The article "Telescope," in the New American Cyclopædia, a paper of great labor and research, was also from his pen. His labors of love in the cause of benevolence and religion were not less zealous than in the paths of science.

HUNT, Major Edward B., an officer of U. S. volunteers, born in Livingston county, N. Y., in 1822, died at the Brooklyn Marine Hospital, Oct., 2d, 1863. He was appointed to the Military Academy from his native State in 1841, graduated second in the class of 1845, was appointed second lieutenant in the corps of engineers, and was assigned to duty as assistant to the Board of Engineers for Atlantic Coast Defence. After serving in this capacity a year, he was called to fill the important position of principal assistant professor of civil and military engineering at the Military Academy, West Point, where he remained until 1849, when he was employed as assistant-engineer upon Fort Warren, Boston harbor, Mass. From 1851 to 1855 he was the assistant of Prof. Bache, in the Coast Survey Bureau. From

1855 to 1857 he was engaged in the engineering operations in Newport harbor, R. I., and constructed and repaired many important lighthouse structures on the coast. In 1857 he was ordered to Key West, where, for five years, he assisted in the construction of fortifications and other defensive works on that island, receiving his captaincy while serving there, July 1st, 1859. It was chiefly through his instrumentality that the forts of Southern Florida were withheld from the Confederates after the war actually commenced. In 1862 he was appointed chief-engineer of the 5th army corps, commanded by Major-General Banks, and from this duty was relieved and placed on special service under the Navy Department, in order to superintend the construction of his submarine battery, an invention of his own, which he was sanguine would successfully defeat any naval attacks which might be made by the most powerful fleets upon our harbors. While engaged in making some experiments with this battery, a shell prematurely discharged, immediately after which he descended into the caisson, and, in attempting to ascend, being probably overcome by the gas, fell backward, striking his head and causing concussion of the brain, from which he died the following day. Major Hunt was a brother of ex-Governor Washington Hunt of New York, and was a man of great ability and scientific attainments, and a frequent and valued contributor to the transactions of the American Association for the Advancement of Science, and to various literary and scientific works of the country. He was a man of sincere patriotism, and thoroughly conscientious in the discharge of his duties as an officer and as a man.

HYGIENE IN THE ARMY. The regular army of the United States, before the commencement of the present war, seldom numbering in its ranks more than 12,000 or 13,000 men, and with a medical and hospital service corresponding to its limited numbers, had little need of special rules of hygiene, or the elaboration of any extensive system of regulating the health and physical comfort of its forces. But when a volunteer army of more than half a million of men was suddenly called into existence, men, too, to whom camp life was an entirely new experience, who had for the most part little or no knowledge of the art of cookery, or of the thousand causes of disease which lurked in their new mode of life, in the climate, exposure, over exertion, unsuitable or insufficient food, clothing, &c., it became evident that it required fully as much medical skill and care to prevent disease as to effect a cure when it had made its appearance. The medical department of the Government, aided in this matter most effectually by the Sanitary Commission, found it necessary to give special instruction to the army surgeons, whether engaged in examining recruits or in service on the field or in the hospitals, in matters relating to the hygienic condition of the force; and during the past year, in addition to monographs on particular branches of the subject by subordinate medical officers of the army, the accomplished surgeon-general has, by the most indefatigable industry, found or made leisure to prepare an admirable treatise on "Hygiene in the Military Service."

The first step in the way of prevention of disease in the army must be taken in the *examination of recruits.* The ignorance or incompetence of the examining surgeons in the first two years of the war, and sometimes it is to be found baser motives, led to great abuses in this respect. "Thousands of incapacitated men," says Surgeon-General Hammond, "were, in the early stages of the war, allowed to enter the army, to be discharged after a few weeks' service, most of which had been passed in the hospital. Many did not march five miles before breaking down, and not a few never shouldered a musket during the whole time of their service. * * * * Cases of chronic ulcers, varicose veins, epilepsy, and other conditions unfitting men for a military life, came frequently under my notice. The recruits were either not inspected at all by a medical officer, or else the examination was so loosely conducted as to amount to a farce. I know of several regiments in which the medical inspection was performed by the surgeon walking down the line and looking at the men as they stood in the ranks." There has been great improvement in these examinations since the autumn of 1862, but even now too many men unfit for the service are smuggled into it, through the lack of vigilance on the part of the inspector. The enlistment of weak, malformed, or sickly soldiers is a great crime against the service. The soldier, to be capable of serving his country effectively in the field, requires not only sound health but the ability to endure fatigue, hardships, exposure, and vicissitudes of climate with impunity. To admit into the ranks a soldier who does not possess this ability, inflicts upon the army not only the probable loss of his services, very often at a time when they are most needed, but, if he is consigned to a hospital, requires the care of others for his nursing, who might otherwise be employed in the national defence. The minimum *age* at which volunteers are received (eighteen years, and in many cases by the connivance of examining officers, below that age) is too young for serviceable soldiers. These young recruits break down under the severe marches and privations of the camp, and are more liable to those terrible scourges of the army, diarrhœa and dysentery, as well as to a fatal termination of wounds than those who enter the army at twenty or over. The *height* of the recruit (our minimum limit is five feet three inches, and there is no maximum, as there should be), the capacity of the chest, vigor of the system, and general aptitude for the soldier's profession, are all points of great importance, and must be carefully examined by

the surgeon before deciding to accept a volunteer. The diseases, defects, or deformities which afford cause for rejection of recruits have been fully laid down in the books of instruction for the examining surgeons, and do not come properly within the range of our inquiries. It is, however, to carelessness and neglect in the inspection of those who have offered to enter the service that a large portion of the sickness of the new troops is due, and from this cause more than any other has it happened, more than once, that with very large numbers on the rolls, the effective force of our armies has often been very small.

But the soldier once received into the army, there are many causes which tend to impair his health, and prevent that sound hygienic condition necessary to make him effective and serviceable. These causes may be classed under one or the other of two heads—those inherent in the organism of the soldier, and those external to that organism and acting upon it only from without. In the first class may be enumerated *Race*, which exerts a powerful influence; the men of one race being far more subject to some diseases, and enjoying a greater immunity from others, than those of another. To a limited extent this is true even of nationalities, the Celt, the Teuton or the Scandinavian having a constitutional predisposition to some forms of disease from which the Anglo-Saxon is free, and *vice versa*. In the different races of men this difference becomes strongly marked. The volunteer army of the United States is principally composed of the European or Caucasian race, some regiments being largely Teutonic, others mainly Celtic, and others, the great majority, of that conglomerate of different nationalities, the native-born American. Within a year past, however, another element has been added to the army, in the numerous regiments of African descent. The experiment has not yet progressed quite far enough to enable us to compare the hygienic characteristics of the two races very fully, but these facts have been ascertained: the negro troops are more subject to phthisis, scrofulous affections, and tetanus, and their wounds do not heal so readily as those of the whites, but they are far less liable to malarious diseases, nervous affections, or the influence of the syphilitic poison than the white troops. The mortality from disease among them has been thus far proportionally much below that in the white regiments in the departments of Tennessee, the Gulf, and the South. There are three or four regiments of Indians and half-breeds on the western frontier, but they are not sufficiently numerous to offer the opportunity of a fair comparison. *Age, temperament, hereditary tendencies, habit in the mode of life, morbid and vicious habits*, and the *natural constitution* are also among the agencies inherent to the organism which influence the hygienic condition of the soldier, all of which must be taken into account by the regimental surgeon who would keep the body of soldiers under his charge in the highest effective condition. To the watchfulness of some surgeons over these agencies, as well as those presently to be mentioned, is due the superior condition in which their regiments are always found.

But, aside from these inherent tendencies to impair the health of an army, come another class equally formidable, to assail vigor and effectiveness from without.

Of these external agencies the most important are the atmospheric condition, temperature, light, heat, electricity, water, soil, and locality of camp, bivouac, or barracks, the climate, and the necessary acclimation where that climate is essentially different from the one in which the soldier has previously resided, the habitation, in its plan, space, ventilation, etc., whether that habitation be a camp, barrack, or hospital; the food of the soldier in all its relations, quantity and varieties, accessary food, including condiments, spirits, tea, coffee, and tobacco, and the clothing of the army in its relations to health.

On some of these agencies a few words of explanation may be desirable. The *atmosphere* is an agency for the promotion or transmission of disease when loaded with moisture, especially when the temperature is low, producing at such times rheumatism, neuralgia, and often pulmonary disease. A hot and moist or a hot and dry condition of the atmosphere is also unfavorable to health. The atmosphere is also a medium of imparting disease, when it is corrupted by noxious gases, when it is saturated with the effluvia thrown off by perspiration, as in over-crowded rooms, tents, etc.; when it is impregnated with the spores of fungi, or whatever it may be, which we denominate *malaria*; and, perhaps, when it contains an excess or deficiency of ozone. The promotion of health in these various atmospheric conditions in the army requires the use of the rubber blanket, the protection of tents where possible, a sufficiency of good clothing, the strict avoidance and prohibition of over-crowding, whether in tent, barrack, or hospital, the careful selection of camping ground on high and dry locations, to windward of marshes or malarious positions, and, if possible, with water between the camp and the marsh; the building of fires, wherever there are not military reasons to prevent; the flooring of tents, and the raising of the floors of barracks some distance above the ground. The administration of quinine or cinchonine in small doses daily to the men when exposed to malaria, is also an important prophylactic against the intermittent and remittent fevers which would otherwise prostrate so many of them.

The *temperature* exerts a powerful influence upon the health of the army. When provided with proper clothing and food, the temperature has rarely been so low as to effect serious injury upon persons in health. In a few instances, however, men in cavalry expeditions, or in transit from one point to another, where

they had become very wet and were subsequently subjected to the cold in a season of immeasurable severity, have suffered from frozen extremities. With the sick or wounded when exposed the sudden accession of a low, moist temperature often proves fatal, idiopathic and traumatic tetanus supervening, and causing speedy death. Apoplexy, bronchitis, pneumonia, diarrhea, and rheumatism are often induced by it; clear, bracing, moderately cold weather is highly conducive to health. The amount of sickness is less than one half during the winter months of the summer ratio. In the army of the Potomac, in 1862, March was the healthiest month, and July the sickliest; in the army of Western Virginia, May was the healthiest and October the sickliest. In South Carolina, March was the healthiest; in Florida, December, while in July the ratio of sickness was more than five times as great. In Kansas the health of the troops was best in May, and worst in September. High temperatures are prolific in disease, unless great caution is exercised. Sunstroke is very prevalent, and to prevent it the troops should wear the Zouave turban, or a wet folded cloth in their cap. Diseases of the liver, diarrhea, dysentery, and fevers also prevail in the hot season, and the constant care of the surgeon is requisite to ward them off.

Water is a very active agent both in promoting and in preventing disease in camps, barracks, and garrisons. In its use for drinking and cooking purposes it is absolutely essential to health that it should be at least moderately pure, and yet it seldom is so. The water for the use of armies in the field is supplied usually from rivers or streams, from springs, or from pools or ponds, very rarely from wells or from cisterns, in which rainwater has been collected. In barracks or hospitals, cisterns, wells or reservoirs are the usual sources of supply. Rainwater, though containing some impurities acquired from the atmosphere, or from the roofs, etc., from which it is collected, contains fewer hurtful substances in solution or admixture than water obtained from any other source. River water usually contains earthy and sometimes mineral substances, and when drawn from the vicinity of a large town has also more or less animal matter in solution. Spring water and well water also very generally contain lime, magnesia, and other mineral salts in solution, while water from pools, marshes or stagnant ponds, is largely charged with confervæ and infusoria, and is thus more injurious in its effects than any other, producing typhoid and paludal fevers, and other diseases of a grave character. The presence of earthy or mineral substances very generally induces diarrhea, dysentery, and sometimes serious ulceration of the bowels. To prevent these evil results from the use of impure water, the surgeon of each regiment should require all water drank or used for cooking to be filtered by some one of the numerous simple processes in use in the army, and at permanent camps, barracks, and hospitals great care should be taken to have all the water used in the purest possible condition. The use of water in bathing and thorough ablution by the soldiers is a matter so important that it should be insisted upon wherever it is possible to obtain sufficient water for the purpose, but the time of taking the bath, the condition of the men when taking it, and the temperature, should be carefully attended to by the surgeon. Dr. Calvin Cutter, surgeon of one of the Massachusetts regiments, and for some time brigade surgeon, kept the men in his command in perfect health during the intensely hot summer of 1863, in the Department of the Tennessee, by the strict enforcement of cleanliness and frequent bathing, the careful selection of positions for the camps, and the avoidance of unnecessary exposure to the sun. Similar care would have been rewarded, in most regiments or brigades in the field, with similar success.

The influence of *soil* and *locality* upon the health of an army is also very important. Some soils retain the heat of the sun much longer than others; this is especially the case with sandy soils as compared with those of a clayey character, or those composed of decomposed vegetable matter. The latter, on the other hand, retain moisture with great tenacity, and hence are unfitted for healthful camping grounds. A clayey soil, overlaid with gravel, is, of all others, the worst for the site of a camp, and should never be chosen when it is possible to obtain any other. Dry, sandy positions sloping to water, to secure good drainage, with wood at no great distance, yet not overshadowing the camp, and where the sun can have access to the ground and dry up the moisture speedily, are preferable to all others. The locality should not be in a valley if it can be avoided, but rather on a hillslope—not on the top of a lofty height, since the soldiers would be exhausted in the transportation of fuel, etc.; not on a plain unless the plain is extensive and dry.

An army going, as the army of the United States have done, to a *climate* warmer than that in which they had previously resided, find a necessity, if health is to be maintained, for care in diet and habits, and should as far as possible adopt the customs and food of the people of the new climate, to secure that acclimation without which the change will be likely to prove fatal to large numbers. The food in a hot climate should be to a greater extent composed of fruits and amylaceous substances. Meat and spirituous liquors should be sparingly used in health, and coffee or tea substituted for the latter. The clothing should be adapted to the climate, and violent exercise avoided in that portion of the day when the heat is most intense. The use of anti-scorbutics and sub-acids, to avoid scurvy, is indispensable.

The *habitations* of the soldiers greatly in-

fluence their hygienic condition. These may be considered under three heads: *camps*, in the field, consisting of tents or huts; *barracks* for those in garrisons or camps of instruction, and *hospitals* for the sick or wounded. In camp, there are several descriptions of tent used, the principal of which are the Wedge tent, now falling into disuse from its inconvenience; the Sibley tent, conoid in form with a movable cowl at the top, so arranged as to be easily shifted according to the direction of the wind, or a modification of it made by fastening three poles together at one end, the other ends being separated so as to form a large tripod; and the Bell tent, so named from its form, and which is ventilated by a window cut in one side near the top, which can be closed by a canvas flap. These tents are in use by the men; the Sibley is intended for fifteen infantry soldiers, or thirteen mounted men, too large a number for effective ventilation or comfort. The officers' tent is square, and has a canvas wall four feet high, which can be raised all around. It has also a fly or movable canvas flap on each side of the roof, which aids in preventing the heat of the sun or the rain from entering. The hospital tent is larger and higher, being 15 feet square and 12 feet high, with a wall 4½ feet high, and has a heavy fly. The ends are open, and it is so arranged that two or more can be joined together, forming a continuous ward. On the march the troops sometimes use the small shelter tent or *tent d'abri*, composed of canvas sheets and jointed sticks, of which each one of the four soldiers who are to occupy it carries his portion. These afford a slight protection from rains and heavy dews at night, but most of the soldiers prefer sleeping in the open air. Where a camp is somewhat permanent, the soldiers often build *huts*. These are generally large enough to contain 20 men, and should, but do not always, have a ridge ventilation. There is a great tendency to overcrowding in the camps, by placing them too closely on the plot selected for a camp. The army regulations, based on the number of men in the old Wedge tent, prescribed a density of population equal to 86,448 to the square mile, a far greater number than are crowded into the same space in either London or New York. With the Sibley tent, the application of this rule would have led to a density nearly three times greater than this. The evil effects of such overcrowding were soon exhibited in the increase of sickness in the camps, and the space occupied has been greatly enlarged by the commanding generals. The police regulations of the camp must be strictly enforced, or there is invariably a serious increase of illness. Every tent or hut must have a trench around it, the streets and open spaces must be carefully swept every day, and all garbage and filth carried off, the latrines placed to leeward of the camp, and a foot of fresh earth thrown on them daily, fires built in the open spaces, as often as military necessity will admit, tents struck and moved to another position, and the earth on which they stood allowed to sun, and the sides of the tents raised to admit fresh air. With the observance of these precautions, a camp life is favorable rather than prejudicial to health.

The attention to ventilation, the avoidance of overcrowding, and the careful observance of cleanliness, so requisite in camp, are still more necessary in barracks, and in addition to these, there should be strict regard given to bathing and ablution by every inmate. Most of the barracks have ample provision for this, and it should be enforced, if necessary, as a matter of discipline.

While great attention has been paid to the hygienic condition of the camps and barracks, a work in which the Medical Inspectors of the Sanitary Commission have rendered valuable service to the army and to the medical department, that department has performed a Herculean labor in the erection and fitting up of 233 general hospitals, in different parts of the country, beside a very considerable number of post and garrison hospitals. These hospitals are generally temporary structures, intended to last, without material repairs, for ten years, but in their vast extent, their admirable plans, and their completeness of outfit, they have never been approached by those of any other nation. At the commencement of the war, the War Department had no hospitals, save a few post and garrison establishments of antiquated design, and whose aggregate capacity was less than that of a single one of the magnificent structures since erected. In the battles of the spring of 1862, though new hospitals were erected with the utmost rapidity, consistent with their thorough adaptation to the wants of the patients, they were inadequate to accommodate the tens of thousands of the sick and wounded who needed care, and the Government was compelled to solicit the admission of its patient sufferers into the civil hospitals in the large cities. In this way many were provided for in Baltimore, Philadelphia, New York, Boston, Pittsburg, Cincinnati, St. Louis, and Louisville. The pushing forward of the new hospitals to completion, as well as the erection of others, meantime occupied the energies of the Quartermaster-General and the Surgeon-General, both men of extraordinary executive ability, and in the autumn of 1862, they were able to announce their readiness to accommodate in their own hospitals all their sick and wounded. In the construction and administration of those hospitals the Surgeon-General laid down these principles to be observed:

1st. That they should be capable of being well ventilated.

2d. That each should be sufficiently capacious for the number of inmates it was to contain.

3d. That they should admit of good drainage.

4th. That they should be provided with a sufficient number of windows.

5th. That the kitchen, laundry, and other offices of administration, should be separated from the wards, well arranged, and of ample size.

6th. That efficient water-closets, ablution, and bathing accommodations should be provided.

7th. That they should be amply supplied with water and gas, or other means of illumination.

8th. That the furniture of all kinds should be of suitable quality.

9th. That the officers and attendants should have their proper respective duties assigned to them, and that they should be in number sufficient for the wants of the sick.

10th. That proper rules should be established for the government of the hospital, for the diet of the inmates, and for preserving order and an efficient state of police.

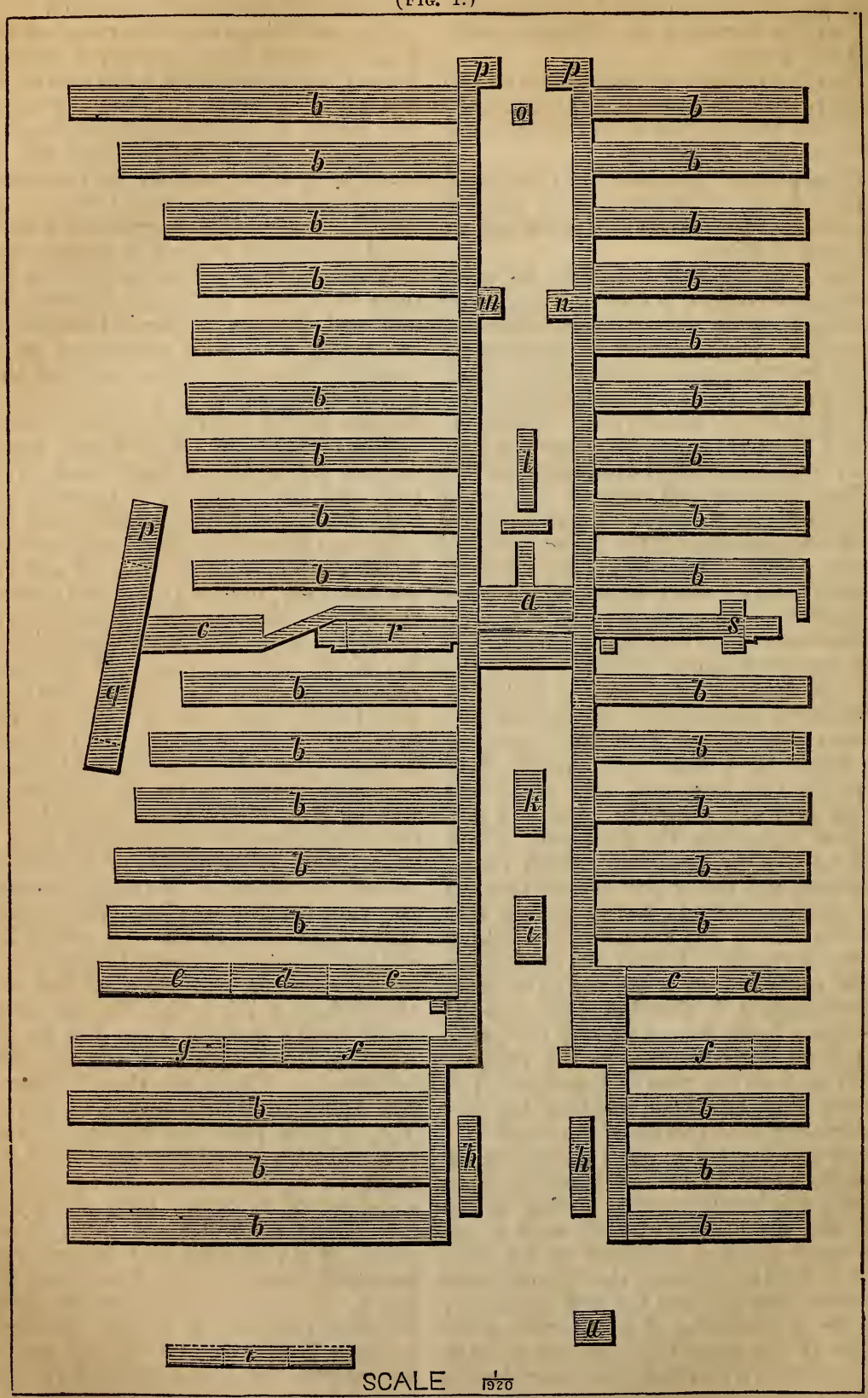
The idea of a hospital, conceived by most non-professional readers, is that of a huge barrack-looking building or buildings, three or four stories in height, gloomy in appearance, and into whose cavernous walls many a poor unfortunate enters, but very few return to the life and bustle of the outer world. This typical hospital is as far as possible from the conception of Surgeon-General Hammond, or the able medical directors and surgeons who have been his coadjutors in planning and superintending the construction of the General Hospitals of the Army. They started with certain fundamental ideas of construction, which have been carried through all their hospitals. The first of these was ridge ventilation, or the supplying a way of egress for the foul air of the ward by an opening of from ten inches to three feet at the ridge or apex of the roof, protected from the admission of rain, snow, or violent winds by a false roof, raised four inches above the true one, and projecting over it on each side about two feet. A perforated iron plate near the floor and behind each bed admits the fresh air, which passes thus upwards, and forces the foul air through the roof opening. This forms the summer ventilation. In winter the fresh air is admitted around the stove from below, and passing between the stove and an outer casing of zinc, which surrounds it, is distributed through the room; while a large, square wooden tube open at the bottom, and extending to the roof, receives and encloses the pipe of the stove to its termination above the ridge, and thus becomes the ventilator of that portion of the ward.

Another new feature in the construction of these hospitals was the entire separation of the wards from the administrative portion of the hospital, and the making of each ward a single one story pavilion, removed so far from every other ward or building, that it could have the benefit of the sun, and the free circulation of pure air on both sides of it, throughout the day, while at the same time one end of each ward opened from a corridor which would serve as a covered hall for exercise to the convalescing patients, and through which there was communication with the administrative buildings. The pavilions were to have their long diameter, where possible, a north and south line. Another point insisted upon was that no patient should have less than 1,000 (except under very peculiar circumstances not less than 1,200) cubic feet of space, and the air of this, by the system of ventilation, constantly changing.

The pavilions were to be raised at least one foot, generally two, above the ground; the floors to be coated with a mixture of beeswax and oil, to prevent any liquid from soaking into them; the baths and water closets to be at the extreme end of the pavilions, and form an angle with them, and to be connected with such a system of sewerage as would convey all offensive matters and odors away instantly. A ward or pavilion was not to contain more than fifty-two beds, and these were to be placed in pairs with three feet space between the two, and each pair to be placed between the windows; the two beds occupying an average space of fifteen feet in the length of the ward, and of seven and a half feet in width, and a passage way of ten feet to extend through the middle of the ward for its whole length, thus making the width of each ward twenty-five feet, and its length, if it contains fifty-two beds, about two hundred and twenty feet; the additional twenty-five feet being occupied with water closets, scullery, &c., at one end, and wardmasters', nurses' rooms, and mess room at the other. In the practical application of these principles, it has been found better not to have the wards quite so long, and they generally contain only thirty-six or forty-eight beds (some only twenty-four); or, if there are fifty-two, they occupy somewhat less than fifteen feet to the pair. The first large hospital built upon the principles presented by the surgeon-general, was the West Philadelphia Hospital, situated at the intersection of Forty-fourth and Spruce streets, half a mile outside of the limits of the city of Philadelphia. We subjoin an engraving (fig. 1) of the general plan. The corridors are each 860 feet long, 14 feet wide, and 13 feet high, and serve as mess rooms for the pavilion. There are 34 pavilions, *b b b*, each 24 feet wide, and 13 feet high at the eaves; they are now of unequal length, ranging from 150 to 250 feet. Between the corridors is the administrative building, *a*. There are three kitchens, *c c c*; two laundries, *d d*; a chapel, *e*; store rooms, *f f*; a mess room for special occasions, *g*; two buildings for officers' quarters, *h h*; boiler room, *i*; residence of surgeon in charge, *k*; water tanks, *l*; barber shop and printing office, *m* and *n*; boiler and tank, *o*; smoking rooms, *p p*; reading and lecture room, *q*; knapsack room, *r*; guard room, *s*; stable, *t*; guard, *u*. The pavilions are 21 feet apart, which is too close by at least ten feet. The building is of wood, lathed and plastered on the outside. Its cost, aside from furniture, exceeded $200,000. It has 3,124 beds. The number of medical officers is fifty-two, beside eighteen medical cadets, and of cooks, nurses, and other attendants, four hundred and sixty-four. There are also three chaplains.

A still finer example of a great military hospital, the largest in the world, is the Mower General Hospital, at Chestnut Hill, Philadelphia. This vast establishment consists of 50 pavilions, each 175 feet long, 20 wide, exclusive of the water closet and scullery which

(Fig. 1.)

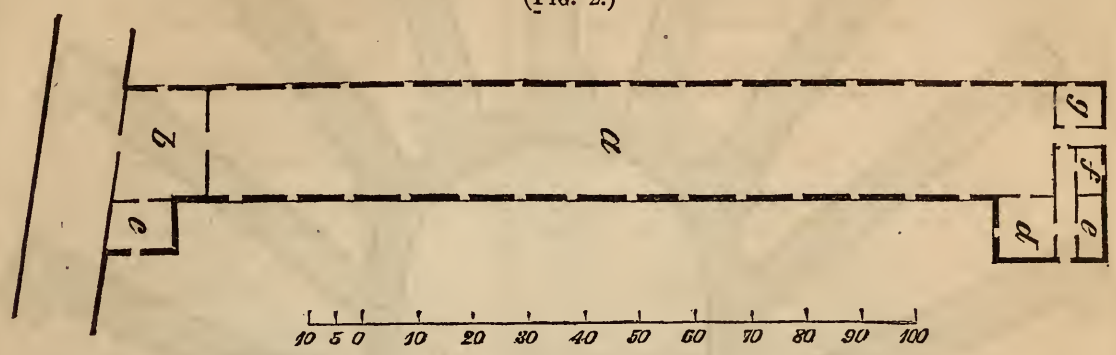


GROUND-PLAN OF WEST PHILADELPHIA HOSPITAL.

project from the pavilion, 14 feet high to the eaves, and 19 feet to the ridge. These pavilions project in radii from a corridor of flattened ellipsoidal form, 16 feet wide, and 2,400 feet long, enclosing an area of 541,466 square feet. Across the shorter diameter of the ellip-

soid, as well as around its circumference is a railroad for moving food, fuel, furniture, carrying the patients to their wards, &c. The administrative portion of the building is in the central plot. The pavilions are twenty feet apart at the corridor, and forty feet at the distant extremities, and the circulation of air around them is thus secured. The sides of the corridor are almost entirely composed of glass sashes, which, in summer, are entirely removed. During inclement weather they are closed, and the corridor is furnished with fifty large stoves, and used as an exercise hall, for those patients who are able to leave their ward. To each ward, at the end nearest the corridor, a mess room is attached, sufficiently large for the use of those patients who are able to leave their beds. The following plan (fig. 2) shows the arrangement of

(Fig. 2.)



GROUND-PLAN OF WARD PAVILION OF CHESTNUT HILL HOSPITAL.

a ward pavilion in detail: *a* is the ward room, occupying 150 feet in length of the pavilion, and twenty feet wide, containing fifty-two beds; *b*, the mess room; *c*, scullery; *d*, bath room; *e*, water closet; *f*, ablution room; *g*, wardmaster's room. The pavilions are four or five feet narrower than they should be, and when the beds are all full there are but 960 cubic feet of air to each patient; but as this is constantly changed by the admirable ventilation, it is nearly sufficient. The number of beds is 3,320. There is a force of 622 officers, attendants, guard, &c., attached to the hospital. The cost of the buildings was over $250,000. The McClellan Hospital, situated in the neighborhood of Philadelphia, though smaller (1,040 beds), is, perhaps, more nearly perfect than any other yet erected. The corridor is of a flattened ovoidal form, from the ends of which the pavilions project. These pavilions are wider, larger, and farther apart than at the Mower Hospital. The administrative building is in the centre and connected with the corridor by two straight passage ways. In the ground-plan (fig. 3), *a* is the main corridor; *b b b*, wards; *c*, administrative building, two stories high; *d*, kitchen; *e*, laundry; *f*, clothing and guard rooms; *g*, engine room; *h*, stable; *i*, provision and knapsack store room; *k*, quarters of medical officers in charge.

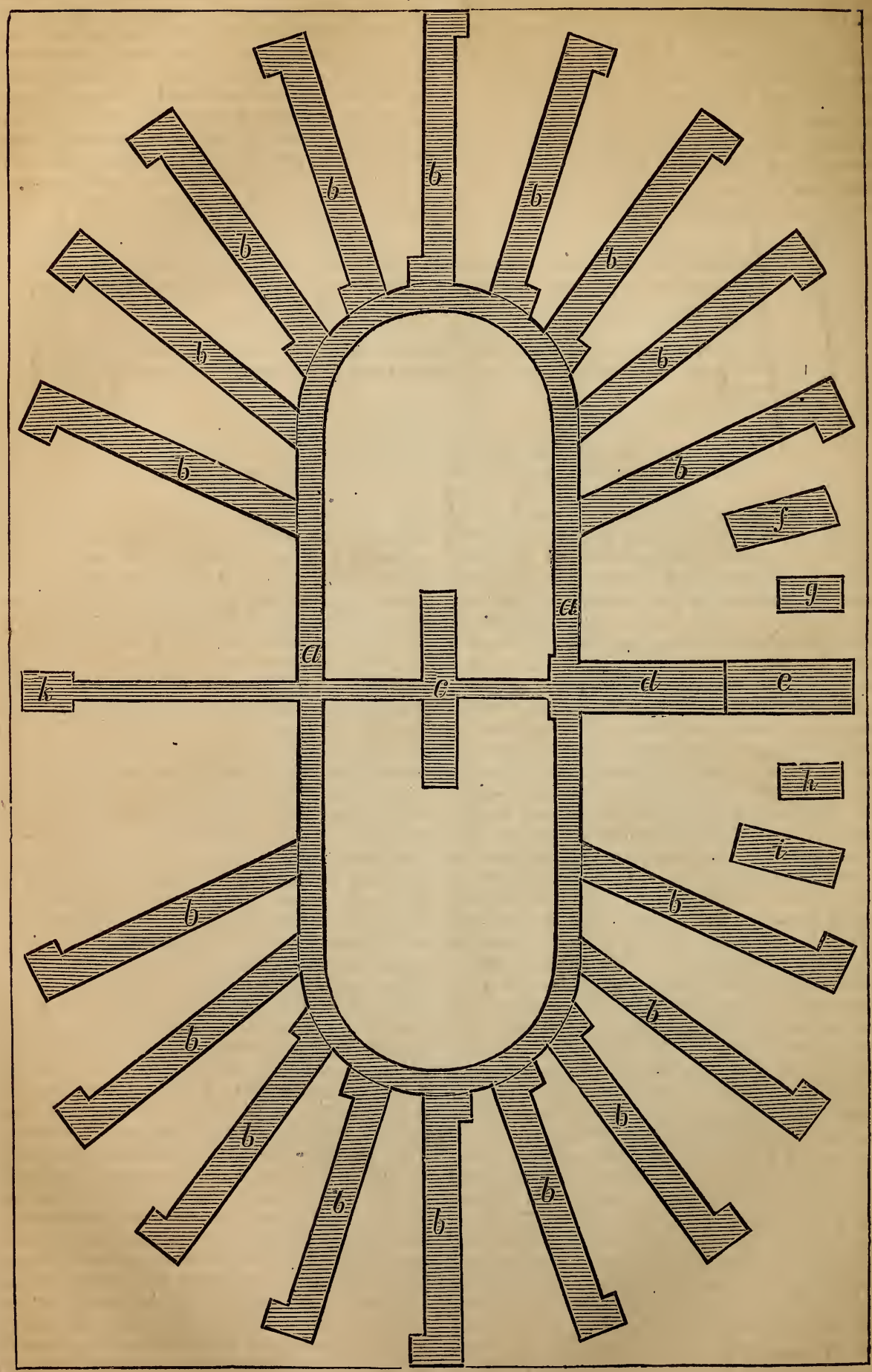
We give below ground-plans of two other military hospitals of large size, each arranging the pavilions in a different way, but all observing the same principles. The first is the Hammond General Hospital, at Point Lookout (fig. 4), in which sixteen pavilions project from a circular corridor. The administrative building is the wide structure at the upper side of the circle, and the kitchen, laundry, guard room, dead house, &c., are in the centre. The pavilions here are 40 feet apart at the corridor, and 75 feet at the farther end. They are 145 feet long, 25 feet wide, and 14 feet high to the eaves, and 18 to the ridge. The ventilation is perfect. Each patient has 1,116 cubic feet of space. The second, the Lincoln General Hospital, at Washington city (fig. 5), has its pavilions placed *en echelon*, along a corridor, forming two sides of an acute-angled triangle. The administrative building is at the apex, and the kitchen, &c., inclosed within the angle. This hospital accommodates 1,200 patients. By this arrangement a thorough ventilation of each ward is secured, while all the wards have the same direction and receive the rays of the sun at the same time—a matter of considerable importance.

In the West, large hospitals on some one of these, or similar plans, have been erected at St. Louis, Louisville, Nashville, Madison, Evansville, and New Albany, Indiana; and others are building at Madison, Wisconsin; Davenport, Iowa; and other points.

For field hospitals, the hospital tent is undoubtedly preferable to any building. Where a camp is somewhat permanent, the improved Crimean tent with double walls, ridge ventilation, and the admission of pure air near the floor, answers a good purpose. In both, special attention should be paid to ventilation, and over-crowding carefully avoided.

In the lighting and warming of hospitals, special care is now taken to avoid vitiating the air by the gases produced by combustion. Where it is possible, illuminating gas is used, but the vitiated air, and carbonic acid gas, are conducted off by chimneys in such a way as to increase the ventilation of the ward. If gas cannot be obtained, the vegetable oils or paraffine, spermaceti, or wax candles are preferable to any other modes of illumination. Coal or petroleum oils, camphene and burning fluid, ir-

(Fig. 3.)

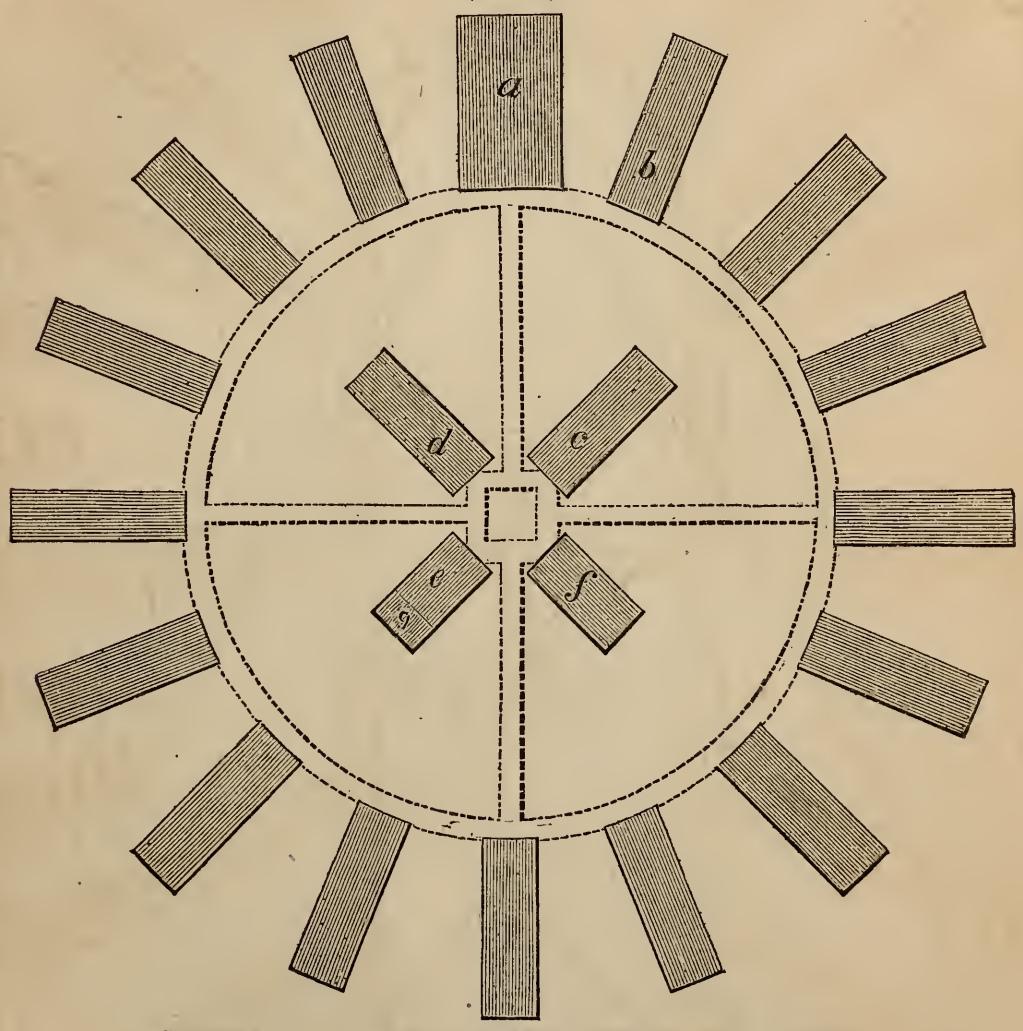


M'CLELLAN HOSPITAL, PHILADELPHIA.

ritate the lungs, and affect the respiration. The animal oils give off carbon, carbonic acid, and carburetted hydrogen in too large quantity to be desirable. The heating of the hospital wards should be connected as far as possible with the ventilation. The usual method is by stoves, though in some, hot water is introduced with advantage. Ruttan's system would seem to possess advantages over any other plan of warming and ventilation, but, so far as we are aware, has not been introduced. The temperature in cold weather is carefully watched, and is not allowed to vary much from 64° to 66° Fahrenheit.

The *alimentation* of the soldier is one of the most important items in the hygienic condition of the army. Great attention has been paid by the medical and commissary officers of the Government, to the arrangement and character of the ration, in order to furnish such combinations of food, and of such quality, as should be best adapted to maintain the health and strength of the soldier in its greatest perfection. The rations of most of the European armies are de-

(Fig. 4.)

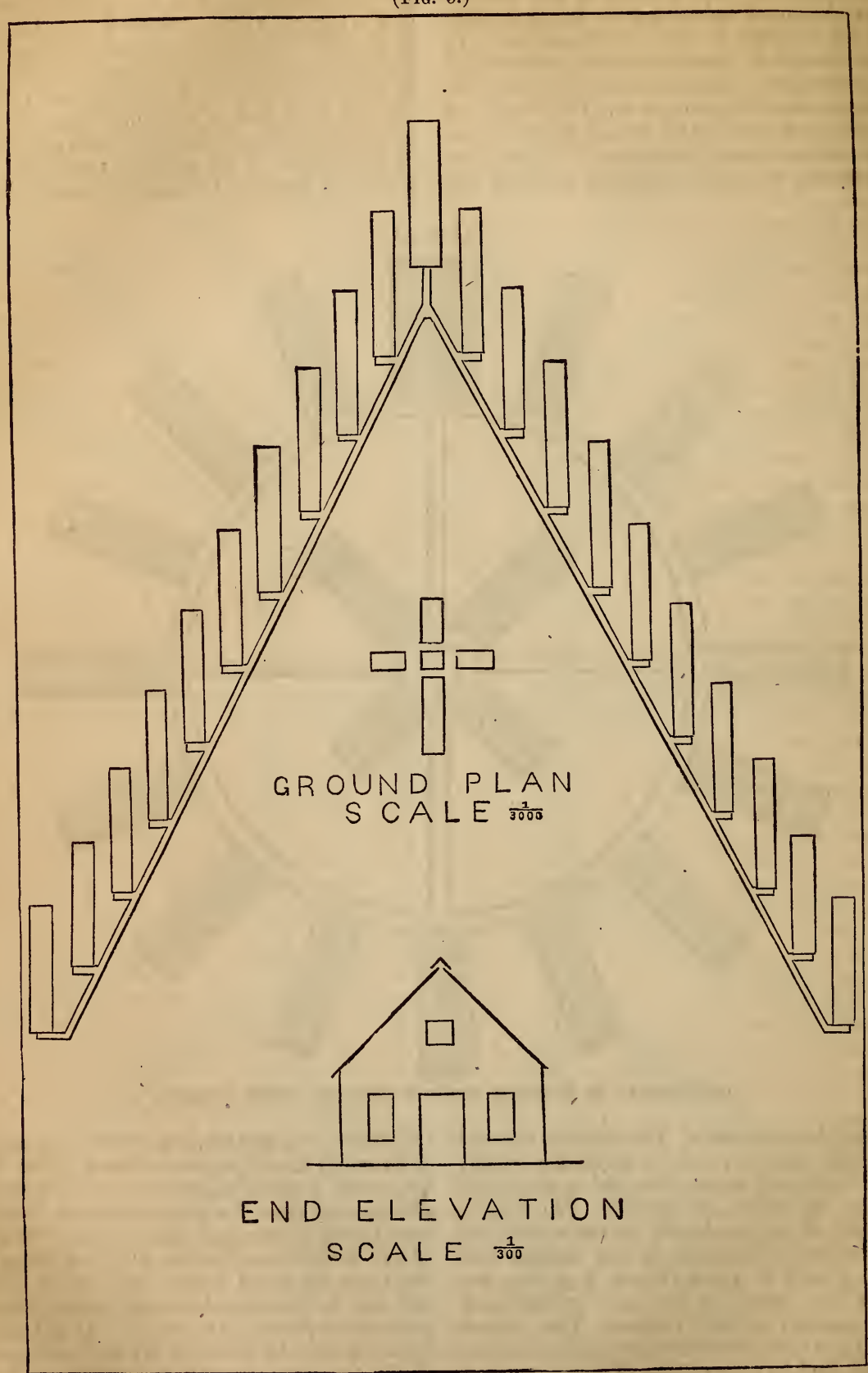


GROUND-PLAN OF HAMMOND GENERAL HOSPITAL, POINT LOOKOUT.

fective in these respects. The quantity of meat is generally too low, and in some, the supply of fresh meat and vegetables, and of coffee and sugar, is altogether inadequate. The fearful prevalence of typhus fevers, and of scurvy and other cachectic diseases, in the British and French armies in the Crimean war, was unquestionably owing to the poor quality and scanty quantity of the rations. The British soldier receives at home stations sixteen ounces of bread, and twelve ounces of flesh meat uncooked; on foreign stations, sixteen ounces of bread, or twelve ounces of biscuit, and sixteen ounces of meat, fresh or salt. This is charged to him at three and a half pence per day abroad, or four and a half pence per day at home. Coffee, sugar, pepper, potatoes, salt, or whatever else he may need, he must purchase from his own funds, where and how he can. In a few of the foreign stations, as at Hong Kong and the Cape of Good Hope, rice, sugar, coffee, and salt, in insufficient quantities, are issued as component parts of the ration. In the United States army, the ration is wholly independent of the pay, and consists of the following articles: bread or flour, 1 lb. 6 oz.; fresh and salt beef, 1 lb. 4 oz., or pork or bacon, 12 oz.; potatoes, 1 lb. three times a week; rice, 1 $\frac{6}{10}$ oz.;

coffee, 1 $\frac{6}{10}$ oz.; or tea, $\frac{24}{100}$ of an oz.; sugar, 2 $\frac{4}{10}$ oz.; beans, $\frac{64}{100}$ of a gill; vinegar, $\frac{32}{100}$ of a gill; salt, $\frac{16}{100}$ of a gill; in addition to the above, 1 lb. of sperm candles, or 1¼ lbs. of adamantine candles, or 1½ lbs. of tallow candles, and 4 lbs. of soap, are issued to each hundred rations. Pepper has also been recently added to the ration, and extra issues of pickles, fruits,

(Fig. 5.)



LINCOLN HOSPITAL, WASHINGTON CITY.

sauerkraut, and other vegetables are made, whenever the medical officers consider them necessary for the health of the troops. Whenever it is practicable for the troops to bake their own bread, flour is issued, and as the amount of bread thus produced would be excessive for a ration, the surplus flour is resold to Government at cost, and a company fund formed, which is used for the purchase of such additional articles of food or comfort as may be desired. In time of peace, company gardens are cultivated at every military post, and furnish an abundant supply of fresh vegetables.

The ration is somewhat in excess of the wants of the soldiers, and it is a very general custom in the army for the companies to sell back a portion of it which is unconsumed, to the commissary, and from the company fund thus formed, obtain milk, fruits, or other luxuries.

It is evidence of the sufficiency and good quality of this ration, that with the exceptions presently to be mentioned, there has been little or no tendency to scurvy in the army, and no indications of insufficient alimentation. In the case of the army in the Department of the South, in Folly and Morris Islands in the summer of 1863, there was for some time difficulty in obtaining a full supply of some articles comprised in the ration, especially the fresh meat and vegetables, and the quality of the biscuit was poor, partly probably from the sea voyage; the men were meanwhile exposed to extraordinary fatigue, and severe labor, and though few cases of clearly defined scurvy appeared, there were cachetic symptoms in connection with the disease which prevailed. To the extraordinary and humane efforts of the Sanitary Commission, in providing ice, lemons, oranges, lime juice, potatoes, onions, and other anti-scorbutics in large quantities, and furnishing them freely to the men, is unquestionably due the preservation of that army from scurvy, in its worst forms. Gen. Grant's army, during the siege of Vicksburg, was in a similar condition of danger; the salt beef and hard tack, which, for a time, constituted their principal food, from the difficulty of transportation, proving insufficient to maintain the men in sound health under the severe labors of the siege. Here again the hospital visitors of the Sanitary Commission discovered the danger of scurvy; and potatoes, onions, sauerkraut, &c., were sent forward in immense quantities, and with the best possible effect. There was a similar danger for a time at Chattanooga, after the battle of Chickamauga, and at Knoxville during the siege, the men subsisting for some weeks on half rations; but with the removal of the obstructions to transportation, and the returning abundance, the cause for alarm passed away. In the Confederate army scurvy and cachectic diseases have prevailed in several instances with great malignity, and the insufficiency of the rations has been indicated painfully in the low grade of febrile action, which has prevailed in their camps.

The last topic which we shall mention as exerting an influence upon the hygienic condition of the army, is the *clothing* of the soldier. This is a matter of importance in relation to its sufficiency in protecting from cold, in guarding the body against excessive heat, in permitting the free use of the limbs, and in rendering the man a more or less conspicuous mark for the fire of the enemy. The sudden changes and rapid transition from cold to heat, and from heat to cold in the climate of the United States, render woollen clothing preferable to any other for army use, though for a short time in the summer, in the Southern departments, cotton, duck or jeans might be used with advantage. The color of the clothing, experience has fully settled, should be light blue, or gray, and for the purpose of being less distinctly seen by the sharpshooters of the enemy, red, which had at the beginning of the war been adopted by some regiments, proves more objectionable than any other color. The *kepi* or small cap is preferable to most other forms of headgear, though the soft hat is not without some advantages, and the *tarboosh* or turban of the Zouaves is valuable as a protection from the direct rays of the sun. The neck, if covered at all, should only have the lightest and loosest of coverings. The trousers should be loose and full, and the shoes broad and long enough for easy walking. Gaiters of linen, woollen, or leather, are advantageous, supporting the leg and preventing varicose veins.

It is owing to the care and persistence with which these various hygienic measures have been urged upon the army, and the great pains which have been taken to instruct and train the army surgeons, and nurses in the hospitals for their duties, that the army of the United States, composed almost wholly of volunteers, whose whole mode of life has been changed by their new vocations, the greater part of them entirely ignorant of the laws of health, with surgeons who had, for the most part, no previous training in military medicine or surgery, and many of whom were utterly unfitted for their duties, has maintained a lower sick rate, as well as a lower rate of mortality than any other army in modern times. This result has been reached too, while the regions in which the army has been stationed have in general been exceedingly unhealthy to the unacclimated, quite as insalubrious as any part of Spain, Portugal, or the Crimea. The attainment of so gratifying a result is due in a great degree to the U. S. Sanitary Commission, which, by its careful, regular and special medical inspections of every army corps, and all the hospitals, has promptly detected any violations of hygienic laws, and taken measures to correct them; has published brief medical and surgical tracts from the pens of the ablest military physicians in this country and Europe, and placed copies in the hands of every army assistant surgeon and medical cadet in the army; has trained many of the best nurses for camp, field, and hospital; has provided anti-

scorbutics in vast quantities where they were needed, and by its ministrations to the sick and wounded, and its stores of cordials, medicines, delicacies, and clothing, has powerfully aided in restoring the disabled to service. The assistance thus rendered to the medical department of the Government, with which the Commission has ever acted in perfect harmony, has saved many thousands of lives, and rendered the army far more effective, than it otherwise could have been.

A brief comparison of the medical statistics of the British army in the Peninsular war, in the war with Russia, and in times of peace, with those of the army of the United States during the present war, will show conclusively the beneficial results of the strict attention paid to hygiene in the latter.

The average annual mortality in the British army during the Peninsular war was 165 men out of every thousand. Of these 113 died by disease or accident, and 52 by wounds received in action. From 1803 to 1812 the average annual death rate of the entire British army abroad, was 80 per 1,000;—71 by disease or accident, and 9 by wounds in action. This, it should be remembered, was in a veteran army composed, not of raw recruits, but of men hardened to exposure by years of service, a class of men far less liable to illness than raw recruits, just from the farm, the store, or the workshop. In July, August, and September, 1854, the British army in the Crimea lost at the rate of 293 men per thousand, per annum. During the next three months, October, November, and December, the loss was at the annual rate of 511 to every thousand, 443 of which was by disease. In January, 1855, the mortality was at the rate of 1,174 to every 1,000 —equal to the entire destruction of the army in ten months, and 1,143, or 97 per cent. of this loss was by disease. During the first three months of that year the death rate was 912 out of every thousand, and 98 per cent. of it from disease.

During the entire campaign of 2½ years, April, 1854, to June, 1856, the annual death rate was 232 per 1,000, of whom 202 were from disease, and only 30 from wounds received in action. In other words, during the campaign of 2½ years, 582 of every thousand men died from disease or wounds and 505 of every thousand from disease.

According to the Register General's report for the year 1861, the mortality among the home troops of Great Britain in that year was 91.24 in every thousand, in a time of peace, and among the troops abroad, the mortality from sickness averaged 100 in every thousand.

In the armies of the United States from April 15th, 1861, to May 18th, 1862, the entire death rate was 53 per 1,000, per annum, of which only forty-four per cent. or less than one-half was from disease or accident. During the year and eight months which have since ensued, the loss from wounds in battle has been very large, and during a portion of the time there has been a large percentage of sickness from typhoid fever, diarrhea, dysentery, small pox, &c., but the death rate has not reached the ratio of the first year. On the 30th of June, 1863, there were in the general hospitals 91 men for each 1,000 of the army, and in field hospitals, 44 out of every thousand, making in all 135 of each 1,000 sick or wounded, of whom 110 were cases of sickness, and 25 of wounds or casualties. This far surpasses the British army even in time of peace. In 1861, the British troops in China had, in southern China, 283 out of every 1,000 constantly sick, and in northern China 205 out of 1,000. Among the Home troops, the admissions into hospital were 1,025 of 1,000 mean strength, and 545 of every 1,000 were constantly sick. The careful weeding out of incompetent surgeons and inefficient nurses, the material improvement in the ambulance service, and the admirable construction of the new hospitals, in respect to temperature and ventilation, have during the past year exerted a powerful influence, notwithstanding the terribly destructive battles of the year, in diminishing the mortality, and promoting the recovery of the sick in the army, and though the recurrence of great battles must necessarily increase the death rate, there is reason to believe, that with the resources of medical art, and of a boundless philanthropy, it will continue to be smaller than in any great war of ancient or modern times.

I

ILLINOIS. A short session of the Legislature of Illinois was held during the year, which attracted some attention by the manner in which it was brought to a close. A resolution for fixing a day for final adjournment passed the Senate, and was sent to the House for concurrence. In the House it was amended by the insertion of another day. In this amendment the Senate refused to concur. Under this state of facts, Gov. Yates sent the following message to the Lower House:

STATE OF ILLINOIS, EXECUTIVE DEPARTMENT.

To the General Assembly of the State of Illinois:

Whereas, on the 8th day of June, 1863, the Senate adopted a joint resolution to adjourn, *sine die*, on said day, at 6 o'clock P. M., which resolution, upon being submitted to the House of Representatives on the same day, was by them amended by substituting the 22d day of June, and the hour of 10 o'clock A.M., which amendment the Senate thereupon refused to concur in;

Whereas, the Constitution of the State contains the following provision, to wit:

SEC. 13. Art. 4. In case of disagreement between the

two Houses with respect to the time of adjournment, the Governor shall have power to adjourn the General Assembly to such time as he thinks proper, provided it be not a period beyond the next constitutional meeting of the same.

Whereas, I fully believe that the interests of the State wil be best subserved by a speedy adjournment, the past history of the present Assembly holding out no reasonable hope of beneficial results to the citizens of the State, or the army in the field, for its further continuance;

Now, therefore, in view of the existing disagreement between the two houses in respect to the time of adjournment, and by virtue of the power vested in me by the Constitution aforesaid, I, Richard Yates, Governor of the State of Illinois, do hereby adjourn the General Assembly, now in session, to the Saturday next preceding the first Monday in January, A.D. 1865.

Given at Springfield, this 10th day of June, A.D. 1863. RICHARD YATES, Governor.

After the reading of this message, the minority or Administration party withdrew from the House, thus leaving the majority, or Opposition, without a quorum. Being rendered powerless for the further transaction of business, the majority entered upon the records a protest against the action of the governor, and informally left their seats. Gov. Yates was elected in November, 1860, for a term of four years. The Assembly, and one half the Senate, thus adjourned, were elected in November, 1862.

The Supreme Court of the State consists of a chief justice and two judges, and the matter came before that body in four cases, designated "mandamus cases, as follows:"

Four cases, in various forms, were pending, the object of which was to obtain a decision establishing the legal existence of a corporation called "the Wabash Railroad Company;" and they were prosecuted by those in the interest of the supposed corporation.

Whether the supposed corporation had a legal existence depended upon whether a bill of the last session of the Legislature to incorporate it had become a law; and this, in one view of the case, depended upon another fact, namely: whether that session continued ten days, Sundays excepted, after the 10th day of June, when the bill went to the Governor for his action thereon. The records upon which the parties submitted the case admitted, in effect, the following facts:

That on the 10th of June the Governor issued his proclamation adjourning the session—that thereupon there ceased to be a quorum in either house. That on the 10th and 11th the pay-rolls of the session were made out under the supervision of the two houses, certified to by the respective Speakers of Senate and House, transmitted to the Auditor for payment of the members, and that the members generally went before the Auditor, receipted the pay roll, received their pay and departed for their homes. That from the 11th to the 23d of June, the halls of the two houses were vacant and locked, the members having departed to their homes without any indication of intention to return, or to resume legislation, and that on the 23d two senators met in the Senate hall, and three representatives in the hall of the House, and assumed legislative powers by, among other things, meeting and on the morning of the 24th adjourning the session to January, 1864.

Under the Constitution, a less number than a quorum—two thirds—may adjourn from day to day and compel the attendance of absentees, but a quorum only can exercise the powers of a General Assembly.

A memorandum of the decisions was made by the judges and properly filed, which was as follows:

The People on the relation of Keyes vs. *The Auditor of Public Accounts and the People on the relation of Harless* vs. *The Secretary of State.*—A peremptory mandamus in the above case is refused, Judges Walker and Breese holding that the proclamation of the Governor, acquiesced in by the General Assembly, terminated the session on the 10th day of June. Separate opinions will be filed early in January next.

December 11*th*, 1863.

For the action of the Assembly, by a vote of 47 to 13, relative to the order of Gen. Burnside, suppressing the Chicago "Times" newspaper, *see* FREEDOM OF THE PRESS.

At this session, the Legislature elected W. A. Richardson a senator in Congress. The vote was: for W. A. Richardson, 66; Richard Yates, 37.

The number of State banks is twenty-five, the securities of which are: Illinois, 6 per cent., $974,660; United States 5's, $8,000; North Carolina 6's, $2,000; total, $984,600. Circulation, September, 1863, $833,146. Six National Banks were established in 1863, viz.: 1 at Cairo, capital, $50,000; 1 at Chicago, capital, $250,000; 1 at Monmouth, capital, $50,000; 1 at Danville, capital, $50,000; 1 at La Salle, capital, $50,000; 1 at Rock Island, capital, $100,000; total, $550,000.

The number of public schools in the State at the close of 1862 was 9,811, the number of scholars 516,037, and the number of persons in the State between five and twenty-one years of age, 613,014. The amount paid for teachers' wages was $1,315,686. The amount of the school fund was $4,973,842. The number of students in the Normal University was 291. There is a State institution for deaf mutes at Jacksonville, having about 240 pupils; also an insane hospital at the same place, having 302 patients; also an institution for the blind, having 64 pupils.

The number of men furnished by the State to the army up to the beginning of 1863, was as follows: infantry, 119,404; cavalry, 16,917; artillery, 3,999; total, 140,320. No draft for men was made during the year, and the quota of the State was completed by volunteers. The liberality of the State in furnishing men and providing for them has been great.

A novel plan was adopted for the supply of the city of Chicago with water. It consisted in constructing a tunnel some distance under the bed of Lake Michigan for some miles from the shore, by which pure water could be obtained. The plan contemplates the sinking of octagonal cribs eighty feet in diameter, with central spaces, say thirty feet in diameter, leaving an average of twenty-five feet thickness to the crib around the shaft. In the central space, protected by the crib from the action of the waves, it proposed to sink iron cylinders nine feet in diameter, by the pneumatic process. The outmost shaft would be constructed with reference to its becoming the inlet for the water. The others might be removed to such a depth as not to interfere with navigation.

It is proposed to construct the cribs in still water, plank their bottoms and sides water-tight for several feet up, fill them with as much stone as they can safely carry, tow them to their places, and sink them by letting water into their bottoms, and then to fill them up as promptly as possible to their tops, with stone previously provided. Cribs of this shape and size it is thought would be stronger, and better calculated to resist the action of storms, than cribs of the same width and construction placed in a stright line. The shafts are to be air-tight iron cylinders, jointed together in sections of six to ten feet, and nine feet in diameter. The estimated cost of excavation and masonry for the tunnel is $143,000, or $13.54 per lineal foot; and for the tunnel complete, $307,552.

The investigations are based upon facts acquired by boring for an artesian well on the lake shore, where it was found that about twenty feet below the surface a clay formation commences, which continues upward of one hundred feet further. Wherever the investigation has been made, the bottom of the lake, where the water is more than twenty feet deep, is found to be clay.

In conducting the investigations two large scows, with all the necessary apparatus on board, were towed to the proper locality, and there secured by four anchors. In the space between the boats, a two-inch gas pipe is lowered, and rests upon the surface of the earth, the top being two or three feet above the surface of the water. The auger is then passed down through the pipe, and worked by two men: the pipe being held in place by others. Both the outside pipe and the auger are lengthened, as circumstances may require, by the addition of joints or sections, which are readily screwed on. The pipe and auger are drawn out and lowered, by means of a derrick about 25 feet high, with rope and tackle. Up to the present time three localities have been examined. The first three fourths of a mile from shore. Here the water was 23 feet deep, with a bed of four inches of sand. They penetrated 30 feet deep, and found nothing but blue clay. The second locality was 1¾ miles out. Here the water was 31 feet deep, with about the same depth of sand. The auger sunk 30 feet with the same result. The third, and the last locality is about 2¼ miles due east from the water works. Here the water was 36 feet deep, clear and cool. The earth was penetrated 30 feet below its surface. The surface is covered a foot in depth with a mixture of sand and soft, marshy clay. After penetrating six or eight feet, the clay becomes thick, and is harder the deeper it is penetrated. It is of a bluish slate color, of very fine grain, with little or no grit, and would probably make excellent brick. It is apparently fine enough for pottery ware. The clay is of about the same character the entire depth, wherever the borings have been made.

ILLUMINATION. The following, as among the more important results developed during the year past, in respect to the nature of materials for illumination, and the modes of their preparation and use, are deserving of notice:

Approximate Chemical Constitution of Bitumens, Solid and Liquid.—From an article entitled "Contributions to the Chemical and Geological History of Bitumens, and of Pyroschists or Bituminous Shales" ("Amer. Jour. of Science," March, 1863), by Prof. T. S. Hunt, we extract the following, in relation to the chemistry of bitumens:

The solid bitumens (asphaltum, etc.), in appearance often resembling some forms of bituminous coal, are distinguished from the latter by their being almost or entirely fusible, and by their solubility in benzole and bisulphide of carbon. Their chemical composition varies much, being representable by formulæ ranging from $C_{24}\ H_{22}\ O_{0.3}$—that of an elastic bitumen from Derbyshire (Johnston), to $C_{24}\ H_{14.6}\ O_2$—that of an asphalt from near Naples (Regnault). Five analyses of bituminous coal made by the latter chemist, yield from $C_{24}\ H_8\ O_{0.9}$ to $C_{24}\ H_{10}\ O_{3.3}$; while the mean composition of several analyses of coal, by Johnston, was $C_{24}\ H_9$, with from O_2 to O_4. The asphalts are thus seen to approach in composition the bituminous coals.

In the conversion of woody fibre into the successive stages of peat, lignite, and bituminous coal, the abstraction of variable proportions of water (HO), carbonic acid (CO_2), and marsh gas ($C_2\ H_4$), may give rise either to hydrocarbons like $C_{24}\ H_8$, which represents idrialine (a hydrocarbon with minimum of H), and the basis of most bituminous coals; or like $C_{24}\ H_{16}$, which is the approximate formula of the hydrocarbons of many asphalts; or like $C_{24}\ H_{24}$, which approximately represents crude petroleum (apart, of course, from water that may be intermixed with it). Anthracite, which is nearly pure carbon, and petroleum, which is (among natural bodies) carbon with a maximum of hydrogen, stand as the two extremes in the process of coal-formation.

Chemical Constitution of American Petroleum.—M. Schorlemmer has examined the refined but still composite coal oil known as *kerosene*, obtained by distillation of cannel coal at low temperatures. He finds it to contain a series of homologous hydrocarbons, their general formula being CnHn+2, and which may be regarded as the hydrides of alcohol radicals. The oil, which boils below 120°C., contains the four hydrides—

$C_{10}\ H_{12}$=	hydride of	amyl,	boiling at	39°C.
$C_{12}\ H_{14}$=	"	hexyl,	"	68°C.
$C_{14}\ H_{16}$=	"	heptyl	"	98°C.
$C_{16}\ H_{18}$=	"	octyl.	"	119°C.

Precisely the same products were found by the analyst in American rock oil, or petroleum. He states that in this both benzole and toluole exist, but that these are present in larger proportion in cannel-coal tar. He purified the oils by strong nitric acid, which leaves the greater part unattacked, but removes the ben-

zole and toluole; then, after washing, drying over caustic potash, and distilling with sodium, the four hydrides above given were obtained, as from coal tar.

MM. Pelouze and Cahours have also examined the American petroleum; and they, too, find that it consists essentially of compounds which are homologous with marsh gas, the lowest term of the series obtained by them being the hydride of butyl, $C_8 H_{10}$, which passes into the state of vapor at a little above 0°C., while the highest term yet studied is $C_{30} H_{32}$. From these hydrides the authors have obtained the corresponding chlorides, and, in many cases, the alcohols. They consider it probable that paraffin is a mixture of still higher terms in the series. But their results contradict those of M. Schorlemmer, in relation to benzole and toluole, the presence of which in petroleum they explicitly deny.

In the "Scientific American" (New Series), vol. viii, p. 171, an abstract is given of a process recently patented by Mr. W. W. Tindall, of Liverpool, for the deodorizing of petroleum, and other mineral oils; and in the same journal, vol. ix, p. 133, an account of Prof. E. V. Gardner's new method of refining the same oils. The number of readers, however, to whom the details of these processes would prove of interest, is extremely small.

Supposed Sources of Petroleum in certain Oil-bearing Strata.—Mr. T. S. Ridgeway, geologist and mining engineer, having surveyed the oil district of Oil Creek, Penn., states, as a result of this examination, his conviction that the petroleum of this district is not produced from the coal fields, since in that case it would have had to flow up hill into the oil basin. He says: "Petroleum found in bituminous coal-basins no doubt originates from beds of coal; * * but it is my opinion that the petroleum of the Oil Creek valley is the result of the decomposition of marine plants."

Prof. Hunt, in the communication above mentioned, states that it is in the Lower Devonian (Corniferous) limestone that, in this country, the greatest amount of petroleum occurs; and he considers that, although the Higher Devonian sandstones in New York and Pennsylvania are often impregnated with the oil, so that these, along with higher strata, supply the oil-springs of those States, yet the real source of the oil in these strata may be in the Lower Devonian,—this, as he thinks, being undoubtedly the case in regard to the petroleum of Western Canada.

In certain townships on the northern shore of Lake Erie, coralline beds and those in which certain shells appear, are found filled or impregnated with petroleum. Speaking especially in reference to the township of Bertie, opposite Buffalo, Prof. Hunt says: "The facts observed at this locality appear to show that the petroleum, or the substance which has given rise to it, was deposited in the beds in which it is now found, at the formation of the rock. We may suppose in these oil-bearing beds an accumulation of organic matters, whose decomposition, in the midst of a marine calcareous deposit, has resulted in their complete transformation into petroleum, which has found a lodgment in the cavities of the shells and corals immediately near. Its absence from the unfilled cells of corals, in the adjacent and interstratified beds, forbids the idea of the introduction of the oil either by distillation or by infiltration. The same observations apply to the petroleum of the Trenton limestone; and if it shall hereafter be shown that the source of petroleum (as distinguished from asphalt) in other regions is to be found in marine fossiliferous limestones, a step will have been made toward a knowledge of the chemical conditions necessary to its formation."

Transportation of Petroleum, or other Liquids.—Mr. S. J. Seely of Brooklyn, N. Y., has patented a railway car for the purposes just indicated. The body of the car is of corrugated or other sheet iron, and, in order to secure the greatest strength of the materials, is made in the form of a cylinder. Thus, the car-body is in effect a large cylindrical tank, on wheels, and into which the liquids to be transported are directly introduced. Opening from the bottom of the cylinder, are a series of pipes, furnished with cocks and flexible branch pipes, so as to allow of drawing off the contained liquid into several barrels or other vessels at once; while the arrangement of pipes is ordinarily protected by their being enclosed within boxes, through doors in which access can be had to the former when occasion requires.

Comparison of Illuminants in reference to Lighting Power, Cost, and Products.—In a lecture before the Royal Institution, February, 1863, Prof. E. Frankland presented the results of certain comparisons of various illuminating materials largely in use in England. He stated that, for economy, brilliancy, and intensity of light, the kerosene (in England called "paraffin") and rock oils take the first place. The following are, in brief, the results of the comparisons referred to:

I. Illuminating Equivalents.—Kerosene oil, 1 gallon, equivalent to 1.26 galls. American petroleum; to 18.6 lbs. paraffin (solid) candles; to 22.9 lbs. sperm candles; to 27.6 lbs. wax candles; to 29.5 lbs. composite candles; and to 39 lbs. tallow candles.

II. Comparative Cost.—To produce an amount of light equal to that of 20 sperm candles, burning each at the rate of 120 grs. per hour, for 10 hours, the cost of various materials consumed was as follows: wax, 7s. 2½d.; spermaceti, 6s. 8d.; paraffin candles, 3s. 10d.; tallow, 2s. 8d.; sperm oil, 1s. 10d.; rock oil, 7¼d.; kerosene oil, 6d.; ordinary coal gas, 4½d.; cannel gas, 3d.

III. Carbonic Acid and Heat—generated per hour by various illuminating agents, each burned in such quantity as to give the light of 20 sperm candles:

Substances.	Carbonic acid in cubic feet.	Heat, parts.
Tallow	10·1	100
Wax; spermaceti	8·3	82
Paraffin candles	6·7	66
Coal gas	5·0	47
Cannel gas	4·0	32
Kerosene; rock oil	3·0	29

The great liability, however, of kerosene and other similar and highly carbonaceous oils to escape in part unconsumed into the air of rooms, in which such materials are burned, constitutes one serious objection to their general use; since through pre-occupation of mind in those using it, or through carelessness, this result, with serious contamination of the air, must often occur. In this connection it should be remarked that, the highly dangerous disease known as "spotted fever" (cerebro-spinal meningitis), which has appeared at intervals in different parts of the country, having recently broken out in very fatal form at Long Branch, N. J., Dr. Sayre, one of a committee of physicians who visited the place and examined the cases of fever, names as among the predisposing causes to it the habit in many families of burning kerosene through the night in bedrooms, with the lampwick put down. Consequences of this practice, to state them somewhat more fully than Dr. Sayre has done, must be the vitiation of the air of the room, not only with unconsumed oil-vapors, but with the gas produced by combustion, and often also with some smoke or soot.

Burners for Kerosene Lamps.—The forms of burners and chimneys for kerosene and coal-oil lamps are already very various; and they are generally so familiarly known that on this head little in the way of novelty is to be expected. It has been desirable to have, especially for chandelier, hall, and bracket lamps, if not for all others, where the use of a chimney is necessary, some arrangement by which the wick can be trimmed and lighted without disturbing the chimney or shade. Mr. Homer Wright, of Pittsburg, Pa., has accomplished this end by the invention of a burner with a door in one side, a projection from the inner side of the door and hinged to the front of the wick tube, causing, when the door is opened, by means of a slot arrangement, the wick tube to be at the same time lowered and inclined so that its upper end protrudes through the opening, when it can be trimmed or lighted, and as simply returned to its place.

The inconveniences and expense of glass chimneys for kerosene lamps have led to many attempts to produce for such lamps cheap and simple burners without chimneys. The principle of these is generally that of simply extending upward the brass or other metallic tube arrangement which ordinarily surrounds the burner, or forms the cap of the lamp, the burner being carried up to a proportional height, so that the base of the flame shall be but little below the level of the summit of the tube; the latter being at the same time freely perforated or mainly open below, and sometimes also at the sides near the flame, so as to secure an indraught and current of air: the tube of the burner thus becomes itself a short chimney, but mainly placed below, instead of around and above the flame. Among the best known of these, and the most effective, are the so-called "Savage" burner (patented 1862); the "star" burner (J. Edgar—1863); and the burner of the "Scoville Manufacturing Company" (patent applied for). Of dealers questioned on this point, one declared that the "star" burner gave the largest clear flame, without risk of vapor or smoke; another gave preference in the same particulars to the "Savage" burner. But all agreed that these burners are in use very inferior for their purposes to the glass chimneys; that with them a large free flame cannot be obtained, without its smoking and throwing off unburned oil-vapors into the room.

Apparatus for Testing the Explosive Points of Coal Oils.—The subjects of the danger of explosion in the burning of coal or rock oils, including kerosene, and of the need of a standard vaporizing point, oils ranging below which shall not be allowed for sale, were considered at some length under ILLUMINATION, in the preceding volume. The need of some convenient and tolerably accurate test of the explosive point of these oils is obvious.

At first, most dealers simply placed a small quantity of oil in a saucer or other open vessel, dipping in it a thermometer bulb, applying heat, and then by repeated application of a lighted match or taper finding the temperature at which explosion would take place. But, besides the rapid escape or even blowing away of the vapor from over the liquid in this mode, it has other imperfections; and it almost necessarily gives the exploding point higher than it really is—thus deceiving the purchaser.

At least three forms of apparatus for testing more accurately the exploding point of oils have, within the past two years, been invented in this country, the last two of which appear to be those now chiefly in use. The invention of Mr. John Tagliabue, of New York, consists of a small upright, hollow, cylindrical support, having an opening in the side and below, for introducing a gas-burner, or alcohol lamp; while within the support, above, is a small water-bath, set within which again is a cup open at top to receive the oil to be tested; into the oil at one side, by a convenient clasp, the bulb of a small thermometer is inserted, while just above the oil a taper is supported—this is to be lighted when the experiment is commenced. The oil being placed in the open cup, and very slowly heated by the lamp—removing the latter at times, if the temperature rise too fast, so as to receive for a while the heat only from the water-bath and metals—the temperature at which the oil throws off a vapor that mixed with air explodes is considered to be determined by a slight explosion or "puff," which usually extinguishes the taper. Heating a few degrees

higher, and applying a fresh lighted taper or match, the temperature is found at which the vapor of the oil will take fire and burn steadily, or at which, as is commonly said, the oil burns. As to the explosive point, however, this apparatus would appear in a degree liable to the objections to be made against the open saucer; as by an unnoticed current of air the vapor could be for a time carried off, and—some dealers have stated—so that the oil can thus be made to show an apparent explosive point twenty degrees higher than the real one—a great injustice, of course, to the purchaser.

The accompanying drawings (figs. 1 and 2) represent a "Coal Oil Pyrometer" for the uses just considered, and which, though stated in the "Technologiste" (Dec., 1862) to have been invented by Messrs. H. J. Smith and W. Jones, of Phila., and constructed by Mr. Giuseppe Tagliabue, of New York, the latter declares to be his own invention (patented, Nov., 1862). The close similarity of this instrument, in many of its parts, to the preceding, renders a complete description of it unnecessary. In it, also, appear the hollow cylindrical support, water-bath, included reservoir for the oil, lamp, and thermometer. The last named has here, however, a fixed position, with its bulb within the oil to be tested, while over the oil-reservoir can be closed (as in fig. 2), or

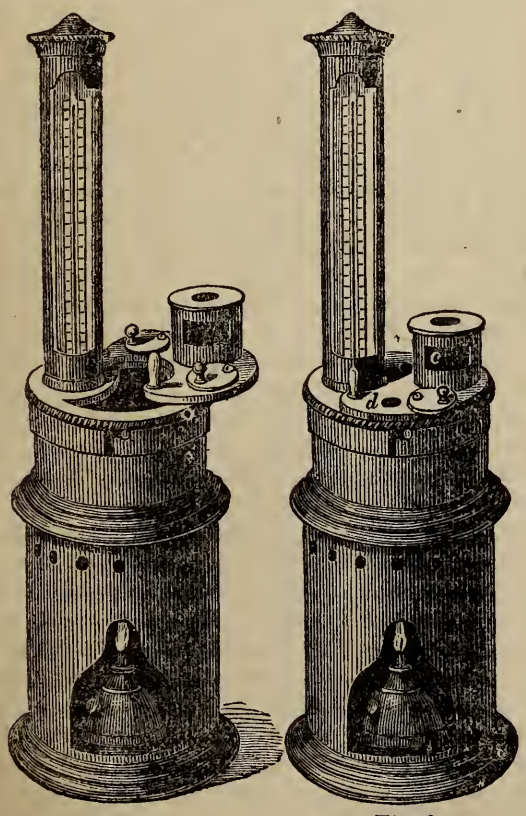


Fig. 1. Fig. 2.

opened (as in fig. 1), a cover turning on a pivot. This cover has two small orifices (one marked *d*), and a larger one which opens into a small cylindrical box, with a door (*c*) in the side. The oil being introduced, the cover closed, and the small orifices also closed by caps sliding over them, and heat being applied, vapor presently begins to arise from the oil; but in this condition of the instrument the atmosphere does not readily enter it, and the vapor tends to be confined. The application of heat should be made slowly, and with the precautions before named. When the supposed explosive point of the vapor is nearly reached, upon opening the small orifices in the cover the upper chamber at once becomes filled with a mixture of the vapor and air, and a lighted taper being introduced through the door (*c*), if the point of free vaporizing of the oil has been reached, a slight explosion or "puff" within this chamber will indicate the fact. By sliding off the cover, and heating, the point at which the vapor takes fire on the surface of the oil—this being usually (as found with this instrument) some 8° to 10° or more above the explosive point—is readily found.

The instruments thus far named are small, not expensive, and easy of use. It is declared by some that, even with that last named, an oil can be made to show too high an explosive point; but it is doubtless true that, with either of them, by a proper understanding and care, and repeating, if needs be, a fair and useful test of the explosive point of oils liable to contain naphtha can be obtained. Prof. John Torrey, of New York, declares Mr. G. Tagliabue's instrument superior (in accuracy, implied) to those in which the cup is open or uncovered. Still it must be kept in mind that these tests show the explosiveness and comparative safety of oils only, and cannot be relied on to indicate the proportions of light and of heavy oils, and so, the endurance and value of an oil for lighting.

Regnault's Apparatus for Fractional distillation of Coal Oils, Petroleum, etc.—M. W. Regnault has very recently invented an apparatus intended to serve the purpose indicated at the close of the preceding section; that, namely, of determining analytically the percentage of the component oils—having different densities and boiling points—which are contained in a given coal or rock oil, or in any derivative from one of these, the separation being effected by means of fractional distillation. Essentially, the apparatus consists of an upright cylindrical copper retort—capacity about 300 cubic centimètres—with a lamp-stand and lamp underneath for heating, and at its upper part communicating by a tube with the interior hollow brass cylinder of a condensing arrangement (also upright); this cylinder being enclosed within a considerably larger one, while into the lower part of the space between the two a stream of cold water is, by means of a funnel and tube, continually allowed to flow; the heated water, meanwhile, escaping through another tube at its top. The condenser is prolonged into a small tube at top, and also at bottom; and the whole being supported by an iron tripod, a row of glass cylinders, say five in number,

graduated to cubic centimètres, are introduced beneath the condenser, these being on a movable support, so as to be slid in succession under it, in order to catch the oils carried over at different temperatures. The temperatures are shown by a thermometer (Centigrade) which has its bulb inserted through a tubulure, within the retort, but above the surface of the oil introduced.

In using this instrument, 100 cubic centimètres of the oil to be tested are introduced by means of a pipette through the tubulure into the retort; the thermometer is adjusted, and heat applied. Let it now be supposed that the first of the five graduated glass vessels is placed so as to receive the oil recondensed from the vapors which distil over from the time of the first application of heat until the thermometer (C.) shows 100°=212°F.; this portion will, of course, contain the lightest of the components of the oil tested. At the moment the mercury passes 100° the second glass vessel is slid under the tube of the condenser, and kept there (say) until the thermometer marks 120°=248°F. In this manner the five vessels may be made to receive successively the oils which distil over, first below 100°, and then within every 20° of increased temperature, from 100° up to 180°=356°F. It is evident that any other desired even ranges of temperature may be taken; making the first change, say, at 44°C.=113°F., or thereabouts, so as to separate and determine, first, the proportion of oils present which are so volatile as to be unsafe components of an oil for ordinary illuminating purposes. Now, in any case, if the flow of cold water be uniformly kept up through the condensing apparatus, and if it be sufficient, all the vapors distilled over will be condensed, and the several portions of oil being furthermore, as caught, of equal or nearly equal temperatures, a comparison can directly be made between them; and just 100 cubic centimètres of oil, having been introduced into the retort, the quantities in the several graduated vessels —supposing them to have the same temperatures as the oil when originally introduced— will show the exact percentage of oils, having their vaporizing points between the degrees successively taken, which were contained in the mixed oil at the first.

Even this method does not, it will be seen, give a strict chemical analysis of the oils tested, but only a proximate analysis, by means of the comparative volatility of the component oils. In a discussion upon this instrument, before the Polytechnic Association of New York (Feb. 25th, 1864), the question having been raised whether petroleum *is* a mixture of liquids that can be accurately separated at different boiling points, Dr. Parmelee (dentist) remarked that, making use himself of about 2,000 gallons of benzine a week, of *sp. gr.* of from 70° to 80° Beaumé, he had found it very difficult to free this entirely from naphtha by heat. Petroleum dealers, he stated, have no other means of estimating the different qualities of oil than the heat test. Still there is no (?) dividing line between the oils—they can be obtained at almost any specific gravity, between certain limits.

The apparatus, which cannot fail to be of great value to those who deal largely in coal or rock oils, or their liquid products, is now to be had in New York.

Acetylene.—In his lecture already referred to, Dr. Frankland mentioned the fact of the discovery by M. Berthelot, within the past ten years, of a new component in coal-gas, to which he had given the name of *acetylene*, and for the production of which, unlike that of the other gaseous hydrocarbons, an intense heat is requisite. The object had been, hitherto, to produce coal-gas at a low temperature; but now the question was how far the production of this acetylene on a large scale could be carried on. This question is still in embryo; but if successful results are obtained, the influence on the future manufacture of gas must be great. The lecturer exhibited the light of the new gas, as set free by adding to acetylide of copper dilute chlorhydric acid; and although the gas was burned—as its excessive proportion of carbon rendered necessary—in only a very small jet, still the intense brilliancy of the light it afforded was decisively apparent.

In his introductory address before the British Association, 1863, the president, Sir William Armstrong, referred to the subject of acetylene. He mentioned the observation of Dr. Odling, to the effect that the new gas may be produced by mixing carbonic oxide with an equal volume of light carburetted hydrogen, and exposing the mixture in a porcelain tube to an intense heat; and the still more recent observation of Mr. Siemens, who has discovered that this gas is formed in the highly heated regenerators of his furnaces. The lecturer declared that there is now every reason to believe the new gas will become practically available for illuminating purposes.

Artificial Fuel and Gas Material.—Before a meeting (Nov. 19th, 1863) of members of the Franklin Institute, Phila., Prof. A. L. Fleury exhibited samples of a fuel and gas material, or basis, the invention of Mr. Wm. Gerhardt, of that city. A solid material, which is at once fire-proof and porous, is made into bricks, balls, or other desired shape; and these are next made to imbibe gas tar, coal oil, or other similar hydrocarbon, until saturated, and are then dried. They can then be used as fuel, or distilled for illuminating gas. No ash results, and the porosity is retained; so that the masses can be used again in the same manner. This is proposed as a method of securing a fuel free from sulphur, for the manufacture of steel, iron, glass, etc.; and it is said that it can be made to furnish a fuel cheaper than is coal, at the prices now ruling.

Methods of Gas Manufacture.—In the CYCLOPÆDIA for 1862 were mentioned certain processes for carburetting more highly lighting

gases which may be deficient in carbon, and also for charging air with hydrocarbons, so as to produce a mixture suitable for burning as a gas. Certain general principles relating to gas-manufacture, and especially in regard to the production of illuminating gases from oils or like materials, were also stated. Some new methods of accomplishing these results have been brought out, and a very considerable degree of attention has been given to methods of purifying lighting gases. In the notices to be presented of some of these, it is not intended to enter largely into details.

Griffin's "Homestead Gas Light."—This method of producing a lighting gas is that of carburetting common air, by forcing it, by means of clock-work and bellows, through naphtha contained in a small air-tight reservoir: from this the gas flows directly into the pipes leading to the burners. The pipes filled, the clock-work ceases to move, until consumption of the gas begins to relieve the pressure in the pipes; its motion then recommences, and the generation of the gas is—up to a certain limit—more rapid as the number of burners in use is greater. It is stated that the naphtha vapors do not condense by cold in the pipes; but it would appear that at a certain reduction of temperature condensation must occur. The entire apparatus is small, and is intended for use in private dwellings, &c. The invention is that of Mr. Jonathan Griffin, of W. Meriden, Ct.

Buckland's Method of Carburetting Gases.—Mr. W. H. Buckland, England, has patented a method of carburetting air or an illuminating gas, by causing either to pass over the surface of, or through, woven fabrics, or fibrous or spongy materials; these being, as occasion requires, saturated with the liquid hydrocarbon employed, and so exposing this in a finely divided state to the gas to be carburetted.

Parrish's Improvement in Illuminating Gases from Oils, &c.—In the "Scientific American," of July 25th, 1863, is given an account of a patent gas-mixer, the invention of Mr. Wm. D. Parrish, of Philadelphia, and the object of which is to reduce, by intermixture with air, the heavy and rich permanent gas, obtained by destructive distillation of petroleum, tar, or other similar hydrocarbons, before admitting this into the pipes leading to the gas-burners. It is well known that the gas referred to, and commonly called "oil gas," contains too large a percentage of carbon to burn, in jets of the size required for lighting purposes, without smoking. Besides, certain forms of oil-gas apparatus are likely to furnish a gas not at all times of uniform density and quality. Mr. Parrish's gas-mixer is designed to remedy both these defects. It requires no change in the works, being simply so attached as to receive the purified gas as delivered by the outlet pipe. It consists of two large "wet meters," placed near each other, the one measuring and registering the quantity of gas, the other that of a desired proportion of common air, which it takes through a tube at one side, the gas and air being directly discharged from the meters into a common receptacle, and there intermixed; while, by means of a connection by wheel-work and a shaft between the meters, the propelling force of the gas in one of them is made to give motion to the fans within the other, so as forcibly to draw in the air; and by having (say) three sets of wheels, of unequal sizes, upon shafts within the gas-meter, the throwing of one or the other of these into gear allows of three variations in the percentage of air intermixed with the gas; and so of any greater number. Danger of an explosive mixture is avoided by not allowing the proportion of air to exceed 50 per cent. The instruments have been introduced in some places in connection with oil-gas works, public or private. One of them has been in use for about a year in the gas works of the St. Nicholas Hotel, New York, by which nearly 3,000 burners are supplied. In these works, the "refuse" or "dead oil" of petroleum—the residue after distillation from the latter of naphtha, kerosene, and the lubricating oils—is the material from which the gas is generated, and the proportions now adopted for the mixed gas are, of oil gas 60, and of air 40 per cent.

Purification of Illuminating Gases.—Dr. Frankland, in the lecture above mentioned, referred to the then recent experiments of the Rev. Mr. Bowditch, of Wakefield, England, and in which the latter had shown that the bisulphide-of-carbon vapor and the sulphur-organic compounds in coal gas could be got rid of in course of the ordinary process of purifying, after heating the gas containing such impurities with hydrate of lime, to 400° F. Ordinary gas, he stated, contained from 10 or 20 up to 40 grs. per 100 cubic feet of the sulphur-compounds; but the Bowditch process reduced the quantity to, at most, 2 or 3 grs. per 1,000 cubic feet. It still remained to be seen, however, whether the process could be advantageously applied in practice.

Mr. J. C. G. Howitz, gas engineer at Copenhagen, Denmark, is the inventor of a method of purifying gas by iron ore, and which has been successfully introduced into many gas works in that country. The hydrated peroxide of iron in a powdered or granular condition is made to take the place of lime, in what are called the "dry lime" purifiers: ammonium and sulphuretted hydrogen contained in the gas are, during its passage through this, decomposed, formation of sulphide of iron being among the results. This will take place while the gas is yet hot, so that the condenser may be dispensed with; and the purifiers being large enough, even the scrubbing or cleaning with water is not required; the accumulation of naphthaline is as a result diminished, and the gas is said to gain in illuminating power. By suitable treatment the purifying material, when spent, can be restored to a condition fitting it for re-use, *i. e.*, as it is said, "revivified;" and in

the meantime, a considerable quantity of sulphate of ammonia being secured, the sale of this is said quite to cover the expense of purification, if it does not even afford a profit. In this way the cost of the gas manufacture is reduced.

Mr. Geo. Anderson states, in the "Gas-Light Journal," that having used and re-used a quantity of oxide of iron until it could no longer be revivified in the open air, he charged retorts with a portion of it to expel by heat the sulphur it had taken up, and then filling a purifier with the oxide, mixed with sawdust, he found not only that its purifying powers were restored, but also that it could now be revivified on exposure to the air, as before, and repeatedly used. Thereupon, erecting a kiln, he restored his whole stock; and he had, at the time of writing, continued this course with success for about 18 months. In the process, the material is kept at a dull red heat for ten or twelve hours. He regarded it as becoming, by that time, anhydrous: if so, the fact would conflict with the opinion previously held, that when the oxide of iron once became anhydrous, it was useless for the purification of gas.

Messrs. Baggs and Simpson, of London, have patented a process having the objects, *first*, of depriving coal-gas of the ingredients which render it injurious to animal and vegetable life; and *secondly*, of manufacturing from the ingredients thus removed certain products having a commercial value. The gas to be purified is made to come in contact with metallic compounds of suitable nature, by blowing or otherwise; the impurities being separated by decomposition or appropriation. The patentees mainly employ for this purpose metallic oxides and salts, the latter either neutral, super-salts, or sub-salts, which have a strong affinity or attraction for sulphur, carbonic acid, &c., and which are themselves susceptible of renovation or recovery after use. The oxides and salts of copper, lead, magnesia, and some other bases are found suitable for these purposes.

Mr. Geo. Smedley states that having observed that an ammoniacal liquid filtered through animal charcoal had lost nearly the whole of its ammonia, he was led to try the effect of the same material upon coal-gas. Filling one tray in each purifier with the animal charcoal, he applied on the following days, to the gas passed through this, the turmeric test, and found that the ammonia had disappeared. By use of a small purifier, similarly charged, he afterward found that the carbon intercepted not only ammonia, but also sulphuretted hydrogen; though it took up but a small percentage of carbonic acid. He is led to believe that gas so purified also retains a larger percentage of hydrocarbons than that which is purified either by lime or by oxide of iron.

INDEMNITY. Indemnity was claimed in the courts, in two aspects, viz.: by Government officials, of indemnity from all liability for their acts done under military or official direction; and a claim by those whose property had been taken by such direction to be indemnified for their losses sustained thereby.

The first class was subdivided into cases where the direction under which the claimants acted was pleaded as a justification of their action, and cases where the provisions of the act known as the Indemnity Act were relied upon to shield the claimants from liability. In most of the cases arising under the first subdivision, resort was ultimately had to the protection afforded by the act of Congress. One case, however, went to judgment in the Supreme Court of Indiana, in which the court decided that the plea of justification was not sustained. It was the case of Griffin *vs.* Wilcox, and will be found more fully referred to in the present volume. (*See* MARTIAL LAW).

The Indemnity Act referred to is entitled "an act relating to *Habeas Corpus*, and regulating judicial proceedings in certain cases," and provides generally that any order of the President, or under his authority, made at any time during the rebellion, shall be a defence to any action civil or criminal, for any act done or omitted to be done, by virtue of such order, and providing a method for removing causes from the State courts to those of the United States. (*See ante, page* 324.)

General George W. Jones, Minn., late U. S. Minister to Central America, on his return home was arrested and confined in Fort Lafayette, by order, as alleged, of Secretary Seward. After his release he commenced an action in the Supreme Court of the State of New York against Mr. Seward for false imprisonment. Application was made to Judge Clerke of that court to remove the cause to the Circuit Court of the United States, under the provisions of the Indemnity Act. The motion was denied by Judge Clerke, October 19th, as follows:

This is an action in which the plaintiff claims damages for an alleged false imprisonment. The defendant asks for an order of this court to remove the action and all proceedings therein to the next Circuit Court of the United States, to be held in and for the southern district of New York. The defendant states in his petition for this order that the action is brought for acts alleged to have been done by him as Secretary of State for the United States of America, under authority derived by him from the President of the United States; in causing and procuring the plaintiff to be arrested and imprisoned, or for some other wrong alleged to have been done to the plaintiff, under such authority, during the present rebellion of the so-called Confederate States against the Government of the United States of America; and that it therefore comes within the act of Congress, passed March 3d, 1863, entitled "an act relating to *habeas corpus* and regulating judicial proceedings in certain cases," providing, in the fifth section, that if any suit has been or shall be commenced against any officer, civil or military, or any other person, for any arrest, imprisonment, trespass, or wrong done, or any act omitted to be done, during the present rebellion, by virtue or under color of any authority derived from, or exercised by or under, the President of the United States or any act of Congress, the defendant may remove such action into the Circuit Court of the United States for the district where the suit is brought, on complying with certain requirements stated in the act.

Of course this act, as far as it directs the transfer of

cases from the State to Federal jurisdiction, if it has any constitutional foundation, is founded upon the third article of the Constitution of the United States, defining the extent of the judicial power delegated by the States to the Federal Government, and particularly upon that part of section 1 of said article, which says that "the judicial power shall extend to all cases in law and equity, arising under this Constitution," etc. The defendant in this application maintains that the defence which he intends to set up in this action arises under the Constitution of the United States—the question to be determined being whether the President of the United States, during a rebellion or insurrection, can arrest or imprison, or authorize another to arrest or imprison, any person not subject to military law, without any order, writ, precept, or process, of some court of competent jurisdiction, Now, we assume that this question, if a question at all would arise under the Constitution of the United States—that is, whether the President possesses this power, either in his civil capacity or as Commander-in-Chief of the army and navy of the United States—can be solved only by consulting and interpreting that instrument. But to entitle the defendant to this order, and to give the courts of the United States jurisdiction of this action, there must be some appearance or color of substance in it. It must have some speciousness, some seeming of plausibility, and must not be palpably devoid of any ground of doubt. Can it, then, be a question presenting any appearance of substance or color of doubt, whether the Constitution of the United States of America has invested its chief executive officer with power to arrest or imprison, or to authorize another to arrest or imprison, any person not subject to military law, at any time or under any exigency, without some order or precept, or process of some civil court of competent jurisdiction?

It cannot, of course, be pretended by the most ardent advocate of this high presidential prerogative that the Constitution confers it in set terms. There is assuredly nothing in that instrument which can be tortured into the conferring of such a power on the President in his civil capacity; and this, it appears to me, plainly disposes of the question; for it would be asserting the grossest contradiction and strangest anomaly to say that absolute and unlimited power, equal to any exercised by czar or sultan, can be implied from a constitution which avowedly gives no power to any department of the Government that is not specially set forth, except simply the consequent right to employ all legal means necessary to the execution of the power.

The judge then proceeded to review at considerable length the arguments of counsel, and continued:

It is, however, maintained, if the President does not possess this power in his civil capacity, that he does possess it in his military capacity, as Commander-in-Chief of the army and navy of the United States. A commander of an army has, of course, within the sphere of his military operations against an enemy, all power necessary to insure their success. General Rosecrans had a right, I have no doubt, the other day to destroy all property which caused any obstacles to his operations against Bragg, and if he discovered any plots to mar those operations or give intelligence to the enemy, or to afford them any kind of aid or comfort, he would be right to try the offenders, whether civilians or soldiers, by a court-martial. But his power does not extend beyond his lines.

He concluded a very able and elaborate opinion by stating:

The President, therefore, whether in his civil capacity or as Commander-in-Chief of the army and navy of the United States, has unquestionably no power to authorize the act of which the plaintiff complains. The ground upon which this application is made has no color of right. It cannot, in my opinion, be entertained as a question in any State or United States court. The only questions in this action worthy of consideration, and which can be entertained, do not arise under the Constitution of the United States, but are fitly within the jurisdiction of this court. The motion is denied, without costs.

An appeal was taken by the defendant to the General Term, where the order at Special Term was reversed. The opinion of the court was delivered by Judges Leonard and Sutherland. Judge Clerke, however, maintained his former opinion:

Leonard J.—The question is not whether the fourth section of the act of Congress, passed March 3d, 1863, affords a valid defence to the action. The true question is this: is it in the power of Congress to give the Circuit Court jurisdiction of the case?

The Constitution extends the judicial power of the Union to all cases in law and equity arising under the Constitution, laws, and treaties of the United States.

The defence, in this case, arises under the act of Congress, and the validity of that act, considered in the light afforded by the Constitution, will be one of the principal subjects to be determined at the trial. It has been decided that a case arises within the meaning of the Constitution as well when the defendant seeks protection under a law of Congress, as when a plaintiff comes into court, to demand some right conferred by law.

It has been objected that the original jurisdiction of all actions may be drawn into the Federal Courts, by similar enactments of Congress, and that the case arises within the meaning of the Constitution only after a trial and judgment in this court, when the action can be transferred by writ of error or appeal, and brought before the Federal Courts for review. The power of transferring causes to the United States Circuit in a similar manner, where the question involved was of an appellate and not original jurisdiction, has long been sustained. Chief Justice Marshall says, in the case of Osborn vs. The Bank of the United States (9 Wheaton, 821): "We perceive no ground on which the proposition can be maintained, that Congress is incapable of giving the Circuit Courts original jurisdiction, in any case to which the appellate jurisdiction extends."

Congress has enacted that the defendant may interpose in his defence the orders, &c., of the President, and has directed the transfer of cases involving such a defence, in the manner prescribed, into the Circuit Court.

According to the statements of the defendant such a case has arisen. We have nothing to do with the validity of the law as a defence to the action. It is sufficient for the State Court that the defence involves the construction and effect of a law of Congress. The case has then arisen when the Courts of the United States may have jurisdiction, if Congress so directs. If the law does not afford a constitutional or valid defence, it cannot now be doubted that the learned justices of the United States Courts will so declare it, when the jurisdiction of such cases will remain in the State Courts, as before the enactment of the law. It is not our duty to assert the independence of our State sovereignty and jurisdiction; for the final construction and effect of all acts of Congress may be brought before the U. S. Courts by the express provision of the Constitution. The manner of taking the cause to those Courts is of consequence. The Supreme Court of the Union must be relied on to prevent its jurisdiction from being unlawfully extended by Congress. I am of the opinion, therefore, that Congress has the power to direct the transfer of such cases.

In my opinion this application was unnecessary in order to vest the U. S. Circuit Court with the possession of the action, but the discussion has not been lost, inasmuch as it will be now settled that this court will not, in this judicial district, take further cognizance of cases which have been transferred under this act of

Congress. It is very proper that an order be entered transferring the cause to the U. S. Circuit, as it affords the evidence in the court of the disposition made of it.

In arriving at my conclusions I have consulted Story's Com. on the Constitution, chap. 38, §§ 903, 906, &c., &c.; 1 Wheat., Martin vs. Hunter; 6 Wheat., Cohen vs. The State of Virginia; 9 Wheat., Osborn vs. The Bank of United States.

As a rule of practice I think the court should not approve any sureties unless the amount of the bond is equal to the sum in which the defendant in the action has been held to bail, if bail has been required in the State Court. This fact should be made to appear to the satisfaction of the judge to whom the bond is presented for approval.

SUTHERLAND, J.—The question is not as to the constitutionality of the fourth section of the act, declaring that the order or authority of the President, during the rebellion, shall be a defence in all courts, to any action for any arrest, imprisonment, or act done, or omitted to be done, under or by color of the President's order, or of any law of Congress; but the question is as to the constitutionality of the fifth section of the act, authorizing the defendant in any such action to remove the same from the State Court to the Circuit of the United States for the district where the suit is brought for trial, on complying with certain requirements specified in the section; that is, on entering his appearance, filing his petition stating the facts, offering good and sufficient surety, &c.

The question presented by this appeal is not as to the constitutional power of the President to order the arrest, imprisonment, &c., or as to the constitutional power of Congress to authorize the President to order the arrest, imprisonment, &c.; but the question presented by the appeal is, as to the constitutional power of Congress to give the Circuit Courts of the United States primary or original, and (as to the State Courts) exclusive jurisdiction, of the trial of actions for such arrests, imprisonments, &c.

In determining the question as to the constitutionality of the 5th section of the act, we must assume, I think, that the trial of this action will involve the determination of the question as to the constitutionality of the 4th section; that Congress in passing the act considered that the trials of the actions to be removed to the Circuit Courts of the United States under it would involve the determination of the question as to the constitutionality of the 4th section, whether tried in the State or United States Courts; and that Congress intended by the 5th section to take from the State Courts and give to the Circuit Courts of the United States the right and power to determine that question. Had Congress the constitutional power to do this? That is the question.

If Congress had the power, then the order appealed from, denying the defendant's motion to remove the action and all proceedings therein to the Circuit Court of the United States, for the Southern District of New York, should be reversed, and I think an order made directing such removal; if Congress had not the power, then the order appealed from should be affirmed.

If no steps had been taken for the removal of the action from this court, and the action should be tried in this court, and the question as to the constitutionality of the fourth section of the act should be decided adversely to the defendant by the Court of Appeals of this State, the Supreme Court of the United States would have final and conclusive appellate jurisdiction of the question (Const. U. S. Art. 3; § 25 of the Judiciary Act; 1 Statutes at Large, 85; Cohen *vs.* Virginia (6 Wheaton), 264; Miller *vs.* Nicholls, 4 Wheaton, 311).

Cannot Congress give the Circuit Court of the United States original jurisdiction in any case to which this appellate jurisdiction extends?

In Osborn *vs.* United States Bank, 9 Wheaton, cited by Judge Leonard, Chief Justice Marshall said he could perceive no ground for saying that Congress could not.

In that case one of the questions was, whether Congress could constitutionally confer on the Bank the right to sue and be sued "in every Circuit Court of the United States."

It was held that such a suit was a case arising under a law of the United States, consequently that it was within the judicial power of the United States, and Congress could not confer upon the Circuit Court jurisdiction over it.

See also Curtiss's Com. on the Jurisdiction, &c., of the Courts of the United States, sections 12 and 13; the latter section, containing a quotation from another portion (p. 865) of the opinion of Chief Justice Marshall in Osborn *vs.* The Bank of the United States, is apparently quite pertinent to the question in this case.

I concur, then, in the conclusion of Judge Leonard, that Congress had the power to direct the transfer to the Circuit Court of the United States.

Probably an order of this court directing such transfer is not absolutely necessary, but to make one would be in accordance with usage in like cases; and besides such an order would be the best evidence of the determination of this court, that it no longer had jurisdiction of this action.

It appearing that the defendant has complied with the requirements of the act for such transfer, the order appealed from should be reversed, and an order made by this court for the removal of the action and all proceedings therein to the Circuit Court of the United States.

CLERKE, J.—I see nothing whatever in the arguments of my brethren, or in those of other judges on the same subject, to induce me to secede from the position which I have attempted to maintain at Special Term. They have all alike, in my very humble judgment, unaccountably overlooked the only point claiming consideration on this great constitutional subject.

According to the doctrine upheld by my brethren, we can scarcely conceive of any act committed by any officer of the General Government under color of any authority derived from or under the President, which may not constitute a genuine, veritable case arising under the Constitution of the United States, and which, therefore, may not rightly come within the cognizance of their judical power. It is only necessary to claim that it was committed under color of that authority, and was, therefore, justified by the Constitution, however monstrous and appalling the act may be, to make it, according to this doctrine, a case arising under that Constitution.

For of course, according to the terms of the claim, the claimant appeals through this remarkable statute to the Constitution for his justification, and however palpably frivolous such a claim may be—however manifest may be the conviction that the Constitution no more sanctions such an act than it sanctions the burning of the Capitol, the dispersion of Congress, and the shooting and imprisonment or exile of the men of whom it is composed, yet it is claimed to present a question, and therefore a case arising under the great charter of constitutional liberty in America, the perpetrator of the outrage making that a question which is unquestionably no question, and the judicial power of the State is ousted of its legitimate jurisdiction.

Thus this extraordinary statute prescribes not only that the character, but the mere assertion of the wrong doer shall determine jurisdiction, and that the subject matter, which has been always held, except in cases affecting ambassadors, other diplomatic ministers and consuls, as alone the criterion of jurisdiction, shall be excluded from consideration. Surely if this can be done by Congress, the Government of the United States of America is not, as all men have heretofore supposed, incontestably a Government of limited powers and duties, and is, if not one of unlimited powers and duties, nevertheless of very accommodating expansibility. This a novel and strange theory of development in America.

But it is asserted, as the appellate power of the Supreme Court of the United States extends in certain cases to State tribunals, that this case would, after judgment, reach the Federal jurisdiction, and that, therefore, it may as well be transferred to the United

States Circuit Court before judgment. Even if the Supreme Court of the United States would entertain such a case on appeal, this is no controlling reason why it should, necessarily, be transferred to the United States Circuit Court for adjudication in the first instance. For, the only question to be determined by us on this motion is whether Congress has the power to transfer cases of this description to the Circuit Court of the United States, not whether, ultimately, it may reach the appellate jurisdiction of the United States Supreme Court.

The act of Congress, passed in 1789, "to establish the judicial courts of the United States," no doubt provides that a final judgment or decree in any suit in the highest court of law or equity of a State, where is drawn in question the validity of a statute of the United States, and the decision is against its validity, may be reëxamined and revised or affirmed in the Supreme Court of the United States. But, if it is too clear for controversy that the statute is an outrage on the Constitution, if it is palpably usurpation, if it is plain to the most unlettered citizen, that the statute is an attempt to subvert all the securities which the founders of the Government have provided for the preservation of personal liberty, and to invest one man with unlimited dictatorial power, and, therefore, that the appeal was palpably frivolous, I presume the court would hear no argument on such an appeal, and would, forthwith, affirm the judgment or dismiss the writ.

Would they, for instance, hearken to an appeal involving the validity of an Act of Congress giving the President, or any other member of the Government, power by *coup d'état*, to extinguish the legislative branch, as Cromwell did the Long Parliament, and substitute a Barebones Legislature in its place. Surely not; if they, too, were not struck down, and were not (if said debasement can be imagined) by force, by fear, or by corrupt appliances or selfish aspirations robbed of independence. So that the consideration whether the act is not palpably void, must present itself on appeal as it now presents itself to us on this motion; and, if it is palpably void, I repeat it would not be treated on appeal as worthy of being for a moment entertained.

I still consider the defence in this case just as destitute of color as the case which I have imagined. Whether, under the pretext of authority from the President of the United States, any one citizen, at his mere will and pleasure, without any intervention of the judicial tribunals, can incarcerate another citizen not subject to military law, in a loathsome dungeon, for many months, or for a day or an hour, cannot, under any circumstances in which the nation may be placed, be treated as a question constituting a case arising under the Constitution; and any statute which declares the contrary is palpably void. The order at Special Term should be affirmed with costs.

A case arose in Pennsylvania, which, during its progress, illustrated both of the phases which this question of indemnity has assumed. In August, 1861, the "Jeffersonian," a weekly paper published at West Chester, Pennsylvania, was seized by United States Marshal Milward and his assistants, under an order from United States District Attorney Coffey. The paper was suppressed, and the office closed, and it so remained suppressed and closed until the October following, when, in consequence of the district attorney declining to proceed further with the information which he had filed, charging William H. Hodgson, the proprietor of the paper, with aiding and abetting the rebellion, the publication of the paper was resumed. Subsequently Mr. Hodgson instituted a suit against Mr. Milward, the marshal, and William Schuyler and John Jenkins, his deputies, to recover damages for losses sustained by reason of such seizure. The case in February came on trial before Chief Justice Lowrie, of the Supreme Court of Pennsylvania, at Philadelphia; the plaintiff being represented by Wm. B. Reed and George W. Biddle. From Judge Lowrie's charge to the jury we extract as follows:

The next important element in this cause is the alleged fact that the act complained of was authorized by the President of the United States, and was executed by important Federal officers. But this element loses all its legal importance when we consider that all public functionaries in this land are under law, and that none, from the highest to the lowest, are above it. They, as well as we, are under the Constitution and laws of the United States, and sworn to support, protect, and defend them, or take them as their rule of civil and official conduct, and they and we are to be judged by them in our civil and official conduct in all appropriate cases. The acts of the President and of his subordinates are, therefore, without right, unless they are authorized by some article of the Constitution, or of the laws made under it, and consistent with it. He can make no law that can vest in him any new authority, or that can protect those who obey his authorized orders. He would not claim that he could.

The Federal and State Constitutions place the Government under just such restrictions as these: It tells the Government how it shall proceed in defending society and the social organism against all the forms of violence, disorder, and danger to which society is exposed. It puts all its functionaries under law, so that they shall not invade the order of society, by taking their own forms and modes of protecting it. When they act without law, they must justify themselves before the law, by showing an emergency that demands their act. If it be not so, they are above law, and not under it. If they may irresponsibly declare the existence of the emergency, and also the acts which it demands of them, then, as to them, we have neither Constitution nor laws.

Our Constitution was framed when the remembrance of the excitements, suspicions, divisions, disloyalty, and treasons of the Revolution were yet fresh in the minds of our statesmen, and under the light of all its experience, and they left no gap in it to be supplied by the fears or suspicions of excited times. It is still a sufficient rule of practice for our Government, and it, better than anything else, embodies the settled and sober thought of this people. When we depart from it we expose ourselves to the rule of force, and to incalculable divisions of opinion, of counsels, and of action. * * * *

Do the defendants show a warrant issued in proper form by competent authority, that shelters them from responsibility for the act done? What the law requires in order to justify such an act is written in the Constitution, article 4 of the amendments: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized." A similar law is written in all our State Constitutions, and it is simply the written expression of the unwritten or customary law of the people, known to everybody, descended through a long line of ancestry and of popular disturbances, and recognized by everybody in times when a quiet reason holds the control of the passions.

Another law is to be connected with this one, in order that it may be seen how such warrants are to issue. It also is written in the Constitution, where it vests all judicial power in the courts established by law, and requires that no man shall be deprived of life, liberty, or property, except by due process of law. This makes the courts the only authority whence any process can issue for the trials of rights or wrongs. Warrants properly issued by them are a shield to the officer who

exercises them. Warrants issued by others have no further authority than is contained in the emergency on which they are founded. If the circumstances—the pressing nature of the emergency—justify the act, they justify the warrant, but not otherwise. It is not usual to call such orders warrants, and they are not properly so called. They are merely orders of a superior to a subordinate officer to do a special duty which usually he ought to do without such order.

When a great conflagration or a violent mob is raging, or a vessel is attempting to transgress the revenue laws or the laws of war, and to escape, there is no time for warrants, and the necessary work must be done without them. But then it is always done under responsibility to law through the courts of justice. If the occasion and the law of the land justify what is done, then the want of a warrant is excused.

We understand now the case we have before us. The defendants had no such warrant as is required by the Constitution. It was an order of "request," not issued by any judicial officer, and was not founded on the oath of any one, and there is no pretence that any such violent outrage on social order had been committed, and no such pressing and urgent emergency existed as to justify the seizure without warrant, and therefore no justification is made out.

There is nothing in the act of Congress of the 6th of August, 1861, that justifies it. It requires the President, in certain cases, to cause certain property "to be seized, confiscated, and condemned;" but this means by due process of law. It is not to be done by the President himself, but by due process of law, by the proper functionaries, and he is to see that they do their duty. These defendants undertook to do this act without warrant, and without any proper occasion shown to us, and therefore they are mere trespassers. They are trespassers from the beginning to the end; and the first step in the matter being unjustified, no subsequent and unsuccessful proceeding under the act of 1861 can shelter them from liability for compensation. They would have been liable for a malicious prosecution without probable cause, if the act had been under a writ apparently valid. The plaintiff is entitled to full compensation for all he has lost by this act.

Is the plaintiff entitled to exemplary damages? Yes, in so far as their act was inspired by mere wantonness; but exemplary or punitive damages are usually allowed rather for the moral than for the legal wrong that accompanies such acts. For the legal wrong, compensation is the measure of redress. For the moral wrong, the recklessness of the act, the personal malice with which it is done, the violence and outrage attending it, for this you are authorized to allow exemplary damages; such as are reasonable under all the circumstances. You must judge how far the defendants are guilty of any moral wrong, beyond the legal wrong in the act complained of. * * *

If the law of the land is the sober and abiding thought of the whole people, that lives through all disorders and excitements, and survives and judges them all—the great ocean undercurrent of thought to which waves, and storms, and tempests do not reach—then what I have said is the law still. I know of no other law for this case. This is the law and the plaintiff is entitled to damages—compensative if the defendants acted in good faith and under a mere mistake of authority; and exemplary if there was any bad faith, recklessness, and oppression intended in their acts.

The jury returned a verdict in favor of plaintiff for $512.

Judgment having thus been rendered for the plaintiff, a motion was made to remove the cause to the United States Circuit Court, in accordance with the provisions of the Indemnity Act. Judge Strong, of the Supreme Court of Pa., in granting the motion says:

Clearly the right to remove does not depend upon the extent of progress which the cause has made in the State Court when the removal is attempted. To my mind it is plain that Congress intended, at the instance of a defendant, to transfer from the State to the Circuit Court any suit or prosecution of the nature described, at any stage of its progress. No matter in what condition it may have been when the act of Congress was passed, if commenced before, and an appearance had been entered, a petition for its removal was authorized at the next session of the court, or, if judgment had been obtained, an appeal was allowed during the term at which it was signed, or a writ of error within six months after its rendition. Such is the letter of the act, as well as its clear spirit, and, like every other act, it must be construed so as to carry out its spirit.

It was also urged in the argument that the case sought to be removed did not belong to the class of cases for which provision was made by the act of Congress of March 3d, 1863. Judge Strong said, in reply to this objection:

The record in this case shows that they acted under an order or warrant from the district attorney, which requested them to seize the property for confiscation and condemnation, according to the provisions of the act of August 6th, 1861; and the warrant also asserted authority from the President of the United States. It was signed by the district attorney as such, and it was directed to William Millward, Marshal. If this was not color of authority, both of an act of Congress and of the President's order, what would be? Color is an apparent or *prima facie* right. It may have no substance, but if there be an appearance of right or authority, it is colorable. This authority, real or colorable, the defendants pleaded at the trial, and its efficacy is one of the main points in controversy. I am not called upon to express any opinion upon the question whether the act of the defendants was, in fact, authorized by the President of the United States. There is evidence on our record that it was, but it is sufficient that when the act of which the plaintiffs complain was done, there was in the hands of the defendants an apparent authority from the President, and that the seizure was made under the asserted warrant of an act of Congress, asserted by the district attorney, whose duty it was, under the act, to attend to the seizure and condemnation of the property which it was the intention of Congress should be confiscated. I am clearly of opinion that the case is one of those embraced in the provisions of the act of Congress of March 3d, 1863.

In regard to the constitutionality of the act, which was brought in question, the judge said:

I do not perceive that this act is a clear violation of the Constitution. The third article of the Federal Constitution declares that the judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States and treaties. Then, if the cases provided for in the act of Congress of March 3d, 1863, are such as arise under the Constitution, or under the laws of the United States, or under treaties, jurisdiction over them may be lawfully conferred upon the Federal courts, as it was in another class of cases, by the 12th section of the Judiciary Act of 1789. If, then, the judicial power of the Federal Government, as conferred by the Constitution, extends to the adjudication of such cases, the right of Congress to provide for the removal of them from the State to the Federal courts is not to be doubted. It is a right which was exercised in the Judiciary Act of 1789, and it has been acted under ever since, without being called in question.

The order for removal was allowed.

The case being certified into the Circuit Court of the U. S., a motion was made before Judge Grier to remit the record on the allegation that the case did not come within the provisions of the act. The judge denied the motion, delivering the following opinion:

Circuit Court United States, Eastern District of Pennsylvania — William H. Hodgson vs. William Millward, et al. This case has been removed into this court under the provisions of the 5th section of the act of the 3d of March, 1863 (12th Stat. at Large, 756).

It is now moved to remit the record, on the allegation that the case is not within the provisions of that act. Although the certificate of the judge who ordered the removal of the case may not be conclusive on this court, if we should be of opinion that we cannot entertain jurisdiction of the parties or of the cause, yet it lies on the party who alleges that fact to make it clearly appear that we see no reason to doubt the correctness of the decision of the learned judge who has certified this case, and fully concur in the opinion delivered by him.

It would be superfluous to repeat the arguments so well stated by that learned judge. It is clear that the defence of the defendants (if they have any) depends wholly on the construction of the Constitution of the United States, and of acts of Congress. The courts of the United States have, therefore, jurisdiction of the subject matter without regard to the citizenship of the parties.

The act of Congress already mentioned, which authorizes the removal of such cases to this court, is not alleged to be unconstitutional, nor that the party has not pursued the mode pointed out by the act in a case where there has been a final judgment, and which, of course, was still pending in that court.

The objection that the record shows that the trespass with which the defendants are charged was not committed by virtue of any order of the President, or under his authority, or under color of any act of Congress, cannot now be urged, as it constitutes the very question to be tried and determined by the court when the case shall be heard before a jury. Assuming the allegation to be true that the President may have had authority conferred upon him to issue such orders, and that the order issued by the United States attorney was irregular or void, yet these are the very questions which the defendants have a privilege, conferred by statute, of a trial and decision in the Courts of the United States.

The order or warrant under which the defendants justify, purported to have been issued by virtue of authority derived from the President. This was "color" of authority, whether the substance existed or not. The argument that color being an accident, cannot exist without substance, may be metaphysically correct, but has too much subtility for practical application in the construction of statutes. We do not think it necessary to give a definition of "color of authority" to suit all cases. For the purposes of this case it is enough to say, that an officer acting in good faith under a warrant purporting to come from his superior, whom he is bound to obey, is acting under "color of authority," whether his superior transgresses his power, or the warrant be irregular, or not. This is the question to be tried under proper pleadings and evidence before a jury.

If the State Court should assume to refuse to certify the case into this court, because, in their opinion, the superior officer had not authority, or the warrant was irregular and void, they would deny to the party the privilege conferred on him by the act, and treat its provisions with contempt.

This case was, therefore, properly certified into this court, and must be tried in the same manner as if brought here by appeal, or as if it had been brought in said court by original process.

Motion denied.

Another class of cases, arising under the second division named, were claims presented for compensation for property taken for military uses.

The case of William S. Grant *vs.* the United States was decided by the Court of Claims in the beginning of 1864. The claim in this case was for private property destroyed and abandoned in Arizona on the 15th of July, 1861, by order of Capt. J. N. Moore, commanding United States troops in the vicinity of Tucson. Grant was a contractor with the Government for furnishing commissary and quartermasters' supplies for the forts and military posts in Arizon, and in furtherance of his contract had expended large sums of money in the repair and erection of flouring mills, dwelling-houses, storehouses, shops, and corrals. He had personal property also of considerable value, consisting in part of flour, wheat, corn, barley, beans, merchandise, furniture, &c. In the mills and storehouses of Grant were valuable supplies belonging to the Government.

The people of Tucson were lawless adventurers and intensely hostile to the Government of the United States. Lieut. Lord speaks of the citizens of the Territory as "traitors of the deepest dye"—"that they openly talked secession long before the war commenced, especially those in the vicinity of Tucson. Capt. Chapin, in his deposition, says: "Tucson was full of gamblers and murderers. Large numbers of white people were Southerners in feeling and ready to take up arms for the Southern cause. Exceptions to this rule were rare." A Confederate flag was flying at Tucson, and when the property was burnt the people assembled in large numbers armed, and with such threatening demonstrations as induced Lieut. Lord to prepare for an expected attack on his train. Fort Breckinridge had been burnt and abandoned on the 10th of July, and Capt. Moore had received information by express that Fort Buchanan was also to be abandoned and destroyed. He also had information that Texan rebel forces held Fort Union, and were determined to occupy the territory, and cut off the United States troops within it.

With this information, and the state of things as he knew them to exist at Tucson, Capt. Moore directed Lieut. Lord, commanding a company of dragoons, to destroy such Government stores as he could not transport, together with such private property of Grant as might be of value to the public enemy or to the disloyal people of Tucson. On receiving information that Fort Buchanan was to be abandoned, he took an escort and reached that fort in advance of the main body. In his report to the War Department he says: "On learning the urgency of the case, I sent the enclosed written order to Lieut. Lord, in command of troops *en route* from Fort Breckinridge; his report in the case I forward."

Judge Wilmot read the opinion of the court, Judge Loring dissenting. Judge Wilmot said:

We do not doubt from this evidence, taken in connection with the active participation of Lieut. Lord in the destruction of the property, himself setting fire to the large mill, and giving orders to his men to fire the other buildings and property, that he acted under and in accordance with the express orders of Capt. Moore. Lord notified Mr. Grant half an hour before the fire was set, of his intention to burn all his buildings and property, and requested him to secure at once such valuables and papers as he wished to preserve.

Is the Government legally and equitably bound to

indemnify Mr. Grant for the loss of his property under such circumstances? Was there apparent to the commanding officer such a necessity as justified its destruction? Was it taken for public use? A proper application of legal principles to the facts of the case will give a solution of these inquiries.

Every civilized State recognizes its obligation to make compensation for private property taken under pressure of State necessity and for the public good. The State is the transcendental proprietary of all the property, real and personal, of its citizens and subjects. This transcendental right, the eminent domain of the State, in all countries where rights are regulated by law, is so exercised as to work no wrong, to inflict no private injury without giving to the party aggrieved ample redress. This doctrine was not engrafted on the public law to give license to despotic and arbitrary sovereigns. It has its foundation in the organization of societies and States, and is as essential to a republic as to the most absolute despotism. It is of the very essence of sovereignty, and without it a State could not perform its first and highest duty, its own preservation. Vital as is this high prerogative of States, it must be exercised in subordination to the clear principles of justice and right. Whenever from necessity or policy a State appropriates to public use the private property of any individual it is obliged by a law as imperative as that in virtue of which it makes the appropriation, to give to the party aggrieved redress commensurate with the injury he has sustained. Upon any other principle the social compact would work mischief and wrong. The State would have the right to impoverish the citizen it was established to protect; to trample on these rights of property, security for which was one of the great objects of its creation.

Every elementary writer of authority sustains the views here taken of the duty and obligation of States.

It may safely be assumed, as the settled and fundamental law of Christian and civilized States, that governments are bound to make just indemnity to the citizen or subject, whenever private property is taken for the public good, convenience, or safety.

The limitation imposed upon the Government of the United States, in the exercise of its right of eminent domain, by the fifth article of the amendments of the Constitution, is a solemn recognition of this settled and fundamental law of States, and binds the Government to the observance of the principles of justice and right, in its dealings with the citizen, with the force of organic law. In this article it is declared that "private property shall not be taken for public use without just compensation."

Was the property for which compensation is now claimed taken in virtue of the right of eminent domain? or was it an exercise of right, under the law of overruling necessity? or was the property destroyed without right? and must the claimant look to the personal responsibility of those directly concerned in its destruction? Eminent domain is a civil right, and rests upon property. It springs from the social compact, and is inherent in the sovereignty charged with the duties of civil government. The right arising out of extreme necessity is a natural right, older than States, and is in full force when society and property are unknown. It is the law of the savage as well as the most enlightened, and attaches to every individual under whatever conditions he may be placed. It is the right of self-defence, of self-preservation, and has no connection whatever with the supereminent right of the State. The one may be fettered by constitutional limitations; the other is beyond the reach of constitutions. Both may be said to depend upon necessity for their lawful exercise; but the one is a State, the other an individual necessity. The necessity in the one case admits of degrees, and is frequently no more than the public convenience, utility, or good; in the other the right can be exercised only in the last degree, when the necessity is imperative and overruling. It admits of no choice of remedies and of no delay, and from the nature of the right is beyond and transcends the sovereign authority. This subject underwent a most thorough and careful consideration in the courts of New Jersey and New York, in a number of cases growing out of the great fire in the city of New York in the winter of 1835.—Hale *vs.* Lawrence, 3d *Z*abriskie, pp. 728–9. Russell *vs.* the Mayor, &c., 2d Dennio, pp. 486, 7; 12, Co. 12; Id. 63.

Upon the authority of the cases cited, and others that might be adduced, as well as on the principles which distinguish a case of public necessity, utility, or good, from the overruling necessity which regulates the law of individuals, we are of opinion that the rightful taking of private property, for use or destruction, when the public exigency demands it, by a military officer commanding any part of the public force, is an exercise of the right of eminent domain; and that such a case is not governed by the law applicable to individuals. The fundamental law provides that "private property shall not be taken for public use without just compensation." Is this provision of the Constitution answered when compensation is made for property taken under legislative authority, and denied when taken by military officers acting rightfully, under the proper functions of their office? We think not. The obligation to make compensation is coextensive with the right of the State to take private property for public use; and whenever it is taken by competent authority, the obligation of the State cannot be evaded.

We next come to consider of the necessity under which this property was destroyed. It is necessity alone that gives the right to take private property for use or destruction. The danger must be threatening —such as demands immediate action, and when delay would work public injury. Unless the necessity is such as to justify the officer, he is a trespasser, and there is no liability on the part of the Government. It is impossible to lay down with precision the degree of necessity or imminence of the danger that will furnish such justification. Each case must stand on its own facts. The necessity must be urgent, but it need not be overwhelming—the danger must apparently be near and impending, but it need not be actually present, threatening instant injury to the public interests. The officer must decide when the necessity has arisen that demands him to take private property for the public safety or good. If, however, the danger, as he ought to have seen, was remote, the necessity not pressing, courts will hold him personally responsible to the party aggrieved. In deciding upon the conduct of the officer we must look at all the circumstances of danger by which he was surrounded, and to such information as he had, entitled to credit. It may be that there was no real danger, that his information was false, and that he acted under a supposed state of facts that did not exist. This would not affect his conduct, so as to charge him personally, or relieve the State from responsibility. Had he good grounds for the belief that the facts were as they appeared to him? Would a cool, prudent, discreet man have felt the necessity as urgent and the danger impending? If so, the officer is justified, and the party who has suffered loss must look to the Government alone for redress.

We hold in this case that the property was destroyed by the rightful order of the commanding officer, and upon an urgent and pressing necessity, and to prevent it from falling into the hands of the public enemy, and those hostile to the United States; that it was a taking for public use; and that the Government is bound under the Constitution to make just compensation to the owner. The legal duty to make compensation raises an implied promise to do so, and here is found the jurisdiction of this court to entertain this proceeding.

It is one of the strange phenomena of the times that, amid all the rejoicings which succeeded the victory at Gettysburg, no one seemed to reflect that the event which had insured the safety of the Government and country had rendered a large body of people almost destitute. There were not even wanting writers who sought to give piquancy to their letters

by misrepresenting the conduct of the people of Gettysburg during the fiery ordeal through which they had passed, and by depreciating a hospitality to visitors which consisted in dividing with strangers the little which the merciless invaders had left. It is true that justice, sure, although tardy, has finally been done to the people of Gettysburg and the surrounding country, in these respects. The sufferers are beginning to turn their attention to the National Government as the source of relief. The question how far a loyal citizen of a rebel or disloyal State, of the Government of which he is in legal theory a component part, and for the conduct of which he is in some sense responsible, is entitled to national compensation for property destroyed by the rebellion in such a State, presents a very grave, legal, and constitutional question. At all events it is not the same question which is raised by the application of the people of Pennsylvania, Ohio, and Indiana, for losses inflicted by an inter-State invasion.

The Governments of the States might be held responsible to satisfy the losses caused by insurrectionary violence among their own citizens, and they have the means to meet this responsibility in the power to confiscate the property of the guilty. But it is the province of the General Government to protect the loyal States against inter-State invasion, and to satisfy the losses caused by such invasion, when it cannot be prevented.

INDIA, BRITISH. The area and population of the British possessions in India are: Area, 933,722 English square miles; population, 134,634,244. The English population in India, including the army, 85,000 strong, is 125,379.

The revenue, public expenditure, &c., in the year ending April 30th, 1862, were as follows:

REVENUE.

Land Revenue including tributes and contributions from Native States, &c.	£22,711,717
Assessed Taxes	2,054,696
Customs	2,876,139
Salt	4,563,081
Opium	6,359,269
Stamps	1,693,217
Mint	380,735
Post Office	402,135
Electric Telegraph	73,452
Law and Justice, and Police	511,513
Marine	155,723
Public Works	588,858
Miscellaneous, Civil and Military	468,500
Interest	956,219
Total	£43,829,472

EXPENDITURE.

Repayments, Allowances, Refunds and Drawbacks	£ 341,588
Charges of collection and payments in realization of the Revenue, including cost of salt and Opium	5,526,724
Allowances and assignments under Treaties and Engagements	1,640,466
Allowances to District and Village Officers	599,682
Charges in India, including interest on Debt, and the value of stores received from England	29,137,846
Charges in England, excluding the value of stores supplied to India	5,209,264
Guaranteed interest on the capital of railway and other companies, in India and in England, deducting net traffic receipts	1,425,080
Total	£43,880,100

The number of native Christians in India is still comparatively small, but steadily increasing. The following table exhibits the state of the Roman Catholic missions in India, according to the latest account:

Apostolic Vicariates.	Catholics.	Apostolic Vicariates.	Catholics.
Madras	46,480	Quilon	45,000
Bombay	25,000	Mysore	17,300
Eastern Bengal	13,000	Coombatore	17,200
Western Bengal	15,000	Agra	25,000
Madura	140,000	Patna	3,400
Hyderabad	6,000	Ava and Pegu	53,200
Vizagapatam	7,130	Malayan Peninsula	5,400
Mangalore	34,880	Jaffna	52,237
Verapoly	229,006	Colombo	90,900

Altogether the number of Roman Catholics in British India was estimated at about 900,000, but these did not include a large number of schismatics (of Portuguese extraction), who refused to recognize the jurisdiction of the Vicars Apostolic, and only that of the Archbishop of Goa. As this Goa schism was supposed to come to an end in 1863, by a convention between Rome and the Court of Portugal, these Indian schismatics would be reconciled to the Roman Church, and swell its numbers to about 1,000,000. Included in this number are about 150,000 Syrian Christians, who have acknowledged the authority of the Pope. There was a report in 1862, that a majority of them had repudiated the connection with the Roman Church, and entered into ecclesiastical communion with the Jacobites of Syria, but by Roman Catholic writers the whole population is still claimed for the Roman Church.

The most complete account of the progress of Protestant missions has been given in a work by Rev. Joseph Mullens, D. D., of Calcutta, entitled, "A Brief Review of Ten Years' Missionary Labor in India" (London, 1863). According to this writer, the native Protestants in India and Ceylon were, in 1862, 112,491, and, in 1862, 153,816. But besides these there were, at the latter period, 59,366 converts connected with the Burmese missions. In 1852 the native Christians of the Burmese missions were most of them beyond the limits of the Anglo-Indian dominion, but by 1862 the frontier had been so pushed forward as to include them within the limits of the empire. Adding them to the number previously stated, the aggregate becomes 213,182.

Education and literature are likewise making rapid progress among the natives. The number of books published by a single society—the Vernacular Literature Society—has risen from 12,841 in the year 1825, to 121,669 in 1861. The following list shows the number issued in various languages in 1861: English, 46,783; Anglo-Asiatic, 3,147; Sanscrit, 588; Bengali, 62,935; Hindoo, 5,171; Oorya, 35; Arabic, 4; Persian, 120; Urdu, 2,868; Santal, 16; Cossyah, 2. The Society has 61 agents occupied in selling its books. If to this be added the 253,170 books issued in 1861–'62 by the Christian Vernacular Society, the issues of the Tract, Bible and Religious Societies at the three Presidencies, and those of the Northwest

Book Agency, we shall have some idea of the extent of native Indian literature. There are 25 mission presses in India, Ceylon, and Burmah; the whole Bible has been translated into 14 languages, the New Testament into 19, and separate books into 26. In ten years 1,634,040 copies of the Bible and 8,604,033 of Christian tracts and books, exclusive of all secular and educational works, have been circulated.

The attendance of native students at the universities is steadily increasing. At the Calcutta University the number of candidates for entrance has steadily risen from 244 in the first examination to 1,307 in 1861. The number of candidates for the first examination has increased from 13, in 1858, to 60. Of the 1,307 candidates for entrance, 43 were Mohammedans and 75 Christians, and of the candidates for the first examination, 5 were Mohammedans and 7 Christians, the rest being Hindoos. Of the former 59 were examined in Latin, 20 in Sanscrit, 7 in Persian, 114 in Urdu, 6 in Hindoo, 12 in Oorya, and the rest in Bengali; of the latter, 6 were examined in Latin, 7 in Sanscrit, 1 in Persian, 13 in Urdu, and the rest in Bengali. The number of candidates for entrance into the Madras University has risen from 46, in 1857, to 272 in 1862, of whom 112 are Brahmins, 71 Hindoos of other castes, 29 native Christians, 27 Europeans, 24 East Indians and 9 Mohammedans. The Christian element is absolutely larger than in Calcutta, while the total number of candidates is five times less. The Mohammedans are equally backward in both.

The Victoria College at Agra numbers among its pupils 314 Hindoos, 25 Mohammedans and 12 Christians; all, with the exception of 30, paying school fees varying from four annas to three rupees per month. The matriculation fee is one rupee. There are 35 classes, viz.: 18 English, 1 Arabic, 4 Persian, 7 Urdu, 1 Sanscrit and 4 Hindoo.

Although the Christians form only a small proportion of the aggregate population, the influence of Christianity is rapidly extending over the whole country. Both Hindooism and Mohammedanism are on the decline. A number of prominent Hindoo inhabitants of Bengal addressed a memorial to the governor general of India praying for an abrogation by law of the rite of polygamy. The native papers are freely criticizing the evil social customs among Hindoos and Mohammedans, and societies are forming for their abolition. A novel meeting was lately held in Madras by educated Hindoos, on the subject of the management of idolatrous endowments. The Government of India had, not long ago, severed the last links of their connection with pagan and Mussulman lands for superstitious purposes, by directing that all such should be handed over to the worshippers most interested in their administration. Alarmed at this, "the Hindoo inhabitants of Madras" designed to petition for a modification of the Act; but the main object was to save the funds of Hindoo temples and monasteries from the mal-administration of those whom they singularly enough call church wardens (*dhurma kurtas*), by asking Government to put the funds under committees at the headquarters of each county, and not of each village. The former, being educated, will, it is supposed, prevent misappropriation and all the evils of what they call "sectarian" disputes. The confessions of the speakers were frequent and pathetic: that the temples are falling into ruins; that the holy idol services are neglected or badly attended; that the priests are immoral in their lives and peculate the funds.

From a report to the Secretary of State for India, made by the Government Director of the Indian Railway Companies, on railways in India, for the years 1862 and 1863, it appears that satisfactory progress is being made in the extension of their lines. On December 31st, 1862, 747 miles had been added to the 1,609¼ which were open for traffic on the 1st of January, 1862. Since the beginning of 1863, 184 miles have been finished, making a total of 2,528 miles upon which passengers and goods are now being conveyed. The greatest distance traversed in a direct line without interruption is on the East Indian Railway from Calcutta to Benares, a length of 540 miles; the next greatest is the trans-peninsula line from Madras to Beypore, which is 405 miles; and the next from Bombay to Sholapare, across the Bhore Ghât, a length of 295 miles. Several works of great importance and magnitude occur on the lines which have been recently opened. The ascent by the Great Indian Peninsula Railway of the Bhore Ghât, between Bombay and Poonah, comprises some of the most formidable of these. In a distance of fifteen miles the railway climbs a height of 1,831 feet, the difficulties in its course being overcome by such a series of cuttings, tunnels, viaducts, and embankments as is hardly to be found within the same space in any other work in the world, and is only rivalled in India by those on the sister incline over the Thull Ghât. In addition to the work done to enable 930 miles of new line to be opened, fair progress has been made on the unopened lines, and it was expected that in the course of the year 1863 between 600 and 700 miles more will be ready for traffic.

Great progress is also made in the construction of electric telegraphs. The number of miles of telegraphic lines and stations open at the close of the official year, 1861 to 1862, was 11,430 miles and 144 stations. The greatest extent of telegraph is in Bengal, where there are 1,749 miles of telegraph and twenty-three offices. The Punjab and Northwest provinces come next with 1,575 miles and twenty offices. Central India is third, with 1,275 miles and eleven offices, and Bombay fourth, with 1,238 miles of telegraph and twenty-one offices. The receipts for private messages in Bengal

during 1861–'62 were Rs. 1,61,955-14 (a rupee is about 46 cents), and in Bombay Rs. 1,50,971-3-5.

The amount spent in the construction of telegraph lines in India from 1850–'51 to 1860–'61 inclusive is, Rs. 46,05,935-8-5¾, exclusive of cost of stores from Europe. Stores, freight, instruction of assistants, passage money, &c., amounted to £385,400 3*s.* 2*d.* for the same period. Recently a new company also, called the Oriental Telegraph Company, has been organizing, under the superintendence of Sir Charles Bright and Mr. Latimer Clark, with a system of telegraph similar in its constitution to the Electric and International Company of England.

Immediately upon the completion of the Persian Gulf submarine cable (early in 1864), Sir Charles Bright and Mr. Latimer Clark will be ready to enter upon the operations of the Oriental Telegraph Company, commencing their Indian line from Kurrachee, and working toward Bombay and Calcutta.

The only coalfield of any considerable extent in India known at present is that of Ranigunj or Damooda, near Burdwan in Bengal, covering an area of about five hundred square miles. There are some fifty collieries in this field, producing yearly on an average about 300,000 tons of coal. The description produced is a variety of non-coking bituminous coal; but one great objection to that worked in the Damooda field is the presence of iron pyrites, and its constant liability to spontaneous combustion, which renders it particularly unfitted for steamships. The broadest seam yet discovered is at Kasta, where the bed is thirty-five feet thick. Next in importance to the Ranigunj field are the Nerbudda coal deposits. They are supposed to extend over an area of fully three hundred square miles; but their distance at present from any available market makes them but of little practical use. As, however, iron ore is found to exist in the same locality, the coal will prove serviceable for smelting purposes, and will thus enhance the value of the iron mines. The best coal is found at a spot called Mopani, where the beds have an average thickness of from seven to eight feet. A company has already been formed for working these coal and iron deposits, and without doubt, as the railway progresses toward that part of India, the Nerbudda coalfields will afford an ample supply, at a fair profit, to the important line which in two or three years may be completed as far as Jubbulpore. No workable coal has been found in the Punjab or Northwestern provinces; a few patches of lignite only have been met with. In Scinde a small mine was opened in the Lynah Valley in 1856, by the railway company there; but, owing to its irregularity and probable want of sufficient age, it was abandoned. Neither in the Bombay nor Madras Presidencies, nor in the Nizam's dominions, is coal known to exist; and the few black shales met with on the Godavery, which are incapable of combustion, cannot be said to come under the denomination of coal. The entire quantity supplied annually by the Ranigunj, Rewah, Nerbudda, and other Indian coalfields, does not exceed 400,000 tons. The Bombay Presidency is now, it is said, undergoing for the first time a geological examination on a systematic scale; but the strata known to prevail over the greater part of its surface preclude the idea of any good or workable coal being found.

The history of India, during the year 1863, is, on the whole, uneventful. The country advanced through the impulse given by an event which diverted to its people much of the wealth formerly invested in American cotton, but the internal administration was marked by no corresponding progress, and the result was a commercial crisis unprecedented in intensity. The brief administration of Lord Elgin was ended by his death, on Nov. 20th, after a duration of only 20 months. Some of the English papers complained that his administration had been marked by an almost unbroken subserviency to the Indian Secretary of War, and that the growing independence of the several provinces directly subject to the English rule would have become most dangerous to England, if a governor-general like Sir John Lawrence had not been appointed at the close of the year.

Sir Charles Trevelyan was sworn in as Financial Member of Council on 13th January. Those who had feared to see a repetition of the policy which resulted in his recall from Madras were surprised to find that, while doing full justice to his predecessors, Mr. Laing and Mr. Wilson, he merely carried out the financial reforms which they had begun. His budget speech showed that the surplus of Mr. Laing's last year, 1862-'63, was the largest India is likely to see for a long time—£936,925. The surplus of the current financial year he estimated at somewhat less, or £815,775, and disposed of the whole except a margin of £480,775, by reducing the duties on wine, beer and iron, and taking one per cent. off the four per cent. income tax.

During the last three months of the year the money market of both India and England suffered from a scarcity of silver caused by the absorption of very large sums by the Indian peasantry in return for their cotton. The first result of the high prices paid by England was seen in a superabundance of capital at the three Presidency cities. In Bombay, especially, enormous fortunes were made, chiefly by Asiatics, some of whom used their wealth nobly in works of benevolence, and a general mania for the establishment of joint-stock companies with limited liability, spread through society. But soon this abundant capital was drained into the interior to pay the already comfortable peasantry for their new cotton crop; it reached them instead of resting with their agents and money-lenders as usual, and it was hoarded or

converted into ornaments in due course. The Banks of France and England felt the drain, and the rates of discount and exchange took sudden leaps. In India, business during the whole of December was virtually suspended for want of a currency, several speculators failed, new joint-stock companies were forced to postpone their calls, and the best document bills were unsaleable, for want of silver and not of credit, at 2s. 3d. per rupee. The circulation of the paper currency, which had been obstructed beyond Allahabad by Sir C. Wood's unwillingness to use the State Banks as an agency, was only £5,160,000 at the close of November, and some two and a half millions of the four allowed to be invested were so employed.

With regard to the semi-independent princes, Lord Elgin persevered in the policy which Lord Dalhousie began and Lord Canning continued, to consolidate with due legality the relations of the feudatory chiefs to England, so as to form a loyal Indian aristocracy The Maharajah of Mysore was however informed that England would never consent to waive her treaty rights, and forget her duty to the people by subjecting them to the misrule of his priests and parasites, and the administration of that territory was made uniform with the rest of India.

Early in the year Col. Haughton, as special commissioner, succeeded in putting down the revolt which had disturbed the villages of the Cossya hills on the Assam frontier. The district was made over to the new constabulary, a grant was given to the Welsh Mission there to educate the savages, a little progress was made with roads, and Major Agnew succeeded in ascending the Berhampooter to Suddya, in a small steamer. But otherwise, Assam continued to be neglected, being administered by young military officers, utterly insufficient in number for its vast extent and growing resources. The Government of India sent the Hon. Ashley Eden with a large party of native soldiers, a photographer and surveyor, on a political mission to Boohtan, the people of which had made raids into British territory with impunity since the days of Warren Hastings.

On the Northwest frontier an outburst of Hindostanee fanatics and fugitive rebel sepoys, such as England had punished in 1858, and overlooked in 1862, forced Lord Elgin to action. Before leaving Simla, on his Himalayan tour, he gave orders to Sir N. Chamberlain to march, with a native force only, into the Eusufzaie country, some fifty miles northeast of Peshawur, and chastise the Judoon and Othmanzuie tribes that had given protection to the fanatics, who were to be annihilated or driven farther into the hills. But, unfortunately, General Chamberlain could not at once muster a sufficient number of native soldiers, the commander-in-chief's desire to make a grand campaign with Europeans causing serious delay; the political information, in the absence of Major James, Commissioner of Peshawur, was incorrect, and when, finally, a large force of Europeans and natives advanced up the Umbeyla defile, nine miles long, they found the whole of the Boneir branch of the Eusufzaies prepared to resist an invasion of their territory. From 8th October till 15th December the English force was kept, amid great hardships, at the crest of this defile, and the loss of the English in officers and men was heavy. But large reënforcements were sent up, and Major James arrived in time to take political charge. The severe defeats they had met with, combined with Major James's tactics, induced the Boneirees to surrender, in spite of the opposition of their Swat brethren, and they even sent a contingent of two thousand men which helped to burn down the Hindostanee stronghold of Mulka, after which the English force retired. With special reference to the difficulties on the frontier, Sir John Lawrence was despatched from England in hot haste as viceroy.

The financial condition of the Government was improved through judicious management, and the revenue exceeds the annual expenditure. In 1862–'3 the surplus amounted to £1,280,596, and for the year 1863–'4 it is estimated at £480,775, although a considerable reduction of taxes has taken place. This surplus of income is due to the imposition of new taxes. The exports of merchandise during the last twenty years exhibit a rapidly increasing ratio, as follows: 1841–'2, £13,885,218; 1851–'2, £19,879,254; 1861–'2, £34,894,767.

Within the last twenty-five years several articles of great commercial value have been added to the exports from India, of which the principal are oil seeds, jute, wool, coffee and tea. The value of these articles exported in 1862 was as follows: oil seeds, £1,197; jute, £537,610; wool, £400,342; coffee, £462,380; tea, £192,242. The most remarkable, as it promises to be the most valuable, of all the new articles of export from India, is tea. In 1834 it was definitely ascertained by a Government commission that the tea plant was indigenous in Upper Assam, and plants, seeds, and skilled cultivators and manufacturers were obtained from China, to promote the cultivation of this important herb. The Government entered with energy and enthusiasm into the enterprise, and established tea gardens and manufactories, which, after a while, were turned over to a joint stock tea company, called the Assam Tea Company, on very liberal terms. The affairs of the company were mismanaged, however, and its capital of £200,000 sunk; but in 1852, a dividend of 2½ per cent. was realized, and from that date its prosperity was established, and last year the dividend paid was 12 per cent.

The final success of this company encouraged capitalists to embark in the tea growing business, and there are now in Assam 160 plantations, estimated to yield, in 1862, 1,788,787 lbs. of tea. In the adjacent province

of Cachar, where, also, the tea plant has been found growing wild, upward of 68,149 acres have been leased to tea planters, and the estimated crop for 1862 was 336,800 lbs. But it is not alone in Assam and contiguous provinces that tea is grown. About the time that operations were begun in Assam the Government established experimental gardens on the skirts of the Himalayas, in the Northwestern provinces, where a very superior quality of tea is now produced largely. In 1862, 78 tea plantations were in operation in this region, of which 37 were in the hands of Europeans, and the rest were worked by natives. During the year, 89 tons of tea seed and 2,400,000 seedlings were distributed gratis to private planters from the Government factories, and yet the supply fell far short of the demand. Later unofficial reports represent the tea culture to be much more extensive than the above official figures indicate. In all the districts mentioned the business is rapidly increasing.

The cultivation of coffee has advanced with rapid strides in the highlands of Southern India. The native planters number three or four thousand, and these numbers are fast increasing.

In the growth of cotton, which is one of the natural productions of India, the country is making rapid strides, stimulated by the great demand and high prices caused by the failure of the supply from the United States. In 1862 no less than 1,072,000 bales were exported, and the supplies of 1863 and 1864 were estimated at 1,200,000 bales and 1,500,000 bales, respectively. The British Government has bestowed more expense and effort in stimulating the cultivation of this staple than upon any other product of its Indian possessions. So earnest is it in the endeavor to extend cotton growing, that a Government manufactory is employed constructing cotton gins, which are turned out at the rate of eight a day, and sold at the prime cost, or £30 each, and the demand for them is so great that more than a thousand applicants cannot be supplied, and native mechanics are getting £60 to £70 for an imitation of the machine.

The British Government has also introduced into India the chinchona or Peruvian bark tree of South America, and its cultivation is proceeding with signal success.

Another important step toward the development of the agricultural resources of the country, is the construction of canals and weirs for irrigating extensive regions where the rain-fall is insufficient for purposes of cultivation. These works are vast in extent and benefit. The Ganges canal, one of the principal, has no less than 898½ miles of main channel, with 1,852 miles of distributing water courses, besides many hundred miles of minor channels. It irrigates an area of 1,471,500 acres, and its beneficent waters will protect from the risk of famine a tract of country containing a population of 6,500,000 souls. It is estimated that in the famine of 1860–'1, 339,243,840 lbs. of grain were grown by the irrigation which it afforded. Other canals are from 100 to 500 miles in length, and render fertile vast tracts of land that would otherwise remain almost barren wastes. In the Presidency of Madras nearly all the great rivers have been intersected by weirs, which retain for irrigation the floods of fructifying waters that would else flow out to sea. The increased production is reckoned by millions of pounds in value.

INDIANA. The State of Indiana was twice invaded during the year by small forces of the enemy. The first force which entered the State consisted of a portion of the 2d Kentucky cavalry, Capt. Hines. On the night of June 16th they crossed the Ohio river at Flint Rock, near Leavenworth, by fording it. They went to Leavenworth, Corydon, and Paoli. After plundering the stores and citizens at these places, they began to be hard pressed by the local militia, and escaped across the river with difficulty and some loss. The second invasion was made by a force under command of Gen. Morgan.

The excitement occasioned by this invasion surpassed any previous one. In about sixty hours ten regiments of infantry, four companies of cavalry, and two batteries of artillery, were organized at Indianapolis and on the move. The services of over forty thousand men were tendered to the authorities. (*See* Army Operations.)

The total number of troops which had been furnished to the Union army to the 1st of September, was 93,895 three years' men. The quota of the State under the several calls of 1861 and 1862 was 65,394. The excess of the State, therefore, was at that time 28,501. According to the enrolment of the State there were of the first class 134,163 men, one fifth of whom were called for by the draft, which amounted to 26,832, thus giving the State still an excess of 1,669 at that date. After the call for troops in October liberal bounties were offered to volunteers of $50 to $200 in addition to the Federal bounty. About five persons were appointed in each county where recruiting was actively done, to secure volunteers, and many soldiers returned to unite their efforts. Thus troops were more promptly and speedily raised than probably in any other State. The quota to be raised under the call in October was 18,597.

A difficulty occurred in the Legislature of the State some days previous to the time for the close of the session, which suspended entirely the proceedings of that body. It consisted in the withdrawal of a portion of the members of the House, by which no quorum to do business was left. The occasion of this withdrawal of members was reported to be an apprehension on their part that the majority of the House, who were designated as democrats, "would pass a bill which deprived the governor of that full control of the State militia,

which had been conferred upon him." This militia bill, it appears, conferred the right upon those enrolled under it to elect their own company and regimental officers, and reserved to the General Assembly the right to say in what manner brigadier and major generals should be appointed. With regard to the latter appointments, it was claimed by the majority to be the "constitutional" right of the Assembly to say how they should be made; but by those who withdrew, it was claimed that the power to make the appointment was conferred by the Constitution of the State on the governor. The consequence was that the Legislature adjourned without passing any bills appropriating money to meet expenditures. The State owes a foreign debt contracted previous to the present war, the aggregate annual interest on which is $320,000, payable semi-annually, on the 1st of January and July, in the city of New York, to such persons as may hold her bonds. As the time approached for the payment of the interest due in July, it was manifest that the Auditor and Treasurer of the State would not have the funds in New York for the purpose, although the money was in the State Treasury. The grounds urged for their position may be briefly stated.

In 1846 (the State having failed to pay the interest upon the public debt for some years) a compromise was made with her creditors, by which they released one half of the indebtedness for new obligations, and for the other the Wabash and Erie Canal and the lands unsold which had been appropriated by the General Government for its construction, and the State pledged its faith for the punctual payment of the interest on the new bonds. In 1859 the Legislature enacted a law prohibiting the Auditor and Treasurer of State from withdrawing any money from the treasury, unless in pursuance of appropriations made by law. The General Assembly of that year provided for the payment of the interest upon the State debt for the succeeding two years, in the general appropriation bill. In 1861 the Legislature passed what is known as the embezzlement law, providing heavy penalties for any violation of the law establishing a treasury system, which had been enacted two years previous, and also provided for the payment of the interest upon the public debt for the two succeeding years in the general appropriation bill.

The Constitution requires that no law shall be enacted unless a quorum of each House shall be present, which is made to consist of two thirds of the members of each branch of the Legislature. The Constitution restricts the sessions to sixty-one days, and all laws must be enacted within fifty-nine days. Thirteen days previous to the expiration of the constitutional term of the Legislature and before the appropriation bills necessary to sustain the State Government and provide for the payment of the obligations of her creditors, a sufficient number of the members of the lower House, to break a quorum, withdrew as above stated, and thus suspended the legislation.

As the time approached to place the funds in New York to meet the interest, Gov. Morton requested the Auditor and Treasurer of State to assume the responsibility of withdrawing money from the treasury for that purpose, and argued that the laws compromising the State debt were in effect a continuous appropriation which authorized them to do so. They did not place such a construction upon those acts. To test this question, the President of the Sinking Fund applied for a mandate directing the Auditor to draw his warrant upon the treasury to pay the interest. Judge Finch, of the Indianapolis circuit, first allowed the mandate. From this decision an appeal was taken to the Supreme Court. The judge then changed his decision and refused to allow a mandate, and from this decision an appeal was taken to the court of last resort. The object of these suits was to decide the law in the case. The Supreme Court, after an investigation of the questions at issue, decided that the State officers had no authority to pay the interest unless in pursuance of specific legislative appropriations.

The house of Winslow, Lanier & Co., New York, offered to pay the interest on certain conditions, which was declined by the State agent, and it remained unpaid to the close of the year.

The sessions of the Legislature being held once in two years, the reports of the State officers relative to internal affairs are made up and presented at the commencement of each session.

On the 25th of April, Gen. M. S. Hascall in command of the district of Indiana, in the Department of the Ohio, issued an order the better to enforce General Order No. 38, issued by Maj.-Gen. Burnside. (*See* HABEAS CORPUS.) It led to the following correspondence:

HEADQUARTERS, DISTRICT OF INDIANA,
INDIANAPOLIS, *May 5th*, 1863.

EDITORS JOURNAL: I have received the following letter from Hon. Joseph K. Edgerton, member of Congress from the Tenth Congressional District, and, as it refers to matters which interest others as well as himself, and as there are some who claim that they do not understand fully the meaning of General Order No. 9, recently issued from these headquarters, I publish his letter, together with my reply, for the information of all concerned:

FORT WAYNE, (IND)., *May 2d*, 1863.

SIR: I have read with the interest due to it your General Order No. 9, dated 25th ultimo. In this order you say that you have no partisan feelings or interests you intend to advance, but desire to confer freely and fully with the prominent men of all political parties, and invoke their hearty co-operation in all measures calculated to restore harmony and good feeling in the State. This sentiment is patriotic. It seems to recognize the fact that opposing political parties may still be permitted to exist, and yet co-operate to restore harmony and good feelings in the State. In a corresponding spirit, I, as a citizen, though not perhaps a "prominent" one, in the sense of your order, desire to confer freely with you, by way of inquiry, as to the meaning of a part of your order, which I do not fully understand. You will, of course, admit that if the people are to obey your order, it is important they should know the exact scope and design.

Will you do me the favor to inform me what you mean in

your injunction to "all newspapers and public speakers," by the term "for endeavoring to bring the war policy of the Government into disrepute;" and further, what you mean by the phrase "actively opposed to the war policy of the Administration," or what you use as a synonymous expression, "opposed to the Goverment"?

Awaiting your reply, I am, respectfully,

Your obedient servant,

JOSEPH K. EDGERTON.

M. S. HASCALL, Brigadier-General.

It will perhaps be well enough, in order to a full understanding of this matter, to reproduce that paragraph of No. 9, which is claimed to contain ambiguous matter. It reads as follows:

11. The commanding general is charged with the duty of carrying into effect the provisions of General Order No. 38, recently issued by Maj.-Gen. Burnside. He purposes doing so. Unmistakable evidence reached him that the provisions of this order have been, and are being, violated in various parts of the State. This is unfortunately done, in many instances, by well meaning men who are led astray by newspapers and public speakers. The latter will therefore be held to the most rigid accountability. There is no use in trying to dry the stream while its fountains are allowed to flow. All newspapers and public speakers that counsel or encourage resistance to the Conscription Act, or any other law of Congress passed as a war measure, or that endeavor to bring the war policy of the Government into disrepute, will be considered as having violated the order above alluded to, and treated accordingly. The country will have to be saved or lost during the time that this Administration remains in power, and therefore he who is factiously and actively opposed to the war policy of the Administration is as much opposed to his Government.

It seems to me that, taken as a whole, no one need misunderstand anything in this paragraph unless he chooses to do so.

What I mean by the expression "or endeavor to bring the war policy of the Government into disrepute" is this: Certain measures have been determined upon by the Congress of the United States and the Executive, such as the internal revenue and tax bills (necessary for the support of the Government in time of war), the Confiscation Act, the Conscription Act, the act authorizing the Executive to use negroes in every way possible to cripple the enemy and assist us, the proclamation of emancipation in certain rebellious districts, and other measures having an immediate bearing on the war; and these I call the war policy of the Government or Administration. These measures, most of them, have been concluded upon after very mature deliberation and discussion, and after more than a year's experience in actual warfare. Possibly they are not the wisest and best that could have been enacted. That, however, is a matter which does not now concern either of us. Enough for us to know that they have been agreed upon by the only rightful and proper authorities known to our Government, and that they are likely to remain in force until time and experience shall suggest some modification, and this though you and I should talk ourselves hoarse in opposition. The only practical effect, then, of allowing newspapers and public speakers to inveigh against these measures is to divide and distract our own people, and thus give material "aid and comfort" to our enemies.

In this connection allow me to call your attention, and that of the whole State, to the following extract of a letter written by Hon. Reverdy Johnson to certain citizens of Baltimore, who had invited him to address them:

The sole ministers of peace at present are our gallant officers, soldiers, and sailors. Let these be used as they may be, and the end will soon be accomplished; and let us, in pressing on the foe, not halt to criticize the conduct of the Government. Let us, on the contrary, give it a hearty, zealous support, while the peril is upon us, reserving for a period of restored peace whatever of censure we have to pass on the conduct of the men who are administering it.

If such be the sentiments of Senator Johnson, a Southern man, it ought to be no hardship for you and me and all the citizens of Indiana to live up to the requirements of General Order No. 9. Again, I give it as my opinion that this rebellion will have to be either established or crushed between this time and the 4th day of March, 1865, or during this Administration, and that, therefore, he who is factiously and actively opposed to the war policy of the Administration is as much opposed to this Government. If my premises are correct the conclusion follows. I never yet have seen any one who thought this war could endure two years longer. If there are any such it must be those who intend to throw everything in the way of this Administration in order that the war may be prolonged by some possibility, and another Administration get the credit of settling it. As I value the lives of our hundreds of thousands of gallant soldiers in the field; as I regard the feelings, bereavements, and sufferings of their anxious families and friends at home, and as I regard the true interests of our State and nation, I am going to see to it that in Indiana, at least, such men have no abiding-place.

It is a more serious thing than many are wont to suppose to divide and distract our country and prolong the war. In putting a stop to such practices I shall hold the leaders responsible. As well might I establish a number of small-pox hospitals in the heart of this city, and then punish the people for becoming infected with that loathsome disease, as to allow newspapers and public speakers to belch forth their disloyal and treasonable doctrines, and blame the people for becoming contaminated therewith. Such things will not do in these times. To kill the serpent speedily it must be hit in the head. General Order No. 9 has been approved by Gen. Burnside, and the force placed at my disposal to enforce it. I shall do so in every case where a palpable violation comes to my knowledge.

Hoping I have made myself understood, and thanking you for your frank and manly letter, I am yours, with great respect, MILO S. HASCALL,

Brig.-Gen. Vols., Commanding District.

To Hon. JOSEPH K. EDGERTON, M. C.

Some resistance was made to the officers engaged in making the enrolment under the act of Congress, and to the officers and soldiers engaged in arresting deserters from the army, in which some lives were lost.

No election was held in the State during the year except for county and other local officers.

A case involving the question of the military power of the Federal Government within the States was decided by the Supreme Court of the State. (*See* MARTIAL LAW.)

INDIUM. F. Reich and Th. Richter are led to believe that they have found, in two Freiburg ores, composed chiefly of arsenical pyrites, blende, and some galena, together with silica, manganese, copper and a small portion of tin and cadmium, a new metal. Having roasted the ores to remove the arsenic and sulphur, mixed the residue with hydrochloric acid, evaporated, and distilled, they obtained an impure chloride of zinc; examining this with the spectroscope for thallium, no green line appeared, but a before unknown blue line was noted. Conjecturing a new metal, the authors succeeded in isolating, as they believe, such a one in minute quantity, in form of a mixture of the metal itself, its chloride and hydrated oxide. Submitting this mass moistened with hydrochloric acid to the spectroscope, a brilliant and sharp blue line was seen, more refrangible than the blue line of strontium, and beyond this another and fainter blue line, not quite reaching the place of the calcium blue line. The lines lie in the so-called indigo space; the

authors have given to the new metal the name of *Indium*. They assert that the new element is not precipitated by sulphuretted hydrogen from an acid solution of the chloride, but is so by ammonia, falling as a hydrated oxide; that its chloride is extremely deliquescent; and that the oxide on charcoal with soda gives lead-gray metallic beads, which are very soft and also ductile.

INGLIS, Judge WILLIAM, born in Baltimore December 29th, 1804, died in New York city, May 29th, 1863. He was of Scottish descent, his parents having emigrated to this country in the early part of the present century. Soon after his birth, his family removed to Petersburg, Virginia, and subsequently to New York, where his father entered into mercantile business and realized a handsome competence. In 1821 the subject of our sketch graduated at Columbia College, and entered the law office of George W. Strong, Esq., with whom he finished his legal studies. In 1825 he was admitted an attorney of the Supreme Court, and commenced the practice of his profession, which soon became very extensive. He was a member of the Young Men's Whig Society, took an active part in all their deliberations, and in 1828 drew up the address of the Society; and was a member of the Whig Convention that nominated Mr. Seward for Governor of the State. In 1839 he was made judge of the Court of Common Pleas, and by his conduct and decisions upon many important cases, while on the bench, he gave very general satisfaction both to the bar and to the public. He had a keen perception of right and wrong, and his decisions were invariably marked by a sound and discriminating judgment which always commanded the respect of the profession. In 1845 after the expiration of his judicial term, he attempted to resume his profession, but his health being somewhat affected, he was obliged to suspend all business for a period of some years, when he again rallied and resumed it; but his constitution was permanently weakened, and he finally sank under the effects of his disease.

IONIAN ISLES. (*See* GREECE.)

IOWA. The election for State officers was held in Iowa on the second Tuesday in November. The candidates for Governor were William M. Stone, Administration, and J. M. Tuttle, Opposition. The Opposition Convention, which assembled July 8th, nominated Maturin L. Fisher as their candidate for Governor. He subsequently declined, and Gen. Tuttle was nominated by the State Central Committee of that party. Both candidates were in favor of a vigorous prosecution of the war, and of sustaining the Government in all measures for that object, and of making peace only on the unconditional submission of the enemy. The convention which nominated Col. Stone adopted the following resolution:

> That we fully and heartily endorse the policy of the Administration, and we will to the utmost continue to sustain the Government in suppressing the rebellion, and to effect that object we pledge our fortunes and our lives.

Gen. Tuttle, in his letter accepting the nomination, said:

> For the present, let us all unite heartily in support of the Government. If the Administration adopts measures for the prosecution of the war that do not coincide with our peculiar views, let us make no factious opposition to them, but yield to the constituted authority. Mr. Lincoln is the legally elected executive of this Government, and during his presidential term we can have no other. The fact that we did not vote for him renders us under no less obligation to support the Government under his administration than if we had been his most ardent supporters.

The election resulted in the choice of Mr. Stone for Governor. The vote of the soldiers was: Stone, 16,791; Tuttle, 2,904. Total, 19,695. The whole number of votes cast for Governor, including the army vote, was 142,314; of which Stone received 86,107, and Tuttle 56,132; scattering, 75. The majority for Col. Stone was 29,975. The Legislature was divided as follows:

	Senate.	House.
Administration	42	87
Opposition	2	5

An act had been passed by the Legislature, granting to soldiers the privilege of voting at their encampments, for State officers. For the purpose of taking this vote, the Governor appointed a number of commissioners to proceed to the different camps in other States and hold the election. This measure induced the Opposition Central Committee to address letters to Gens. Grant, Rosecrans, and Schofield, in command of the Western armies, making the following inquiries:

> *First*—Whether the Iowa officers and men of your command will be permitted to hold an untrammelled election under said law; and if so—
>
> *Secondly*—Whether a member of this committee or any competent agent of their selection will be furnished by you with the same safe conduct and facilities which may be granted to the Governor's "Commissioners," for the purposes of distributing ballots to the officers and men, and exercising the legal right of challenge, as to any vote offered at such elections, which may be supposed to be illegal, and of promoting by other lawful means the fair and impartial holding and return of said elections?

The reply of Gen. Grant was as follows:

> HEADQUARTERS, DEPARTMENT OF THE TENNESSEE, VICKSBURG, MISS., *August 4th*, 1863.
>
> L. G. BYINGTON.
>
> SIR: Your letter of the 6th of July, asking if citizens of the State of Iowa will be allowed to visit this army, and distribute tickets when the election is held for soldiers to vote, &c., is just received. In reply, I will state, that loyal citizens of Northern States will be allowed to visit the troops from their State, at any time. Electioneering, or any course calculated to arouse discordant feeling, will be prohibited. The volunteer soldiers of this army will be allowed to hold an election, if the law gives them the right to vote; and no power shall prevent them from voting the ticket of their choice.
>
> I have the honor to be, very respectfully, your obedient servant, U. S. GRANT, Major-General.

A case involving the constitutionality of this act of the Legislature was brought before the

court of the 8th Judicial District of the State, Judge Isbell. The court said:

We see no force in any of the objections to the constitutionality of the act except this, whether our constitution requires a personal presence of the voter within the county of his residence, for the last sixty days, in order to vote. We think the whole question narrowed down to this, and the only clause of the Constitution bearing upon it, except by remote inference, is that contained in Art. 2, sec. 1, which provides that "every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of this State six months next preceding the election, and of the county in which he claims his vote sixty days, shall be entitled to vote at all elections which now or hereafter may be authorized by law." That the affirmative description of a voter contained in this clause implies a negative as to all not coming within it we have no doubt. Otherwise the Legislature could have struck out the word "white" without a submission to the people. We must not confound the voter with the person of the voter. A voter as defined by the clause represents a complex idea made up of several less complex. The word combines the idea of a white person—a male—a citizen of the United States—a resident of the State of Iowa for six months next preceding the election, and a resident of the county, in which he claims his vote, for sixty days. Is not the claiming the vote in the county of his residence as essential to the perfect idea of a voter as that he be white? True, the incidents of citizenship, residence in the county, and the claiming his vote therein, do not inhere in the person of the voter, as do those of age, sex, and color. But do they not equally inhere in the voter by force of the constitutional description? While the primary or leading object of the section may be to define who shall enjoy the right of suffrage, instead of where he shall exercise the right, it is to our mind clear that in describing the voter, an incident is attached to him, which as necessarily limits the place of the enjoyment of the right to the county of his residence (that is, requiring him to claim his vote there), as though it had been the primary object of the section to determine where the right should be exercised. If this is so, it is of little consequence whether the end is attained by attaching such incident to the description of the voter, or whether it be effected by a separate title, headed, "Where the right of suffrage shall be exercised," and a separate section declaring, "Any person entitled to vote shall claim his vote in the county of his residence for the last sixty days." We conclude that the limiting the field for the exercise of the right to the county in which it is claimed is a material feature of the description of a voter by the clause. We can but believe the clause here mentioned is an actual personal claim, in contradistinction to an ideal, or (if such a thing is possible) legal claim. Believing the clause requires a voter to claim his vote in the county of his residence, we must hold such as were cast outside illegal, and, therefore, reject them.

An appeal was taken from this decision to the Supreme Court, and with two other cases came before that body. The court held that:

The Constitution, as applied to the legislative department of the Government, is a restriction, and not a grant of power, and it is competent for the Legislature to prescribe the qualifications of electors, and the time, place, and manner of exercising the elective franchise, when not expressly prohibited from so doing, or when the prohibition is not implied from some express prohibition of the Constitution.

Sect. 1, Art. 2, of the Constitution of 1857, defines only the qualifications of an elector, and does not prescribe the place of exercising the elective franchise, as a test of qualification. The power to fix the place and manner of its exercise is left with the Legislature.

The provisions of an act approved September 11th, 1862, entitled "an Act to amend Title 4, of the Revision of 1860, so as to enable the qualified Electors of the State in the military Service to vote at certain Elections," are not inconsistent with Section 1, Article 2, of the Constitution of 1857, for the reason that they permit such electors to cast their votes at polls opened and conducted beyond the limits of the county and State, of which they claim to be residents.

The revenues and expenses of the State for the past two years, embracing the war and defence fund, were as follows:

RECEIPTS.		
1861.		
Nov. 4. Balance in the Treasury, of State revenue	$28,039.13	
" " Balance in the Treasury, of war and defence fund	24,629.93	
" " Balance of both funds in Treasury	$52,669.06	
Amount received on account of State revenue, during the two years	866,816.62	
Amount received on account of the war and defence fund during the two years	527,352.15	1,446,837.83
DISBURSEMENTS.		
Amount paid out for redemption of warrants and interest and apportionment of railroad tax on account of State revenue	$695,097.51	
Amount paid out for redemption of warrants and interest on account of war and defence fund	710,986.22	1,406,083.73
Leaving balance in Treasury of State revenue, Nov. 2d, 1863		$40,754.10

The war and defence funds were derived as follows, to November 1st, 1863:

From sale of State bonds	$277,320.00	
" collection of Federal tax	302,282.03	
" U. S. war expenses refunded	100,000.90	
" all other sources	9,018.12	
Total receipts		$688,621.05
Excess of warrants issued over amount of receipts		184,109.13
		$872,730.18

Warrants have been issued and charged to this fund as follows:

Amt. issued prior to Nov. 4th 1861	$233,565.43	
" " from Nov. 4th, 1861, to Nov. 1st, 1863	639,163.85	
Total warrants issued		$872,729.28

The State debt, in December, 1862, was $1,122,296. The number of national banks organized in Iowa in 1863, was seven, with a capital of $400,000.

The valuation and taxes of the State of Iowa were as follows:

Acres of land	28,336,345. Value	$111,653,109
Town property	"	22,992,259
Personal "	"	32,463,106
Total valuation		$167,108,974
State tax, 2 mills		334,218

During the year two regiments of infantry and one of cavalry completed their organization, which had been commenced previously, and in addition, twenty-four regiments of infantry, five regiments of cavalry, and one battery, had enlisted for three years.

IRON AND STEEL. Among the most recent statements of facts and principles of interest in connection with the subjects of the working of iron and steel, the composition of the forms given to these in the processes of manufacture, their qualities, their applications, and the modes of protecting structures and articles

composed of iron from oxidation, we find the following especially worthy of record.

Manufacture of Iron and Steel from the Cinders of Furnaces.—Prof. A. L. Fleury, of Troy, N. Y., read before the Franklin Institute, Aug. 20th, 1863, a paper on the subject indicated in the title. Hitherto, thousands of tons of cinders, drawn from the puddling and reheating furnaces, have been thrown away as useless, or have been mixed with iron ores in blast furnaces, to increase the yield—not to improve the quality—of the iron. Analysis shows that these cinders contain from 25 to 50 per cent. of metallic iron, combined and intermixed with sulphur, silica, lime, and alumina. From this material, which had hitherto proved intractable, Prof. Fleury has succeeded in extracting good cast, as well as wrought iron, and even in producing a good cast steel. The two chief difficulties to be overcome, were: 1, that the combination of the iron—metallic and in oxides—with the other materials of the cinders, is such as mainly to withstand the application of heat, even the high heat in a steel crucible; 2, that upon reworking the cinder with lime, either alone or mixed with charcoal and clay, the sulphur, silicium and phosphorus remain in combination with the iron, and the latter is "red-short," or "red" and "cold-short."

These difficulties Prof. Fleury has been able to overcome by availing himself of the fact that, when unslacked burnt lime is caused to undergo hydration (slacking) in contact with or while intermixed through sand, the lime will, where in contact with the sand, combine with silica, and to this end will even decompose silicates. Accordingly, having ground the cinders to be treated fine, and mixed with them a proper percentage of powdered burnt but unslacked lime, he then wet the mass through with water, and exposed it in the air to dry. In his first trials, the dry mixture having been heated in a common puddling furnace, and treated in the same mode as pig iron, yielded 50 per cent. [see statement in the succeeding paragraph] of wrought iron, but which, from remaining traces of sulphur, was somewhat red-short. Later, he succeeded in removing this, by previously dissolving in the water to be used for slacking a small percentage of a chlorine salt. The author stated that this process—for which he had patents both in this country and Europe—is also applicable to the working of silicious ores, and can be performed in the puddling, cupola, or blast furnace. The cost of preparation and materials for the process is slight; and, properly worked, the result is invariably a good quality of iron.

At a meeting of the Polytechnic Association, of New York, March 31st, 1864, Prof. Fleury, after speaking in regard to certain other processes of manufacture of steel and iron, stated, in reference to that above described, that he had made more than a hundred experiments for the purpose of ascertaining the best mode of abstracting the metal; and that he had found a feasible plan to be that of blowing the cinders into the furnace, along with the air-blast. By this method, he had obtained 50 per cent. of the iron in them.

The Bessemer Process for Steel and Iron.—For converting the purer varieties of pig iron into bar iron and steel, this method, it is stated, is among European ironmasters constantly increasing in favor. In a recent communication to the "Berggeist," Prof. Tunner states that thousands of cwt. of Bessemer steel and iron are now annually produced in England and Sweden; that the steel is already an article of commerce in Germany; and that large works for this method are in course of erection in France.

The loss in converting pig iron into steel by this method, is 12 to 15 per cent.; in making bar iron, 18 to 22 per cent. In 5 to 10 minutes, 15 to 20 cwt. of pig iron are converted into steel or bar iron, with very little cost of fuel, and without hand labor. The pressure of blast used is from $\frac{1}{2}$ to $1\frac{1}{2}$ atmospheres, and the amount is 800 to 1,200 cubic feet of cold air of the ordinary atmospheric density. When the proper raw material is used, the steel and iron resulting equal in quality the best of cast steel and of forge iron. The failure of the earlier experiments is now said to be due to the employment in them of an inferior iron. Only good charcoal iron is now adopted for conversion by this method. In some new iron works, it has been attempted to improve English pig iron—carried to the point of conversion—by the addition of melted Swedish pig iron; and for a like purpose, manganese compounds have been used. The separation, however, of the deleterious materials associated in pig iron with carbon, would appear to remain still an unsolved problem. A high temperature is also indispensable; and this can be attained when large quantities of iron are converted at a single operation: as incidental advantages, the cost is diminished, and the product is more uniform. In Sweden, the minimum charge is 15 cwt.; and with 60 to 100 cwt. the result would be more favorable. That so much larger quantities of the material can be operated upon at one charge is, indeed, one great advantage of the process. For producing the proper temperature, the relative amount of blast to the iron should be carefully regulated: with too little blast, the process is slow, and heat is lost by radiation; with too much, the heat is too largely carried off by the air, and the desired decomposition in the iron is not effected. But in order that the whole mass of molten iron shall be thoroughly penetrated and set in agitation, the pressure of the blast must at least exceed that of the column of iron in the furnace.

Mr. Tunner lays great stress on the employment of a high pressure with hot blast. He believes the conversion would proceed with great regularity and completeness, and that many of the practical difficulties would be overcome, if the blast were heated to 200°–

300° C., or perhaps even to 500°-600° C. Further, to produce a given variety of steel or iron, the process of conversion must be interrupted when the refining has reached the desired point. This may be determined by observing the character of the gases and sparks which escape from the furnace, much as in hearth refining.

Prof. Roscoe has recently stated that, during a certain phase of the Bessemer process, the flame arising from the molten metal exhibits a complicated but highly characteristic spectrum, including the sodium, lithium and potassium lines. It is proposed, accordingly, to apply the spectroscope to the examination of the gases evolved from the melted steel, in order to determine the point at which the required effect is produced, and so to arrest the operation at the right moment. The accounts we have met with do not state, however, the form or character of the spectrum which is regarded as affording the desired test.

The cost for furnace repairs, in the Bessemer process, is less than was anticipated; but the waste product—20 to 30 per cent., when the iron is made into bars—demands consideration, no use having yet been found for this impure product. But, compared with the puddling process, that of Bessemer is yet merely in its infancy. Upon the subject of this process, Prof. G. J. Brush remarks: "A wide field is open for the application of Bessemer's process in this country, where pure iron ores, fully equal in quality to those of Sweden and Norway, occur in such abundance."

Desulphuration of Iron.—Prof. Richter, of Leoben, Austria, has studied the various means of depriving iron of sulphur. One of the best, hitherto, he regarded as being that of the addition of binoxide of manganese; but this being infusible, there is doubt whether it can be thoroughly incorporated with the iron; and the latter may also be deteriorated by impurities which the commercial oxide is liable to impart to it. The fact of the powerful oxidizing action of litharge (protoxide of lead) suggested to the author the employment of this material; and upon trial of it he found that it not only removed the sulphur in the puddling process, but that it oxidized also the phosphorus contained in the iron. The experiments were made near Wolfsberg, in Carinthia, with 7 cwt. of pig iron, which contained so much sulphur that it was impossible to convert it into bar; to this mass were also added 3 lbs. of sulphide of iron, and ½ lb. of phosphide of iron. After complete fusion of the whole, 3 lbs. of litharge were introduced, and the fusion continued. The success was complete; the puddled bar proved neither hot nor cold-short, and could be forged into iron for scythes; whilst a similar quantity of cast iron, puddled without litharge, crumbled to pieces under the hammer. The author supposes that in some instances metallic lead may be preferable to litharge.

Phosphorus in Cast Iron.—Capt. H. Caron, director of the French Imperial Laboratory, in a note presented to the Academy of Sciences, states that the many attempts he has made to eliminate the phosphorus from cast iron have thus far been unsuccessful; and he has even established that the iron absorbs a great part of whatever phosphorus it may find around it at the moment of its formation, especially if the slags be silicious. Having several times treated ores free from phosphorus with charcoal to which phosphate of lime and silica had been added, he had always found in the iron almost the whole of the phosphorus which the phosphate could yield. Thus, in reducing a carbonate of iron from Benndorff in a crucible lined with charcoal mixed with phosphate of lime, the quantity of the latter being so calculated as (theoretically) to introduce 1 per cent. of phosphorus into the cast iron, the results of six experiments gave the actual quantity of phosphorus taken up by the latter at from .92 to .82 of 1 per cent.

No way, then, appearing to exist for removing phosphorus from cast iron, and the two materials always combining when they meet (in fusion), it becomes important to remove from the process all sources of the hurtful metalloid; and one important point, too often overlooked, is that of the chemical composition of the fuel employed. Almost every wood contains phosphorus; and to such extent that its charcoal will impart to an ore free from this element at least .2 per cent. In this proportion phosphorus is not hurtful; but when it rises to about .7 per cent., its injurious properties begin to be manifest. Hence, fuel should be used which cannot yield to the cast iron this proportion of the element. Now, different woods contain different proportions of phosphorus, depending both on the soil and on their species. For example, the oak from *La Roque-les-Arts*, whose ashes contain but .008 of phosphoric acid, could not be replaced by the hornbeam of the Somme and the Nieve, whose ashes contain from .09 to .1 of that compound. The two woods yielding about the same amount of ashes, it is evident that the oak which could introduce only about .12 per cent. of phosphorus into the iron, would be preferable to the hornbeam, which might introduce at least 1 per cent.—*Technologiste*, Oct., 1863.

Action of Manganese in the Working of Iron for Steel.—Capt. Caron has also communicated to the French Academy of Sciences the results of a series of important experiments, made with a view to ascertain the part actually played by manganese in the manufacture of steel. Manganese does not carry off the phosphorus of the iron; but in presence of manganese the sulphur will disappear, even without refining; and in the process of refining, silicium is also in great part removed. He states that the results of practice confirm these conclusions: for the minerals—previously cited by

him in the details of his experiments—which yielded the best steel, had frequently contained sulphur, but never phosphorus; and even if they had contained coppery pyrites, the cast iron derived from them was free from sulphur.

Although, as has been well demonstrated by Karsten, manganese is not to be regarded as a "steel-ifying" body, yet it has incontestably the property of rendering steel better, and above all, more durable: this power, it is now not difficult to explain. When to a gray cast iron, of which the carbon is chiefly in a free condition, there is added a sufficient quantity of metallic manganese, the result is a white cast iron, in which the carbon is almost entirely in a state of combination. The effect is similar in case of steel; a very small portion of manganese suffices to retain the carbon in the state of combination, and to impart to the metal the conditions characterizing steel of good quality. But steel should never contain more than the half of 1 per cent. of its weight in manganese; as beyond this limit, it becomes hard and brittle, and loses a great part of its tenacity. Manganese has moreover the property of rendering steels weldable which otherwise are not so.

It is not uncommon with iron masters, in order to improve the quality of their products, to mix together ordinary and manganesian cast irons, and then to refine the mixture. The author's experiments went to show that in such cases the purifying effect is in direct proportion to the amount of manganese contained; so that, with this view, it becomes important so to reduce manganesian ores as to retain the largest possible quantity of this metal in the cast iron. Thus, though the spathic iron ore of Siegen contains 15 to 20 parts of manganese to 100 of iron, yet the cast iron derived from this mineral retains scarcely more than 6 or 7 per cent. If it were practicable, by changing the management of the furnaces, or the nature or proportions of the fluxes, to increase this proportion to 10 per cent., it is certain that cast iron of greater commercial value would be the result.—*Technologiste*, June, 1863.

Mr. Robert Mushet states, in the London "Engineer," his opinion that the employment of the oxide of manganese has [in England] revolutionized the process of steel making. As first applied by Mr. J. M. Heath, of Sheffield, in the way of mixing a small quantity of the oxide with the carbon and iron in the smelting-pots, the mode has come to be known as "Heath's process"; but the writer stated that the suggestion of the use of manganese was made by his own father to Mr. Heath. "To this great invention," he writes, "the Sheffield manufacturers now owe four fifths of all their wealth and prosperity." In his opinion, "the process of Heath does not alloy manganese with steel; the manganese simply acts as a flux, and is never metallized at all. The affinity of manganese for oxygen is most powerful; and even under the most favorable circumstances, closely combined with carbon, it is exceedingly difficult to metallize oxides of manganese."

Tungsten, and Titanium, in Cast Iron and Steel.—Mr. Mushet, in continuing to devise new methods for the improvement of cast iron and steel, has patented a series of processes including the use of a great variety of mixtures —1, of cast iron with such materials as binoxide of manganese, powdered red hematite, powdered tungsten, and chromium, or chromate of iron; 2, of steel, or of both a certain form of steel and of iron, or of one or two other forms of cast iron, with one of the previous mixtures. For example, he forms a mixture (designated as No. 1) of $5\frac{1}{2}$ to $7\frac{3}{4}$ lbs. of gray cast iron from red hematites, with about from $3\frac{1}{2}$ to 12 oz. of binoxide of manganese, and about 17 oz. of tungsten, the whole in powder; and this mixture is then used to improve the quality of steel, by adding in the puddling process the quantity just given to every 45 lbs. of the steel or iron operated on; as, to Swedish bar, ordinary cast iron, puddled steel, &c., about 1 per cent. of the weight of such material in charcoal, being also in some cases added.

Mr. Mushet proposes also to produce a superior titanium iron, and suitable for making steels and irons of the first class, by adding in the furnace to each charge of red hematites 10 to 20 per cent. of an ilmenite rich in titanic acid and oxide of iron, and as free as possible from earthy matter, pyrites, tin, cobalt, arsenic, or copper; or in more economical working, owing to the refractory nature of the ilmenite, from 5 to 10 per cent. of this mineral.

In fine, it may be said that this latter process consists in securing a triple metallic combination or alloy of iron, titanium, and manganese, containing also carbon, by means of melting together, by heating with coal, coke, or charcoal, a combination of ilmenite and of spathic iron or other manganesian iron ore, containing a large proportion of oxide of manganese—in a manner to bring the whole to a metallic form. He then adds some of this triple alloy, holding carbon, to cast steel or homogeneous iron, in whatever manner produced, in order to ameliorate the quality of the steel produced; or finally, previous to such addition, he decarbonizes in part or wholly the alloy; and he claims that the small quantity of silicium contained in this in no way deteriorates the quality of the steel or iron so made.—*Technologiste*, Dec., 1862.

A series of experiments has been carried out by Capt. Caron, under the direction of the French minister of war, in order to ascertain the effect upon the hardness and capability of resistance of bronze, cast iron, and steel, produced by addition to these respectively of a small percentage of the metal tungsten. The report concludes with a statement to the effect that probably no advantage is to be derived from adding tungsten to bronze, while it de-

clines to speak favorably of the like addition to cast iron; but it recommends the employment of this metal in case of the manufacture of steel, as giving to the latter qualities which enhance its value. We have not met with a statement of the percentage of tungsten recommended; but the additional cost is said not to exceed about 70 cents per cwt.—*Ibid.*

The experiments of M. le Guen, made at the military post of Brest, give a conclusion at variance with that part of the report just referred to, which relates to cast iron. He is led to conclude that cast iron, composed of old and new iron in proportions which give great strength, is made yet stronger by the addition of less than two per cent. of tungsten. In one case, after two fusions, the resistance to fracture was increased by more than one third. The superiority was maintained after several fusions; and the cast iron so treated was rendered tougher and more elastic. The addition of the tungsten was easy, as it merely required pulverizing, without prévious reduction.—*Technologiste*, June, 1863.

Mr. Edward Riley, F.C.S., finds that in certain sorts of iron titanium is abundant; and as this metal is found in clay, he thinks its presence in the former due to employment of clay iron ore. In two analyses of Norwegian ore, he found 36.88 and 40.80 per cent. of titanic acid present. In Belfast iron ore, dried at 280° F., he found 3 per cent. of this mineral. He believed that titanium, like manganese, exerted some beneficial influence on the manufacture of iron and steel: possibly, the titanium, by its affinity for carbon and nitrogen, acted as a carrier of cyanogen to the steel.

Chemical Composition of Cast Iron.—M. Rammelsberg, in a communication to the Academy of Sciences of Berlin, gives the results of his recent analysis of the cast iron of Müsen. He found this to contain 5.8 per cent. of combined carbon, and also graphite—the latter presenting itself in lumps. Silicium was also present, and, apparently, titanium. The graphite from the iron, after being washed in ether and alcohol, and dried, presented the aspect of pure graphite. The author concludes that it is correct to regard specular iron as a combination of iron and carbon; but that Karsten is wrong in supposing this the form which contains the largest proportion of carbon. Without having its external characters altered, such iron may contain variable quantities of carbon. Those irons which have most carbon in them also contain most silicium.

The Effect of Tempering on Steel.—Karsten had remarked that, in acting upon *untempered* steel by acids, there is retained as residue a graphitic material which, when *tempered* steel is substituted in the process, does not appear; the graphitic material he considered to be a definite combination of six atoms of carbon with one of iron. Capt. Caron has lately taken up this subject, of the carbon in steel, with especial reference to the influence exerted upon the latter by hammering, and by tempering.

In the many experiments made by Caron with a view to this question, he has never found Karsten's definite carbide of iron, or graphite; but he observed that the supposed carbide of iron varied in composition, not only with the quality of the steels and the nature of the solvents employed, but further, even with the form and the dimensions of the piece of steel analyzed. He was thus led to infer that the supposed carbide of iron is probably no more than a *mixture* of the carbon and metal, and in which the latter happens to be mechanically protected by the carbon against the solvent action of the acid used. He accordingly selected pieces of steel which had passed through the process of cementation, but were in three different conditions; namely, 1, untempered; 2, do., but hammered; 3, tempered. To each of these, placed in separate vessels, was added a like quantity of concentrated chlorhydric acid; and they were then together subjected to heat in a stove. It was readily perceived that the graphitic matter was not in equal quantity in the three vessels; and that, in the one holding the tempered steel, it was well-nigh wanting. Separating—by a course of treatment detailed in the article we quote from, —and analyzing the graphitic material afforded by the three samples of steel, the following were the results obtained. The three conditions of steel, in quantities of 100 grammes of the metal of each dissolved, yielded—for the untempered, 1.624 grammes of residue; for the hammered, 1.243 grammes; and for the tempered, 0.240. And the analyses of these showed:

	Untempered; grammes.	Hammered; grammes.	Tempered; grammes.
Carbon	0.825	0.560	traces.
Iron	0.557	0.445	traces.
Silicium	0.242	0.238	0.240
	1.624	1.243	0.240

Here, the effect produced in a complete manner by tempering, is found to be in part realized by hammering: and the qualities which constitute steel appear to be enhanced at the same time that the proportion of the carbon in intimate combination with the iron is augmented. At the same time that hammering improves steel, it diminishes the proportion of carbon that acids can separate from the latter; and these apparently related results are both seen to be manifested, and in much higher degree, in steel that has been subjected to tempering. But the effect of heat is directly the opposite, both upon steel and cast iron; the effect of annealing either of these, for some hours or days, being continually to increase the proportion of the carbon that acids will set free from the metal, at the same time that the strength and quality of the latter are impaired. M. Caron concludes that the affinity of carbon—by itself—for iron, is feeble; but that this affinity

may be powerfully modified by introducing into the steel certain elements foreign, or apparently so, to its constitution. (See *Action of Manganese*, &c., above.)

Having shown, now, that the effect produced in a complete manner by the tempering of steel is in part realized by hammering, this effect being a (mechanical) combination of carbon with the iron, M. Caron is led to explain the phenomenon of tempering by the supposition that in cooling rapidly a piece of steel, the metal is in reality submitted to an almost instantaneous compression, and which has a very considerable analogy with the shock produced by the blow of a hammer. This supposition, also, experiment appeared decidedly to confirm. A bar of steel of known measurement, tempered by suddenly cooling from a red heat, was found reduced in all its dimensions below those which it had at such heat, though these were still greater than those it had before the single tempering; in case of repeated temperings, the length soon becomes less than that of the original bar, and goes on diminishing, though in such case the other dimensions usually enlarge at the same time, and in proportions such that the density may be reduced. M. Caron concludes that, while heat has the effect to considerably dilate the metal, and to give to the molecules of iron and carbon the requisite mobility to allow of their being brought into union, the rapid cooling in the process of tempering has then the effect to bring the unlike molecules so quickly one upon the other, that the action is like that of the shock of a hammer, and the consequence to occasion the intimate combination of the two which takes place. But the action of tempering is more effectual, in that the contraction of the metal really takes place in all directions at once; while, in hammering, the action is exerted only in a single direction. And, what is still more important, the heat due to hammering in part destroys the effect that would result from the blows; but in tempering no such counteraction is possible, since while the shock is being imparted to the metal the latter has also grown cold.

Finally, the author has experimented in the way of tempering steel in a great variety of liquids, such as mercury, oil, water charged with different salts or acids, water covered with oil, or holding mucilages or sirups in solution, &c.; and he has found that the hardness, temper and other effects due to the process appear always to be induced in a degree which is inversely proportional to the square of the time occupied in the cooling of the metal.—*Technologiste*, March, 1863.

Strength of Wrought Iron and Steel.—Mr. David Kirkaldy, of Glasgow, Scotland, has recently published a volume embodying the results of his experiments made upon many hundreds of bars, plates, bolts, angle irons, &c., and the subject has also been discussed upon the reading of a paper embracing these results, before the Scottish Engineers' Association.

Mr. Kirkaldy has been led to conclude that the breaking strain alone of iron or steel does *not* furnish a true indication of its quality; that a *high* breaking strain may be due to the iron's being of superior quality, dense, fine, and moderately soft, or simply to its being very hard and unyielding; and a *low* breaking strain, either to looseness and coarseness in the texture, or to extreme softness, although in this case accompanied by very close and fine quality. In an age in which iron is becoming so extensively used, as in the present, in the construction of machinery, engines, buildings, bridges, ships, &c., it becomes in the highest degree important that the qualities of this material should be thoroughly understood; and especially, that the best modes of determining its strength should be ascertained. The author concludes that the true test of strength for practical purposes, both of iron and steel,—obtained, however, only by the actual breaking of a bar, —is to be found in a consideration, *jointly*, of the area of section of the bar given at the place of fracture, with the breaking strain. In other words, the ratio of strength of two bars is not, as heretofore supposed, a simple one depending on comparison of the breaking strain simply of the two; it is a compound ratio, into which, besides the comparison of breaking strains, there must enter also the inverse ratio of the areas of fracture. Thus, if two bars part at the same degree of strain, that which before breaking has been drawn to the smaller section at the place of fracture will, for practical and safe loads, prove the stronger. The author accordingly introduces a new standard or unit of measure for the tensile strength of bars, plates, bolts, &c.; namely, "the breaking strain per square inch of the fractured area of the specimen, instead of the breaking strain per square inch of the original area." As a corollary, he submits that the working strain, or safe load, should be proportioned to the indication of the former test, and not to that of the latter and heretofore usual one.

Mr. Kirkaldy gives the breaking strain of steel lower than Barlow had done; but the pieces he experimented on were not in so favorable form for exhibiting strength, as were those tested by the latter. In case of wrought iron, of 188 rolled bars the mean strength was 25¾ tons per square inch section; of 72 bars of angle iron, 24½ tons; of 167 plates, lengthwise, 50,737 lbs., and of 160 plates, crosswise, 46,171 lbs.,—mean of both, 21¾ tons per square inch. The breaking strain is generally assumed to be about 25 tons for bars, and 20 tons for plates; but a wide difference of opinion exists as to the proper working strain, *i. e.*, the load which shall be safe in practice. This has been variously stated at from *a third* to *a tenth*. The circumstance of the *quality* of the iron, as affecting the working strength, has been in the past too much overlooked. The new experi-

ments reveal the somewhat startling fact that, frequently, kinds of iron which the mere test of breaking strain would decide to be inferior, actually yield for working loads a better result than certain others which would be regarded as superior to them. Though the softness of the material has the effect of lessening the amount of the *breaking* strain, it has the very opposite effect as regards the *working* strain; and this for two reasons—first, that the softer iron is the less liable to snap; second, that fine or soft iron, being uniform in quality, can for this reason also be more depended on in practice. Hence, the load which this description of iron can suspend with safety, may approach much more nearly the limit of its breaking strain than can generally be attempted with the harder, or in any case with the coarser sorts. The author does not pretend to say what the ratio of safe load should be; but he maintains that some kinds of iron experimented on by him will sustain with safety more than double the load that others can be trusted with; and this, especially, in cases in which the load is unsteady, and the structure exposed to concussions, as in a ship, or to vibratory action, as in a railway bridge.

That iron or steel which is subjected to an exceedingly great number of concussions, or vibratory or tensile strains, and which for a long time it apparently bears without injury, will as a consequence of such action finally break, is well known; and equally well, the fact that when under such circumstances breaking does occur, the metal at the place of fracture presents a highly granular or else a crystalline texture. The theory has accordingly become quite prevalent, that the texture described is gradually induced in the iron, the latter in this way becoming weakened, until it breaks. On this point, however, and as the result of his experiments, Mr. Kirkaldy states that when iron is fractured *suddenly*, the crystalline appearance is invariably presented, even, it would seem, if the bar or plate be at the time in the condition of good fibrous metal; and that, when the fracture occurs *slowly*, the appearance is invariably (*sic*) fibrous. He states that in the fibrous fractures the threads are drawn out, and are viewed externally; while in the crystalline fractures the threads are snapped across in clusters, and are viewed internally or sectionally. From this view, it would follow that the same bar or plate may be fractured in one part in such way as to appear fibrous, and in another part immediately afterward in such way as to appear granular or crystalline.

Among the other conclusions announced by Mr. Kirkaldy, many simply reaffirm, or but slightly modify, principles already generally accepted in regard to the working and strength of iron; while still others of his propositions, for which space cannot here be given, are quite novel. He finds that galvanizing of ordinary plates produces no sensible effect on their strength; and that iron and steel are rendered stronger by cold rolling, and by wire-drawing. Steel is weakened if cooled from a high heat by plunging in water, but strengthened by being in the like case cooled in oil; and the more highly the steel is heated (without, of course, running risk of its being burned), the greater, upon cooling it by plunging in oil, is the increase in its strength.

In the discussion following this paper, Mr. W. Simons remarked that, in accordance with the results of the experiments made, the longitudinal fibre of iron used in shipbuilding must hereafter be placed in the direction of the most constant strain—a principle not hitherto regarded in such construction. Mr. B. Conner mentioned that, in experiments lately made at Sheffield, it was observed that the steel which bore the least tension the best withstood concussion. Prof. W. J. M. Rankine stated that ungalvanized iron is really a shade stronger than the galvanized, but that the latter is the more extensible; so that, in case of galvanized wire-rope, what is lost in absolute tenacity is made up in extensibility, the rope being through this quality better able to resist a shock.

An article of considerable length upon the subject of the "*Relations between the Safe Load and the Ultimate Strength of Iron*," from the pen of the eminent engineer, Zerah Colburn, and which is valuable, as affording a condensed summary of the results secured by the most careful and trustworthy experimenters up to a recent period, in relation to the subject named, with a consideration of their applications in practice, appeared in the London "Artisan," for April, 1863, and will be found reproduced in the "Journal of the Franklin Institute," Sept. and Nov., 1863.

In this article, speaking of Mr. Kirkaldy's experimental results, then recently published, and especially in regard to his proposed new standard of tensile strength, Mr. Colburn says: "The reduction of diameter of a bar at the point of fracture serves to give a practical man a good idea of the quality of the iron, but it does not admit of an expression of the mechanical work done in producing fracture, as do the combined breaking weight and linear extension. In tearing a bar in two, also, we have to consider the permanent stretch communicated to all parts of the bar alike, and the additional stretch at and near the point of fracture. That part of the stretching which extends uniformly throughout the whole bar would, we may suppose, be exactly proportional to the length of the bar, while that part of the stretch which takes place close to the point of fracture would, we may also suppose, be a fixed quantity, whatever might be the length of the bar. Mr. Kirkaldy's specimens of iron and steel varied from 2.4 to 8.2 inches only in length; and with these the ultimate elongation at fracture varied from nearly nothing to 27 per cent. of the original length, whereas longer bars would have shown a proportionally less elongation.

The samples which hardly elongated at all, were of puddled-steel ship plates. One sample, which bore 63,098 lbs. per square inch of the original area, stretched before breaking but the $\frac{1}{20}$th part of an inch in a length of 7.6 inches, or less than $\frac{7}{10}$ths of 1 per cent. of the length. Adopting Mr. Mallet's co-efficient, the structural value of such a material would be almost nothing. In fact, Mr. Kirkaldy found the puddled-steel plates throughout to have much less extensibility than cast-steel plates, while the former also were of very irregular breaking strength."

Additional Facts respecting the Relation of Vibratory Action, and Texture, to the Strength of Iron.—Prof. Wm. Fairbairn read before the Royal Society, Feb. 4th, a paper detailing certain experiments made by him in regard to the effects of impact, vibratory action, and long-continued change of load, upon wrought-iron girders, and with a view to determine the strength and form of iron tubular bridges, and the extent of strain to which girders may safely be subjected. The arrangement he employed was designed to imitate as nearly as possible the strain to which bridges are subjected by the passage of heavy trains, and also beams by lowering the load quickly upon them, and by producing a considerable amount of vibration. His test girder was a wrought-iron plate beam, 20 ft. long. Upon it, by means o. a mill driven by water power, a weight was allowed to fall, day and night, at intervals such as to produce about 80 concussions a minute. From the results of these experiments, the conclusions are drawn, that wrought-iron girders are not safe when subjected to violent disturbances equivalent to one third the weight that would break them; but that, when these are equivalent to one fourth the breaking weight or blow, the tenacity remains unimpaired.

An abstract of this paper having been read before the Polytechnic Association of New York, March 17th, 1864, and a member having stated that (as hitherto quite generally held) vibratory motions tend to disintegrate wrought iron by inducing in it a crystalline texture, Mr. Fisher alluded to the opinion of the late Mr. I. K. Brunel, to the effect that the peculiar molecular arrangement of the iron in such cases is not a result of the previous tremulous motions, but is produced *by the blow* causing the fracture—a view which, at first, perhaps, appearing to be the same with that of Mr. Kirkaldy, is in reality quite different; since the latter does not allow that a granular or crystalline texture *can be* produced in fibrous iron, but only that the iron can have its fibres so broken as to simulate such a texture.

Mr. T. D. Stetson thought Fairbairn's experiments and results chiefly valuable as an attempt to show at what precise degree (concussive) strains begin to be destructive. He was willing to believe that the rapidity of the act might greatly affect the appearance of the fractured surfaces; but any doctrine in this direction would be productive of evil if carried to the extreme of supposing that there were not great actual differences in the structure of metals. He instanced as common the cases of axles which, after breaking, showed that some of the bars of which they had been formed were far more fibrous than others piled in the same axle. The great mass of cast iron which some years ago, at the Novelty Works, in this city, became cooled before it could be poured, was when cold broken open in the slowest manner by very tapering wedges; but its interior was found to be in large crystals, while its exterior showed a fine texture. These results he inferred to be due to the facts that the outside of the mass was cooled rapidly, and the inside very slowly. The manner of breaking could not, in this case, have affected the molecular arrangement.

Applications of Steel.—At a late meeting of the South Wales Institution of Civil Engineers, Mr. Parry stated that steel rails laid down on the Midland Railway nearly 6 years ago, and over which trains have since passed 700 times daily, are to this hour uninjured. These rails were made by Mr. Mushet's process.

Rails of steel made by the Bessemer process have been laid down—in 1862, it would appear —on the London and Northwestern line. These were laid parallel with others of the very best iron; and although, it is stated, the latter had to be on several occasions renewed, the former still showed very little appearance of wear. The result, showing apparently a decisive advantage of steel over iron rails, had led the directors to arrange for the production, at Crewe, of 10,000 tons per annum of the new style of rail.

Experiments have been made in Prussia to ascertain the capabilities and advantages of cast-steel steam boilers. Two cylindrical egg-end boilers, one of steel, the other of wrought iron, were brought into comparison, and, after working 6 months, examined. They were 30 feet long and 4 feet in diameter. The steel boiler plate was $\frac{1}{4}$th inch in thickness; and the boiler tried by the hydraulic test to a pressure of 195 lbs. to the square inch, showed neither alteration in shape nor leakage. After working six months, the cast-steel plates were found quite unaffected, and, as compared with the other boiler, had moreover a remarkably small amount of incrustation. This boiler had also generated about $\frac{1}{4}$th more steam than the other. Another examination was recently made of boilers which had been in use 18 months. The steel boiler was found in excellent condition; and with about the same expenditure of fuel, it had evaporated 11.66 cubic feet of water per hour, against 9.37 cubic feet per hour by the common boiler.

Steel-wire ropes are now gradually displacing those of iron wire, for hoisting minerals from mines. The iron-wire ropes, in order to possess a given strength, must be much thicker, and accordingly much heavier, than those of steel.

Steel drills for shaft sinking, it is also stated, are taking the place of the old iron drills, steeled.

A trial is now being made of steel stamp heads for crushing ores—the fragments of the cast-iron ones heretofore in use, not unfrequently becoming mixed with the ores, and in this way often causing trouble.

Mr. Charles Bathoe states that, in India, glaziers never use a diamond to cut glass, but do all their glass-cutting with a hardened steel point. He has himself hardened steel so that it was as brittle as glass, by plunging it at nearly a white heat into iced water.

Coloring, Bronzing, and Preserving Iron and Steel.—Mr. H. A. Bonneville, England, has patented a method of accomplishing the purposes indicated, and which consists, in brief, in effecting the following results, namely: First creating at the surface of the iron or steel an adherent coat of peroxide of iron, he then, secondly, under the influence of water at an elevated temperature, transforms this into the black oxide, which contains a less proportion of oxygen; thirdly, he renews the operation until the adherent black coat is of sufficient thickness; fourthly, he immerses the articles in a bath of lukewarm water, for the purpose of removing any acidulated or saline particles that from the previous processes may remain adhering to the coat of oxide; and, lastly, dresses this coat by rubbing it with olive oil.

Protection of Iron from Rusting.—The reader will find a statement of certain methods that have been proposed or adopted for accomplishing the important end here indicated, in the section entitled "Preserving the Bottoms of Armored Vessels," under the head of "NAVY, UNITED STATES," in this CYCLOPÆDIA for the preceding year; and incidental mention of one or more such methods also, under the head of "CHEMISTRY," in the same volume, and in the present. The object of the process in the section preceding this, it will be seen, is that of producing (in a mode different from painting) a coat which shall afford a good color as well as protection.

In two articles appearing in the "Scientific American," of October 31st and November 7th, 1863, a summary is given of some of the more important (chiefly English and French) processes patented or brought into use since the year 1739, but principally since about the year 1840, for protecting from oxidation surfaces of iron which may be exposed to the action of salt water, or to rains, or the action of damp air, the earth, &c. Much of the information thus given is condensed from a longer article which had appeared in Mitchell's "Steam Shipping Journal;" and it is made to include (in the article for November 7th) a brief notice of processes for preserving timber. Among the methods of more recent date named for the protection of iron in different situations from rusting, are these: in 1860—that of Mr. M. Allen, for the application of gas-house tar to the inside of boilers, and to ships; that of Mr. R. Smith, for a mixture of pitch, tar, resin, and asafœtida, in turpentine, to the bottoms of vessels; and that of Mr. G. Hallet, for a paint composed of oxide of antimony and linseed oil; and in 1861, that of Mr. John Snider, of this country, for a composition of finely-powdered amorphous graphite with linseed oil and beeswax, for coating ships' bottoms; and that of Messrs. Hallet and Stenhouse, for a mixture of native oxides of antimony with red lead, as a paint for iron.

At a meeting of the Institute of Naval Architects, held during the past year in London, Prof. W. J. Hay, of the Naval College at Portsmouth, described a composition for which he had obtained a patent in 1861, though he had been making trials of it since 1857, and which is said to be very effectual for its purposes. In preparing this, a sub-oxide of copper is roasted until it has absorbed sufficient oxygen to convert it into black oxide; it is then reduced to powder, and boiled in linseed oil, until the mixture assumes a puce color. This mixture should be moderately thick or consistent, when applied. The armor-clad frigate Warrior, it was stated, was coated with this paint; and further, that when this vessel was docked after having been nine months in service, no signs of oxidation were observable in the plating, and the bottom of the vessel was comparatively clean.

In the "Jour. of the Society of Arts," No. 559, appears an account of a process patented by Prof. J. P. Jouvin, chief medical officer of the French navy, and claiming to be a mode of "preserving iron-plated and other vessels, and metallic articles, from oxidation, and preventing ships' bottoms from fouling,"—the article appearing also in the "Jour. of the Franklin Institute," Dec., 1863,—the method itself being said, however, to be essentially a revival of that of zinc protectors patented by Mr. John Revere, in 1830.

In Jouvin's plan, the inner surface of ships' sides and bottoms, perfectly scoured, are lined with sheets or laminæ of zinc, applied directly against the sheet iron, and there held fast between the latter and the frames. The difficulty of applying such a lining in ships already afloat, has led to the substitution for these of a double coat of a paint of powdered metallic zinc, applied, after scouring as before, all over from the keel up to a little above the water line: the paint, owing to the fatty matter it contains, being a less decided electric protector than the metal, the area of the protecting surface is increased. In case of iron ships in course of construction, both the powdered zinc and the sheets are applied, the former first upon the frame, &c., when first set up, and also upon the inner skin, beneath the included timbers of the hull. Holes are left in the plates for the rivets—to be put in hot; and when the riveting is completed, the spaces including the rivet-heads are covered with the paint. The

protecting bands of zinc, properly fixed from the keel up to the water line, need cover only from two thirds at maximum, to one tenth at minimum, of the surface to be protected, the intervals being covered with the zinc paint. In iron-plated vessels, the paint is applied upon the wooden hull, or the sheets between it and the plates, the latter first being well painted also on the inner side.

To protect the exterior of the hull under water from the deposit of marine shells and plants, Prof. Jouvin applies a mixture of turpeth mineral (sub-sulphate of mercury), Prussian blue, and red lead, in boiled linseed oil, from the contact of the two first-named of which salts with the alkaline chlorides of sea-water he declares the powerfully poisonous cyanide of mercury to result. This paint is applied over two previous coatings of that of metallic zinc, the hull having been first well scoured. To preserve sheet-iron tanks, marine boilers, steam engines, and other similar constructions from oxidation, the inventor either applies on them externally zinc sheets, or coats them with a double layer of the zinc paint. To preserve the parts of cables and chains, situated within wells, and liable to rapid oxidation, a band of zinc is fastened on each ring or link by screws. The paint also may be applied to iron articles in general, as a substitute for red paint, and wherever the latter is now used.

A mode of applying copper sheathing upon iron or iron-clad ships, which has been mentioned, is that of planking with wood to a little above the water line, countersinking the bolt-heads, covering the whole with a coating of asphalt and then with felt, to secure electrical insulation, and then sheathing over all with copper. Copper sheathing which fouls may be protected by painting with Jouvin's poisonous compound, above described.

A new and peculiar method of protecting iron ships has lately been patented in England. The covering applied on the metal, and which is known as "Brown's vitreous sheathing," consists of a coating of glass fused with small plates of iron, the whole intended perfectly to prevent the contact of sea-water with the iron, and at the same time to possess a certain degree of flexibility.

Mr. F. Crace Calvert recommends that, for the preservation of the material of iron-plated and other ships, all the iron used in shipbuilding should be galvanized. In some experiments performed by him in the years 1862 and '63, in the way of immersing in distilled and also in sea water, pieces of wood, some coated with iron only, and others with galvanized iron, the corrosion and loss of the galvanized iron plates in both the soft and the salt water was very small compared with that affecting those of ungalvanized iron. He believes that the galvanizing of the bolts and other iron used about wooden ships will greatly lessen the decay of the wood itself, with which the iron is in contact. And in order to determine the force of adhesion of the zinc coat applied in galvanizing to iron, he caused large galvanized bolts to be driven with a sledge hammer into solid blocks of oak, and also screws to be forced into similar blocks: upon then opening the blocks so as to release the bolts and screws, the latter were found to be not in the slightest degree uncoated.

In course of a discussion, during the summer of 1863, before the Society of Arts, London, Mr. C. F. Varley said, in reference to galvanized iron, that all attempts to use this for roofs in large towns have failed, from the circumstance that some component of the smoke attacks and corrodes the galvanized metal; while tinned iron does not resist the action of smoke so well even as zinc. All the experiments he had seen for coppering iron, failed, unless done in a manner too expensive for general use. He thought that what is required is a covering of iron with lead, or lead and antimony, so as to combine the stiffness and cheapness of iron with the durability of lead. Col. T. P. Schaffner stated that in some countries it is practicable to cover houses with tinned iron; and that in America this is largely used instead of lead. In St. Petersburg and Moscow, iron is mostly used, but it requires frequent painting. In the telegraph service, he has tried many experiments for the preservation of the wires, as by galvanizing, and the use of linseed and other oils; and though he had boiled the wires in linseed oil, with good results, they would still decay. Mr. Varley, sen., stated that if iron is heated and passed through oil, the pores become filled, and the metal lasts a long time. Mr. Revely mentioned that iron heated and covered with asphaltum had resisted a moist atmosphere for fifteen years. He had found the natural asphaltum best for this purpose, and had not succeeded so well with the liquid bitumens. In case of all other protecting materials, he had found that rusting would begin underneath them. Mr. John Braithwaite stated that the means of preventing oxidation adopted by his father, and followed by himself during the past fifty years, was that of painting the iron with red lead. White lead is of no value for such purpose. He had inspected a well, 200 ft. deep, in which were rods connected with an engine, and placed there by himself forty-five years ago: these rods were at the first painted with pure red lead, and upon taking them up after the lapse of that time, he found their weight precisely the same as when they were put down.

ITALY, a kingdom in Southern Italy, which now comprises the whole territory inhabited by Italians, with the exceptions of the Papal States, which form an independent State, Venetia, which belongs to Austria, Corsica, which belongs to France, and the canton of Tessin, which belongs to Switzerland.

The king of Italy is Victor Emanuel II., born March 14th, 1820, the eldest son of King Charles Albert, of Sardinia. He succeeded to the

throne of Sardinia on the abdication of his father, March 23d, 1849. By the Treaty of Villafranca, July 11th, 1859, and the Peace of Zurich, Nov. 10th, 1859, he obtained Lombardy, part of the Papal States, and the Duchies of Parma and Modena, while the Grand Duchy of Tuscany was annexed by decree of March 22d, 1860, and the Marches, Umbria (likewise part of the Papal States), and the Two Sicilies were added to the kingdom Dec. 17th, 1860. On March 17th, Victor Emanuel was proclaimed, by vote of the Italian Parliament, King of Italy. He was married on April 12th, 1842, to Archduchess Adelaide of Austria, who died January 20th, 1855. His children are: 1. Princess Clotilde, born March 2d, 1843; married on Jan. 30th, 1859, to Prince Napoleon, cousin of the Emperor of the French. 2. Prince Humbert, heir apparent and Prince of Piedmont, born March 14th, 1844. 3. Prince Amadeus, Duke of Aosta, born May 30th, 1845. 4. Prince Otho, Duke of Montferrat, born July 11th, 1846. 5. Princess Pia, born Oct. 16th, 1847; married Oct. 6th, 1862, to King Louis I., of Portugal.

The civil list of the king (dotazione della corona) has been settled at 16,250,000 lire.* The cousin of the king, Prince Albert Victor, Duke of Genoa, has also a State allowance (appannaggio) of 300,000 lire, and Prince Eugene Carignano an allowance of 200,000 lire. To the latter sum are added 100,000 lire, under the name of "spese di rappresentanza," making the "appannaggio" of Prince Eugene the same as that of Prince Albert Victor. The large private domains of the reigning family were given up to the State in 1848.

The constitution of Italy is substantially the same as the fundamental statute (statuto fundamentale), granted on March 4th, 1848, by King Charles Albert, to the people of Sardinia. The executive power belongs exclusively to the king, who exercises it through responsible ministers. The legislative authority is shared by the king with a Parliament, which consists of the Senate and a Chamber of Deputies. The Senate is composed of the princes of the royal house (when of age), and other members, who must be above forty years and are appointed by the king for life. The deputies (in 1862, 443) are elected by the majority of citizens, who are twenty-one years of age, and pay taxes to the amount of 40 lire. A deputy must be thirty years old, and at his election at least one third of the inscribed electors must appear at the polls. No member of the Parliament receives any salary or other compensation. The duration of the Parliaments is five years. In each chamber the presence of an absolute majority is necessary for the transaction of business. The ministers may attend, but can vote only if they are members. The king may dissolve the lower chamber, but in that case must order a new election, and convoke the new chamber within four months. The Parliament meets annually.

Italy has an area of 98,075 English square miles, and, according to the census of Jan. 1st, 1862, a population of 21,776,953. It is divided into 59 provinces, each of which is administered by a prefect. The name and population of each province are contained in the following table:

PROVINCES.	Square Kilometres.*	Population.
Alexandrie	5,055	645,607
Ancône	1,916	254,849
Aquila	6,500	309,451
Arezzo	3,187	219,559
Ascoli Piceno	2,096	196,030
Avellino	3,339	355,621
Bari	5,938	554,402
Bénévent	1,735	220,506
Bergame	2,660	347,235
Bologne	3,631	407,452
Brescia	5,180	486,383
Cagliari	13,530	372,097
Caltanisetta	3,885	223,178
Campobasso	4,674	346,007
Casserta	5,944	653,464
Catane	4,726	450,460
Catanzaro	5,975	384,159
Chieti	2,861	327,316
Côme	2,836	457,434
Cosenza	7,358	431,922
Crémone	2,148	339,641
Cuneo	7,136	597,279
Ferrare	2,589	199,158
Florence	5,644	696,214
Foggia	7,939	312,885
Forli	1,855	224,463
Gênes	4,114	650,143
Girgenti	3,290	263,880
Grosseto	4,299	100,626
Lecce	8,530	447,982
Livourne	317	116,811
Lucques	1,472	256,161
Macerata	2,737	229,626
Massa	1,776	140,733
Messine	4,402	394,761
Milan	2,993	948,320
Modène	2,502	260,591
Naples	1,111	867,983
Noto	3,721	259,613
Novare	6,543	579,385
Palerme	4,251	584,929
Parme	3,240	256,029
Pavie	3,330	419,785
Perugia	9,548	513,019
Pesaro	2,965	202,568
Pise	2,930	243,028
Plaisance	2,499	218,569
Port Maurice (formed in 1860)	1,210	121,330
Potenza	10,676	492,959
Ravenne	1,922	209,518
Reggio Calabria	3,924	324,546
Reggio Emilia	2,288	230,054
Salerno	5,481	528,256
Sassari	10,720	215,967
Siena	3,670	193,935
Sondria	3,259	106,040
Teramo	3,325	230,061
Trapani	2,743	214,981
Turin	10,270	941,992
Total	256,396	21,776,953

The Italian Ministry was composed, in Dec., 1863, as follows:

1. President of the Council and Minister of Finance: Chev. Mario Minghetti, born at Rome in 1815.

2. Ministry of Grace, Justice and Ecclesiastical Affairs: Pisanelli, born at Naples in 1815; appointed Dec. 8th, 1862.

3. Ministry of Foreign Affairs: Count Vis-

* One lira equals a franc (18 cents 6 mills).

* One square mile=54·9 square kilometres.

conti Venosta, born at Milan; appointed March 16th, 1863.

4. Ministry of Public Instruction: Count Emeric Amari, born at Palermo, in 1810; appointed Dec. 8th, 1862.

5. Ministry of the Interior: Chev. Ubaldino Peruzzi, born in Tuscany in 1821; appointed Dec. 8th, 1862.

6. Ministry of Public Works: General Louis Frederic Menabrea, born at Chambery, Savoy; appointed Dec. 8th, 1862.

7. Ministry of War: General Alexander Della Rovere, born at Turin; appointed Dec. 8th, 1862.

8. Ministry of the Navy: General Amedeus Cugia; appointed January 17th, 1863.

9. Ministry of Agriculture, Industry and Commerce: John Manne, born in Naples, in 1820; appointed Dec. 8th, 1862.

Eight of the Italian cities had, on Jan. 1st, more than 100,000 inhabitants, namely: Naples, 447,065; Turin, 204,715; Milan, 196,109; Palermo, 194,463; Genoa, 127,986; Florence, 114,363; Bologna, 109,395; Messina, 103,324.

Nine others had between 50,000 and 100,000, namely: Leghorn, 96,471; Catania, 68,810; Ferrara, 67,988; Lucca, 65,435; Ravenna, 57,303; Alexandria, 56,545; Modena, 55,512; Pisa, 51,057; Reggio (in Emilia), 50,371.

The "Catholic, Apostolical and Roman" religion is declared by the fundamental statute to be the religion of the State, but other forms of public worship are tolerated. The Roman Catholic hierarchy consists of 45 archbishops, and 198 bishops. They are appointed by the Pope, but the royal consent is necessary to their installation. Monastic establishments were formerly very numerous in all parts of Italy, but most of them have been suppressed by royal decrees, and a great portion of their property is devoted to the cause of public education.

Italy has 19 universities, of which 6, namely, Bologna, Naples, Pavia, Palermo, Pisa and Turin, are of the first class, having a complete course of higher instruction. The others have only the partial course of some faculties. Ferrara, Camerino, and Macerata are free universities. The number of students at each university was, in the year 1860 to 1861, as follows:

Bologna	454	Naples	2,800
Cagliari	139	Palermo	603
Camerino	71	Parma	354
Catania	471	Pavia	1,475
Ferrara	124	Perugia	86
Genoa	290	Pisa	653
Macerata	102	Sassari	78
Messina	96	Sienna	193
Modena	439	Turin	1,291
		Urbino	67

At the beginning of 1862, there were in the kingdom 7,180 communities, out of 7,720, which had elementary schools for boys; 4,466 had schools for boys and girls; 19,106 persons were engaged in giving primary instruction, namely: 12,475 male and 6,631 female teachers. The number of gymnasia (colleges) is 221. The polytechnic institutes are a creation of the new government in nearly all the provinces which have been united with the former kingdom of Sardinia. At present the State supports 24 polytechnic institutions, of which 8 are of the 1st class (Turin, Milan, Naples, Genoa, Florence, Bologna, Ancona, Palermo), 5 of the 2d class, and 11 of the third class; besides, there were 24 institutions of this kind which have been established by communities or private persons. The number of naval schools is 25. Agriculture is taught at the School of Agriculture and Forestry at Turin. There are also three agricultural institutes (Florence, Parma, Malfi), 1 school of drainage (Casale), 11 agricultural schools.

On the mainland of Italy there were, on the 1st of January, 1862, 2,229 kilometres of railroad in operation, and 1,987 kilometres in the course of construction, and upon the islands 40 kilometres in the course of construction. Some of the railroads have been constructed by the State, and run by private parties; in the latter case the State guarantees a certain amount of interest.

The following is a copy of the official budget for the year 1863:

INCOME.

General Directions.	Francs.	Ministries.	Francs.
Salt Tax	194,525,379	Justice	3,441,600
Direct Taxes	130,446,242	Foreign Affairs	360,000
Domains	209,881,745	Interior	1,802,200
Railroads	27,168,000	Public Instruction	985,152
Telegraphs	2,500,000	Agriculture, Industry and Commerce	422,000
Post Office	14,560,000		
Treasury	28,719,334		

Total 614,811,652
Of these are extraordinary revenues 65,456,408

EXPENDITURE.

Departments.	Francs.	Departments.	Francs.
Finances	351,983,090	Public Works	107,174,875
Justice & Ecclesiastical Affairs	30,801,264	War	259,508,090
Foreign Affairs	3,388,129	Marine	959,747,795
Interior	15,508,720	Agriculture, Commerce and Industry	17,859,863
Public Works	63,193,599		

Total 935,387,425
Of these are extraordinary receipts 172,044,129

Deficit 820,575,773

The public debt on January 1st, 1863, was as follows:

RENTES.	Entered Rentes.	Amorlization, Premiums, Various Expenditures.	Nominal value.
	Francs.	Francs.	Francs.
Consolidated 5 per cents.	125,706,031	.....	2,514,120,617
" 3 " "	6,421,623	.....	214,054,107
Miscellaneous	17,532,141	12,042,333	3,749,762,255
Total	149,659,795	12,042,333	6,477,936,979

By law of Jan. 11th, and royal decree of March 17th, 1863, the consolidated 5 per cent. rentes were increased as follows: Nominal capital, 714,320,000 francs; Rentes, 34,716,000.

The total amount of the public debt of the various provinces of the kingdom, in the year 1860, amounted to:

STATES.	Francs.	STATES.	Francs.
Sardinia	63,836,257	Tuscany	5,867,734
Naples	26,003,633	Modena	811,654
Lombardy	7,531,186	Parma	610,454
Sicily	7,650,000	Bologna	121,500
Total			112,430,448

The effective army was computed for the year 1864, as follows:

STAFF.	Officers.	Total.
8 regiments of grenadiers	210	210
72 " infantry	8,000	240,000
7 " bersaglieri (sharpshooters)	910	26,000
4 " cavalry of the line		
20 " light cavalry	903	22,000
2 " guides		
11 " artillery and staff	1,066	30,300
2 " sappers and staff	480	6,800
3 " train and staff	256	8,500
14 " gensdarmes	533	19,500
Administration	175	6,000
Garrisons, veterans, schools, etc	2,800	17,000
Total	15,333	376,310

The Italian army is, at present, in the course of reorganization. On a peace footing, it is in future to consist of 157 generals, 15,377 officers of all ranks, and 227,250 sub-officers, corporals and soldiers. Counting in the employés of the military administration, the total number is to be 245,526 men. In time of war the infantry force is to be 274,000 men, the bersaglieri 30,555 men, the cavalry 24,721 men and 15,332 horses.

The navy, in December, 1863, was composed as follows:

SCREW STEAMERS.

	Horse Power.	Guns.
1 ship of the line	450	64
8 frigates, 1st class	from 450 to 600	400
1 frigate, 2d class	500	36
3 frigates, 3d class	from 300 to 500	64
1 iron clad frigate, 1st class	800	36
2 " " 2d class	700	52
2 " " 3d class	40	40
14 gunboats	from 20 to 600	44
11 transports	from 100 to 400	20
43 Screw Steamers		756

SIDE WHEEL STEAMERS.

	Horse Power.	Guns.
3 corvettes, 1st class	from 300 to 400	32
12 corvettes, 2d class	from 200 to 380	60
10 mail transports	from 100 to 350	28
12 transports	from 60 to 350	14
37 Side Wheel Steamers.		134

Aggregate of steam vessels, 80, having 20,960 horse power, and carrying 890 guns.

SAILING VESSELS.

	Guns.		Guns.
2 frigates, 1st class	72	4 corvettes	40
1 " 2d "	20	3 brigs	30
2 corvettes, 1st class	24	5 lighters	12
		17	198

Beside, there were in the course of construction 3 iron-clad frigates, 1st class; 4 iron-clad frigates, 2d class, and 1 ram.

The personnel of the navy consists of 2 admirals, 3 vice-admirals, 10 rear admirals, 58 captains of ships of the line and frigates, 60 1st class lieutenants, 90 2d class lieutenants, 150 under lieutenants; total, 580 officers; 11,193 sailors, machinists, etc.; 660 mechanics. The marine troops consisted of 2 regiments of marine infantry, with 192 officers and 5,688 soldiers.

The commerce of Italy with the principal countries of Europe, in 1860, was as follows:

	Importation.	Exportation.
	Francs.	Francs.
Great Britain	167,751,650	62,008,025
France	175,849,603	143,015,725
Austria	46,805,540	30,146,853
Switzerland	33,525,834	56,707,059
Netherlands	22,911,090	3,831,985
Belgium	24,032,000	2,109,000
Sweden	868,561	924,285
Russia	15,047,652	20,364,516
Total	476,791,930	319,107,448

The movement of commerce in the chief ports of Italy was, in 1860, as follows:

	Importation.	Exportation.
	Francs.	Francs.
Genoa	289,704,143	119,212,935
Port of Sardinia	16,506,970	17,739,418
Leghorn	156,825,132	90,000,000
Ancona	7,003,000	8,100,500
Catania	2,424,750	6,952,800
Messina	.....	17,262,050
Palermo	26,971,000	43,712,000
Neapolitan Ports	74,860,000	56,085,000

The following table exhibits the movement of shipping in 1860:

FLAG.	Entered.		Cleared.	
	Ships.	Tonnage.	Ships.	Tonnage.
Sailing Vessels, Italian	71,191	3,299,957	70,951	3,198,940
Sailing Vessels, Foreign	8,635	1,037,602	8,099	1,011,356
Steamers, Italian Flag	3,228	544,573	3,314	467,160
Steamers, Foreign	2,753	975,473	2,693	977,366
Total	85,907	5,857,605	85,057	5,654,822

The merchant navy, on Dec. 31st, 1861, consisted of:

1,172 vessels, of 300 tons and upward, each—together,	357,118
15,226 vessels of less than 300 tons, together	312,398
50 vessels, together	16,887
16,448 sailing vessels and steamers.	686,403

At the beginning of the year 1863, the brigandage in the Neapolitan provinces was still very active. A committee, appointed by the Chamber of Deputies for examining this subject, traversed the disaffected provinces, offering a full pardon to all the insurgents who would submit. At the end of February a detachment of 16 soldiers was surprised by 60 men of the band of Chiavone, and completely exterminated. The democratic deputies (the "Left") of the Chamber of Deputies proposed the formation of corps of volunteers to disperse the brigands; but this plan, combated by the ministry, was not adopted by the Chamber. The presence of Gen. Lamarmora in the infested districts, in April, was followed by good results. The insurgents were driven from the mountains of Castellamare, Sorrento, Amalfi, and about 200 were captured. But, in June, the devastations by the brigands began anew

on a large scale. The province of Benevento, in particular, became the headquarters of the gangs of Chiavone and Caruso. This time the French troops in the Papal States interfered in favor of the Italian Government, and many of the brigands were seized at Rome, Civita Vecchia and other places of the Papal States, and either imprisoned or handed over to the Italian Government. On July 10th, the prefect of Genoa, Gualterio, seized five insurgent chiefs on board the French vessel Aunis; but this act the Italian Government soon disavowed as a violation of a convention concluded between the two countries in 1862, and the five prisoners were conducted to France. Subsequently, however (September 10th), upon a demand made by Italy for their extradition, the brigands were surrendered by France.

The report of the committee of the Chamber of Deputies on Neapolitan brigandage, charged the Papal Government with giving the greatest possible support to the brigands. It said:

The provinces of Frosinone and of Velletri are those where, for the most part, the brigand bands are formed; none of the peasants in these two provinces form part of them—they consist of foreign adventurers, or of bad characters, and men in the lowest state of misery, who have come from the Neapolitan provinces. The brigands of Tristany's band are generally dressed in a species of military uniform; and those who play the part of officers wear the distinctive badges of their different ranks. The Papal police have no eyes to see these preparations for war, and allow them to be carried out tranquilly, without offering the least opposition. At the end of the summer season of the year 1861, the band headed by Chiavone, which, so frequently defeated, had been just as frequently renewed and reunited, acquired considerable proportion. It set out in eight companies of 50 men each, and designated its chiefs by names taken from military ranks; among its members, especially amongst its self-styled leaders, were Spanish, French, Swiss, and Irish adventurers, and the Belgian Trazeignies. This band encamped with impunity near the frontier of Sora, between Santa Francesca and Casamari; it had even its outposts and its videttes, nor did it ever meet with any hindrance until the day when, after having resolved, on the 11th November, 1861, to cross the frontier, it received from our troops a merited chastisement in the combats of Isoletta and of St. Giovanni Incarico. As often as the brigands cross the frontier they are met by our troops and defeated; but then they have always been at full liberty to recover and reorganize themselves by recrossing into the Roman territory. At the Campo di Fiori, and at the Piazza Montanora, in Rome, there are persons who notoriously give a bounty to all the recruits they can find for the brigand bands. They choose and find their recruits among the peasants of the Abruzzo Aquilano, who have fled from the fear of conscription, or for crimes. The Papal Government assists them with arms and money, and, in order not to be discovered, it employs every species of artifice. On one occasion, for example, it supplied several hundreds of military greatcoats, and in order to carry out its purpose, the Minister of War advertised a sale, by public auction, of these greatcoats. A French priest made his appearance at the auction as the mock purchaser. No sooner had he got them than he consigned them punctually to the brigands for whom they were destined. The Bourbon committees of Alatri, Frosinone, Ceccano, Velletria, and Pratica are unceasingly engaged in the work of helping the brigands. In the Bourbon committee of Frosinone there are, of persons connected with the Papal Government, a judge, a chancellor of the episcopal court, two canons, and the curate. In that of Ceccano, there is a person in Cardinal Antonelli's own household; in that of Alatri, there are several canons; in that of Pratica, there is the archpriest, who sometimes accompanies the brigands on their raids. At the abbey of the order of the Passionists, in Ceccano, there resides a Papal gendarme, in active service, and two gensdarmes living on their pensions, who act as the regular guides to the robbers. Nor does Tristany take the least trouble to mask their designs. He openly assumes the title of "Field-Marshal commanding the royal troops of the Two Sicilies."

According to the report, the war against brigandage from May 1st, 1861, to the end of March, 1863, caused the loss of 21 officers and 286 soldiers of the Italian army, "a painful sacrifice," as the report observes, "when the character of the victims is compared with that of the murderers. As to the brigands, the number of killed, arrested, and voluntarily surrendered, exceed 7,000. The report, after admitting the necessity of a special and provisional law, divides it into two parts, one preventive and the other repressive, and declares against the purely arbitrary system hitherto followed by the military executions. The report calls for the creation of tribunals, to apply to the brigands taken in arms the enactments of the military code in time of war, such jurisdiction to cease with the brigandage itself.

On September 8th, the brigand chiefs Crocco, Ninco Nanco, Carusa, and Fortora presented themselves at Kionero to the commandant of the Italian troops, requesting a safe conduct for 250 other brigands who had promised to give in their submission to the Government. The chiefs left Kionero for Lagopesole with cries of "Viva Victor Emmanuel," and displaying the national flag.

On December 22d, the Chamber of Deputies adopted a motion by 159 against 51 votes, to the effect that the law upon the suppression of brigandage should be postponed to the end of February, 1864.

On the following day the "Official Gazette" of Turin published a decree pronouncing the postponement of the law to the time indicated by the Chamber of Deputies.

The efforts of the Italian Government to bring about a reconciliation with the Court of Rome were unsuccessful. In order to avoid as much as possible any conflicts with the church, a circular, of March 25th, recognized the right of clergymen to omit the name of the sovereign from public prayers, provided they did not substitute for it those of the former rulers. The Government also declared itself against a motion made in the Chamber of Deputies by a liberal priest, Father Passaglia, to require all priests to take an oath of loyalty to the king and the constitution. In opposition to this motion, the Government advocated liberty of conscience, and the principle of a free church in a free state, and the Chambers concurred in the views of the Government.

On November 13th, the Committee of the Chamber of Deputies appointed to examine the treaty of commerce and navigation with France,

brought up a report proposing its adoption. The report was adopted, on November 28th, by 157 against 49 votes. On December 1st, the commercial treaty concluded between Italy and Great Britain came into force. A treaty of commerce between Italy and Holland was signed at the same time.

On November 19th, the "Official Gazette" of Turin published a royal decree proclaiming an amnesty. It annuls the penal punishments awarded in the Neapolitan provinces for all crimes excepting those connected with brigandage and ordinary offences. The amnesty extends to all offences against the press laws, and all persons who have evaded the conscription, or acted in contravention of the laws relating to the National Guard. The report preceding the decree states that the enthusiastic reception and other manifestations which the king met with during his journey proved how deeply the unity of Italy is rooted in the mind of the population. Having nothing more to fear from the efforts of enemies, the ministers deemed it their duty to second the generous idea conceived in the heart of the king.

Some severe measures which the Government adopted in Sicily, in order to prevent disturbances and carry out the conscription laws, induced Garibaldi and several other deputies of the "Left" to send in their resignation (December 21st). Garibaldi explains his reasons for taking this step in the following letter addressed to his constituents:

CAPRERA, *December 21st.*

To my Constituents at Naples:

When I saw 229 deputies of the Italian Parliament confirm by their vote the sale of the Italian soil, I had the presentiment that I should not long remain in the Assembly of those men who blindly tore asunder the limbs of the country which they were called to reconstitute. However, the counsels of friends, the hope of reparatory events, and an unshaken sentiment of devotion toward my constituents kept me at the post. But now, when I see succeeding to the sale of Nice the shame of Sicily, which I should be proud to call my second country by adoption, I feel myself, electors, compelled to restore to you a commission which enchains my conscience and makes me indirectly the accomplice of the faults of others. It is not only the affection which I owe to Sicily, the courageous initiator of so many revolutions, but the thought that they have wounded in her the right and honor in compromising the safety of all Italy, which has led me to take this resolution. There is, however, nothing in this which will prevent me from finding myself with the people in arms on the road to Rome and Venice.

Adieu.—Yours, G. GARIBALDI.

The majority of the "Left," however, preferred not to quit their posts, but to remain in the Chamber, and a manifesto, explaining the motives which determined their course of action, received twenty-nine signatures.

J

JACKSON, once a thriving town and the capital of the State of Mississippi, is situated on the right bank of the Pearl river at the terminus of the Vicksburg and Jackson railroad, on the line of the New Orleans and Cairo railroad. It is forty-five miles east of Vicksburg. Its site is level and its plan regular. It contained a handsome State House, costing over half a million dollars, a Governor's Mansion, the State Lunatic Asylum, the Penitentiary, several churches, &c. It was captured by the forces under Gen. Grant on the 14th of May, and immediately abandoned by him to march upon Vicksburg. It was again occupied in July by Gen. Sherman and almost entirely destroyed.

JACKSON, THOMAS JONATHAN, a general in the Confederate army, born in Clarksburg, Harrison co., Va., January 21st, 1824, died at Guinea's Station, on the Richmond and Fredericsburg railroad, May 10th, 1863. The death of his father, in 1827, left him dependent upon an uncle, by whom he was brought up to a farmer's life. As a boy he was noted for gravity and sobriety of manners, and at 16 years of age is said to have been elected constable of Lewis county. Though indicating no special aptitude or taste for a military career, he obtained in 1842 the appointment of cadet at West Point, where he was graduated in 1846, 17th in a class of 59, which numbered among its members Generals McClellan, Stoneman, Foster, Couch, Reno, and others distinguished on both sides in the present war. At the academy he was far from being a brilliant pupil, mastering his studies with extreme difficulty, but learning thoroughly whatever he attempted. His disposition was retiring and taciturn, and at this, as well as at other periods of his life, he was afflicted with various forms of hypochondria, imagining that he had consumption, incipient paralysis, and other maladies.

He was immediately brevetted 2d lieutenant in the 1st artillery, and accompanied Magruder's battery to Mexico, serving first under Gen. Taylor and subsequently under Gen. Scott. During the victorious campaign of the latter in the valley of Mexico, he was promoted to a first lieutenancy, and for gallant conduct at Contreras, Churubusco, and Chepultepec, was successively brevetted captain and major. Returning home in impaired health, he resigned his commission in 1852, and was soon after appointed professor of mathematics in the Military Institute of Virginia, where he remained until the outbreak of the civil war. He performed his professional duties with conscientious fidelity, but in matters of discipline was too much of a martinet to become popular with the pupils of the school, who were accustomed to ridicule his peculiarities of manner and appearance, and his strict observance of a religious life. Thus the spring of 1861 found him scarcely known beyond the walls of the Institute, and not esteemed there as a soldier of more than ordinary

promise. He embraced the cause of secession with enthusiasm, was commissioned a colonel by Gov. Letcher of Virginia, and on the 3d of May appointed commander of the "Army of Observation" at Harper's Ferry, which a few weeks later he resigned to Gen. Joseph E. Johnston, retaining command of the infantry.

For several weeks he was employed in frequent manœuvres between Winchester and Harper's Ferry, encountering the Federal Gen. Patterson's advance at Falling Waters on July 2d; and on the 18th his brigade, consisting of five Virginia regiments carefully disciplined by himself, was hurried off to Manassas, almost under the eye of Patterson, to reënforce Beauregard. He bore a distinguished part in the battle of Bull Run, where, in the language of the Confederate General Bee, "Jackson stood like a stone wall;" and ever after that eventful day he was popularly known as "Stonewall" Jackson, and the troops commanded by him on the occasion as the "Stonewall Brigade." He remained with his brigade in the neighborhood of Centreville until October, having previously been commissioned a brigadier-general, and was then promoted to be a major-general and assigned to the command of the troops at Winchester, where he remained until early in the succeeding March, retiring only on the approach of the Union forces under Gen. Banks.

A reconnoissance made on the 18th and 19th of this month by Gen. Shields, commanding a division of Gen. Banks's corps, discovered Jackson posted in a strong position south of Winchester, and in immediate communication with powerful supports, for which reason the Union forces were concentrated near Winchester. On the 22d, Banks, with half of his corps, marched for Centreville to join the army of McClellan, and this fact having been communicated to Jackson by his scouts, the Confederate cavalry was ordered to drive the Union pickets back toward Kernstown, a small village, three miles south of Winchester, while the main body of the Confederates was pushed forward with secrecy and rapidity. Here on the morning of the 23d, Jackson, deceived evidently as to the strength of the Union army, made a vigorous attack upon Shields's left wing. Failing to make an impression there, he massed his troops for an assault upon the right, where Shields, in anticipation of such a movement, had concentrated a large force. One of the fiercest contests of the war ensued, but by unflinching energy the Unionists succeeded in driving the Confederates from a strong position behind a stone wall, and the latter at once yielded the field to their opponents, leaving behind 2 guns and other trophies. The swelling of the Shenandoah by rains having prevented the arrival of his supports, Jackson was compelled to retreat up the valley, disputing step by step the pursuit of Banks and Shields, until he reached the neighborhood of Harrisonburg, about 60 miles south of Winchester. From this point he was summoned with his command to Richmond, where the Confederates were collecting all their available strength, in anticipation of the advance of McClellan up the peninsula. But having suggested that he could better defend Richmond on the Shenandoah than on the Chickahominy he was allowed to remain where he was.

With a view of dislodging Jackson from this position two columns of Union troops were directed to operate in concert, one under Banks in the Shenandoah valley, and another under Fremont in the Mountain department, to the west. Both were weak in numbers, and by the beginning of May the corps of Banks had been reduced, by the withdrawal of Shields's division, to less than 7,000 men. Jackson, however, by concentrating with Generals Edward Johnson and Ewell, had increased his force to upward of 20,000. In conformity with the Union plans, Gen. Milroy, of Fremont's column, early in May marched with a small force eastward toward Buffalo Gap, for the purpose of threatening Staunton. Jackson at once moved to meet him, encountered the Union forces at McDowell on the 8th, and drove them back to Franklin, on the west side of the mountains, thus effectually preventing a junction between Fremont and Banks. Then rapidly retracing his steps, he collected all his available troops and turned upon Banks, who had been constrained by the depletion of his corps to fall back some distance from Harrisonburg.

On the 23d of May a portion of Jackson's army which had made a detour toward Front Royal on the Manassas Gap railroad, surprised the small Union force under Col. Kenly, stationed there, and captured nearly the whole command. Banks, who was then at Strasburg, was not slow to perceive his critical position, with an enemy on his front and flank, and on the night of the 23d commenced a rapid retreat toward Winchester, sending his train in advance. The force which had moved upon Front Royal also pushed on to intercept him at Middletown, while Jackson with his main body followed vigorously in his rear, expecting by this movement to capture Banks's train, if not to put his whole army *hors de combat.* At Middletown the Union train was driven back upon the main body, whereupon Banks, ordering his troops to the head of the column, repulsed the enemy in his front, and succeeded, after hard fighting, which was continued at intervals along the line of march, in reaching Winchester. But Jackson was too close upon his rear to admit of his making a stand there, and almost immediately the retreat was renewed and not again ended until the Union troops reached the Potomac on the 26th, the Confederates pressing them continually on either flank and on their rear. A brigade under Gen. Gordon, left behind at Winchester to enable the main body and the train to get well forward, maintained for some time an unequal fight with Jackson, but was finally compelled to fall back.

Thus in less than three weeks Jackson had not only baffled the efforts of Fremont and Banks to capture him, but had driven the latter completely out of Virginia. A more important advantage gained by him for the Confederate cause was the diversion of McDowell's corps, then preparing to march upon Richmond, from its contemplated junction with McClellan, which in the opinion of the latter general would have sealed the fate of the Confederate capital. Jackson remained in the vicinity of the Potomac, between Williamsport and Harper's Ferry, until the 30th of May, when prudential motives counselled him to move southward. The excitement which his dashing raid created throughout the Northern States had caused a considerable accumulation of troops at Harper's Ferry, while Fremont on one flank and McDowell on the other were in motion to cut off his retreat. Accordingly, on the night of the 30th, after a fruitless attempt to carry the Federal position at Harper's Ferry, he hurried off toward Winchester, whence on the succeeding day his retreat was continued up the valley. On the afternoon of the 31st, Fremont's advance, which had hastened by forced marches over difficult mountain roads from Franklin, encountered the rear guard of Jackson near Strasburg, and a smart skirmish ensued, which was terminated by darkness without material advantage to either side.

Jackson's retreat now equalled in rapidity that of Banks a week previous. He had however the advantage of having got his main body and train well forward, and his rear guard, covered by Ashby's cavalry, by delaying the march of Fremont, enabled the Confederates to pass safely through Strasburg. Part of the division of Shields, sent westward by McDowell to intercept Jackson, reached Front Royal, 12 miles from Strasburg, about the same time, so that the escape of the latter between both parties of his pursuers seemed almost miraculous. On the afternoon of June 1st, Fremont entered Strasburg only to find Jackson far in advance of him. Shields's advance guard now joined Fremont's force, while his main army passed up the valley along the south fork of the Shenandoah, Jackson and Fremont being on the north fork. It was thus the object of Jackson, though in superior force to Fremont, to avoid fighting a pitched battle, as the delay which would thereby be caused in his movements, might enable Shields to flank him on the east. For seven days the pursuit was pressed with vigor by Fremont, Jackson having in some instances barely time to burn the bridges behind him, and being obliged to leave by the way much of his plunder and material; and on the 8th the two armies came into collision at Cross Keys, 7 miles beyond Harrisonburg. A severe but indecisive engagement followed, terminating at nightfall, and under cover of the darkness Jackson pressed forward to secure the passage of the Shenandoah at Port Republic.

Shields had meanwhile made a parallel march with the retreating and pursuing armies, and his advance under Col. Carroll reached Port Republic on the 8th, while Jackson was fighting the battle of Cross Keys. Had the bridge over the Shenandoah been destroyed at this juncture, and had Carroll then pressed on to Waynesboro and rendered the Virginia Central railroad impassable at that point, the position of Jackson would have been critical. But the latter, well aware of this plan to intercept him, again baffled his enemies by the celerity of his movements, and before Carroll had made preparations to destroy the bridge, drove him back toward his supports. The Confederate army then pushed silently and swiftly across the river, upon the banks of which Fremont arrived on the morning of the 9th, only to find the bridge in flames and his prey again snatched from his grasp. Gen. Tyler meanwhile came up to the assistance of Carroll, but being in insignificant force, was soon put to rout by Jackson, who proceeded by easy marches to Richmond. Pursuit was impossible by the Federal troops, and Jackson was needed for more important duties in the army of Lee. Thenceforth he held no independent command, but his management of the brief but exciting campaign of the Shenandoah had sufficed to make his name famous both in Europe and America; and his admirers claim that in no subsequent campaigns, when acting under the directions of a superior, did he exhibit such energy, decisiveness and command of resources. His raid was of great benefit to the Confederate cause, and in no remote degree produced a series of disasters to the Federal arms, which for a time turned the scale against them.

On June 25th Jackson arrived at Ashland, about 16 miles north of Richmond, whence, in accordance with Lee's plan of a flank movement on McClellan's right wing, he was directed to move to Cold Harbor and attack the rear of Fitz John Porter's corps, which alone occupied the left bank of the Chickahominy. During the 26th and 27th he was occupied with getting into position, and late on the afternoon of the latter day, his troops falling with irresistible fury on the exhausted forces of Porter, who had been contending for hours against superior numbers at Gaines's Mill, drove them toward the Chickahominy and gave the victory to the Confederates. On the 29th he moved across the Chickahominy, engaged McClellan's rear guard on the succeeding day at Frazier's farm, and on July 1st shared in the signal defeat of the Confederates at Malvern Hills, where his corps lost several thousand in killed and wounded. A pause then ensued in the military operations before Richmond, both sides being too shattered to desire to renew the contest immediately. But about the middle of July the movements of the army of Virginia under Gen. Pope induced Lee to send a force to cover Gordonsville, and Jackson with his old corps, and Ewell's division, were selected for this duty.

For several weeks he remained at Gordonsville. But learning on Aug. 7th that Pope's advance was at Culpepper Court House, he marched rapidly in that direction with his whole force, hoping to cut it off before the arrival of reënforcements. On the 9th was fought the severely contested battle of Cedar Mountain, between Jackson and Banks, in which the latter was forced back about a mile toward his supports. But Jackson almost immediately retired across the Rapidan toward Orange Court House, to await the arrival of the main body of the Confederates, which was pressing forward under Lee to the invasion of Maryland. McClellan was also by this time in motion down the peninsula, and it became an object of paramount importance with Lee to overwhelm the small force under Pope before any portion of the army of the Potomac could join it. About the 18th Lee effected a junction with Jackson, and on the next day the united Confederate army moved toward the Rapidan, Jackson keeping to the left with a view of flanking Pope. On the 20th the Rapidan was crossed, and for several days the Confederates harassed Pope by frequent attempts to cross the Rappahannock, which, it subsequently appeared, were intended to mask a flanking movement under Jackson toward Thoroughfare Gap in the Bull Run mountains, and thence to Manassas in the Federal rear.

On the 24th and 25th Jackson made rapid progress northward, moving by unfrequented roads, taking no unnecessary baggage or rations, and subsisting his men on roasted corn and whatever else the country might produce. On the 26th he passed safely through Thoroughfare Gap, and fell suddenly upon the small Union force at Manassas, capturing prisoners, cannon, and a large amount of stores. Learning this, Pope moved with his whole force to the rear, and stationed McDowell at Thoroughfare Gap to prevent the arrival of reënforcements for Jackson. The situation of the latter becoming somewhat critical, he evacuated Manassas on the 28th, and moved through Centreville toward Gainesville, to be in the neighborhood of his supports. Here, on the succeeding day, he was brought to bay by the united Federal forces, and had there been a proper concert of action between Pope and his generals, it seems impossible but that he should have been crushed before the arrival of Lee. As it was, he was pushed back toward the Bull Run mountains, with fearful loss, but unbroken and defiant, and the golden opportunity was lost to the Federals. Longstreet had meanwhile forced his way through Thoroughfare Gap, followed, on the night of the 29th, by Lee, and on the 30th the Confederates confronted their foe with a united army and in greatly superior numbers. Jackson had a full share in the bloody battle of that day, and after the retreat of Pope across Bull Run, led his corps to the north of Centreville, with a view of turning the Federal right and severing their connections with Washington. Pope anticipated this movement by falling back a few miles to Germantown, where, on the evening of Sept. 1st, a sharp action was fought, resulting in the repulse of the Confederates.

Lee was now ready for the invasion of Maryland, and Jackson was again pushed forward, as he had been during the whole campaign, to be the pioneer of the movement. On the 4th of September he occupied Leesburg, on the 5th he crossed the Potomac near the Point of Rocks, and on the morning of the 6th his advance entered Frederick, where, with a view of winning over the inhabitants to the Confederate cause, a proclamation was issued, promising them relief from the tyranny by which they were oppressed, and similar benefits. As a further means of conciliation, strict measures were taken to protect private property, and on Sunday, the 7th, Jackson, true to his devotional habits, publicly attended Divine service at the Presbyterian and German Reformed churches. The expected sympathy of the Marylanders, however, proved a delusion; recruiting for the Confederate army made little or no progress, and the approach of the Federal army under McClellan rendered it necessary for Lee, whose whole force was now concentrated at Frederic, to move in the direction of the upper fords of the Potomac, by which, in case of defeat, he might retire into Virginia.

One of the prime objects of the campaign was the capture of Harper's Ferry, then garrisoned by a considerable force of Federals, and containing large amounts of artillery and munitions of war. Accordingly detachments were sent to occupy Maryland Heights, in Maryland, and Loudon Heights, on the right bank of the Shenandoah, both of which command the place, while Jackson marched up the Potomac to Williamsport, and, crossing thence into Virginia, moved down to the rear of Bolivar Heights, the only point of Harper's Ferry which the Federals had fortified. The latter, though thus invested on three sides, might easily have maintained the post but for the unaccountable abandonment, by Colonel Ford, of Maryland Heights, the occupation of which by the Confederates on the 13th and 14th decided the fate of the garrison. A furious cannonade from Maryland and Loudon Heights was opened on the 14th, while Jackson pressed the garrison in the rear. The attack was renewed on the morning of the 15th, and resulted, in a few hours, in the unconditional surrender of the place, with 11,000 troops and all the material of war.

Meanwhile the battle of South Mountain had been fought, and Lee, retreating before McClellan, was taking position behind Antietam Creek. Foiled by the vigor and celerity of Jackson in his effort to relieve Harper's Ferry, the Federal general concentrated his forces to give battle to Lee and drive him out of Maryland. No time, therefore, was to be lost by Jackson in forming a junction with his commander; and leaving

Gen. A. P. Hill with his division to hold Harper's Ferry and finish paroling the prisoners, he crossed the Potomac at the Sheperdstown ferry on the 16th, and the same evening took post on the Confederate left wing on the historic field of Antietam. The hardest fighting of the succeeding day devolved upon him, and though the obstinate valor of the Federal troops availed to push him back some distance, the ground was gained at a cost of life never exceeded during the war. On the night of the 18th the Confederates quietly retreated into Virginia, and for several days Jackson was employed in destroying the Baltimore and Ohio railroad track from near Harper's Ferry to the North Mountain, a distance of 30 miles. Scarcely had he accomplished this work when he was called upon to repel a reconnoitring party of Federals, who crossed the Potomac near Shepherdstown and were driven back with serious loss.

During October and November Jackson remained in the valley of Virginia, Lee having meanwhile occupied and fortified Marye's Heights, in the rear of Fredericksburg, in front of which Burnside lay, on the left bank of the Rappahannock. In the first week of December he was summoned thither by Lee, and upon his arrival took command of the right wing of the Confederate army, which he held during the eventful battle of the 13th. Though here, as at Antietam, the weakest point in the line was given him to defend, and though at one time he was in imminent danger of being flanked by Franklin, he held his ground till darkness ended the battle, at which time no important advantage had been gained in that quarter by the Federals. He even designed a night attack by massing his artillery in front and supporting the pieces with infantry, but was obliged, in consequence of a severe fire from the Federal batteries on the opposite side of the river, to abandon the project.

For several months Jackson remained at his headquarters, ten miles below Fredericksburg, employed chiefly in preparing the official reports of his battles. He still held command of the right wing, and for services in the battle of December 13th had been promoted to be a lieutenant-general. With the exception of cavalry expeditions and occasional reconnoissances, no operations were undertaken by Gen. Hooker from the time of assuming command of the Federal army, January 26th, until the latter part of April. On the 26th of that month, however, he commenced the execution of a plan which he had been long maturing, and which contemplated a flank movement by one portion of his army some distance above Fredericksburg, while another portion crossed the Rappahannock below the town, and menaced it from that quarter. By a skilful ruse Jackson's corps was detained in its old position below Fredericksburg, while the bulk of the Federal army crossed the Rappahannock and the Rapidan at various fords above, and on the evening of April 30th was concentrated to the number of four corps at Chancellorsville, about 12 miles west of Fredericksburg. The position of Hooker enabling him to threaten both Fredericsburg and Gordonsville, was strengthened during the ensuing day by the erection of breastworks and abatis. Lee was not slow to fathom the design of the Federal general, and leaving a single division to guard the heights he had so long occupied, he moved westward on the 29th of April, and threw up earthworks midway between Chancellorsville and Fredericksburg to arrest the progress of Hooker toward the latter place. During May 1st he reconnoitered the Federal lines, and finding them impregnable in the neighborhood of Chancellorsville by reason of the earthworks and abatis, he determined upon a flank movement upon Hooker's right, and selected Jackson to execute it.

The latter accepted the task with alacrity, and early on the morning of the 2d his corps commenced its march, moving toward the road leading to Germanna ford on the Rapidan, so as to strike the rear of the Federal right wing, occupied by the eleventh corps under Gen. Howard. No suspicion seems to have entered the mind of any of the Federal generals that such a movement was in progress, the Confederate attack, if made at all, being expected in front of Chancellorsville, and no precautions had been taken to fortify this part of the line. Suddenly, at about six o'clock in the evening, Jackson fell like a thunderbolt upon the unprepared Federals, who were cooking supper, or engaged in various camp duties. Formation or order was impossible in the face of the impetuous charge of the Confederates, and in an almost incredibly short time the greater part of the eleventh corps was routed and fleeing in a confused mass toward the Federal centre, which was, by this unforeseen disaster, pressed back upon Chancellorsville. By great exertion the fugitives were rallied behind other troops, and the advance of Jackson stayed. The latter, however, had no thought of pausing in his career, and having given orders to Gen. A. P. Hill to press forward in pursuit, reserving his fire unless cavalry approached from the direction of the enemy, he rode with his staff and escort to the front. It was now nearly nine o'clock, and quite dark, and in deference to the wishes of his staff, who thought he was exposing himself needlessly to the Federal skirmishers, Jackson turned his horse to ride back toward his own lines. In the growing obscurity, the cavalcade was mistaken for Federal cavalry, and a South Carolina regiment, in literal conformity with the orders recently issued, fired a sudden volley into it, by which Jackson was wounded in both arms, and several of his staff killed outright. He fell from his horse, exclaiming, "All my wounds are by my own men," and almost immediately a Federal column, attracted by the firing, charged over the very spot where he lay, his staff scattering in all directions at their approach. The Federals were in turn repulsed, and in the midst of a terrific artillery

fire, which swept down the Confederates by hundreds, he was placed on a litter and carried to the rear, receiving in the confusion of the moment severe contusions in his arms and sides.

His left arm was amputated on that same evening, and two days later he was removed to Guinea's station, on the Richmond and Fredericksburg railroad. For several days he continued to improve, but on the 7th, while preparations were making to remove him to Richmond, symptoms of pneumonia appeared. On the evening of that day all pain left him, and with its cessation he began rapidly to sink. He died quietly on Sunday afternoon, the 10th, exclaiming, when told by his wife of his approaching end, "Very good, very good; it is all right!" and was honored with a public funeral in Richmond on the 12th, amidst unmistakable manifestations of sorrow. Throughout the seceded States he was not less profoundly mourned, the public regret being intensified by the reflection that their great general, like the eagle killed by arrows tipped with its own plumage, had fallen under the volleys of his chosen and devoted soldiery.

The character of Jackson was developed only during the two brief but momentous years which succeeded the outbreak of the war. Had secession never taken place he might have lived and died the obscure and eccentric professor which the spring of 1861 found him. In private life, in fact, he was, like others distinguished in his profession, a comparatively dull and uninteresting man, noticeable chiefly for the depth and earnestness of his religious convictions; and few could have predicted that under so quiet an exterior he concealed an impetuous bravery rivalling that of Ney and Lannes, and an energy, ripened judgment, and command of resources to which those generals could lay no claim. Of his capacity to undertake a large independent command no test was ever made, his celebrated campaign in the Shenandoah valley having been conducted with an army not exceeding 25,000 men. But as the lieutenant of another, executing important movements of an army wing, and anticipating almost intuitively the plans of his superior, he proved himself a genius of the first order; and one can readily appreciate the significance of Lee's remark, when learning the misfortune which had befallen his favorite general: "He is better off than I am. He lost his left arm, but I have lost my right." During his residence at Lexington he became a member of the Presbyterian Church, and at his death was a deacon in that denomination. Embracing, to its fullest extent, the doctrine of predestination, he was regarded by many as a fatalist, and his religious fervor seemed to rise with the progress of the war, approaching sometimes the verge of fanaticism. He attended service regularly on Sundays, never omitted his daily devotions, encouraged prayer meetings and revivals among his troops, and in reports and despatches announcing successes in the field, invariably ascribed the victory to divine interposition. To extreme simplicity of manners and dress, he united a transparent honesty of character, and a genuine humanity, which, in the midst of a civil war of unexampled fury, caused him to be respected alike by friends and foes. In person Jackson was of middle height and soldierly bearing, and his features, when not lightened up by eyes of singular brilliancy and expression, were in no respect remarkable.

JAPAN, an empire in Eastern Asia. Its real sovereign is the mikado, the ecclesiastical or spiritual emperor who resides at Miako, in the principality of Kioto, and whose personal name is only known to the imperial princes. By his order and in his name, the Government is actually carried on by a tycoon, or temporal emperor, whose residence is at Yeddo. The name of the present tycoon is Mina Motto I.

The revenue of the mikado is partly derived from the city of Miako and its vicinity, and partly from the costly presents of the tycoon. The latter derives from the crown domains about $12,000,000 annually; in addition, the daimios (semi-independent princes) have to pay him subsidies. The receipts of twenty-five of the latter are estimated at from 1½ to 5½ millions, and those of twenty others at about 1¼ million dollars; the aggregate income of all the daimios at about 150 millions.

Japan consists of Japan proper and the dependent islands, and is said to comprise in all no less than 3,850 islands. The total area of the empire is estimated by Engehardt at 7,065, and by Siebold at 6,615 geographical square miles. The estimates of the population vary from 35 to 40 millions.

The ports which the Japanese have promised to open to the treaty Powers are the following: Hioga, south of Miako; Kanagawa (Yokohama), in the bay of Yeddo; Niegato (northeastern coast of Niphon); Hakodadi (on the island of Yesso); and Nagasaki (Kiusiu). The commercial treaties were concluded: 1, with the United States of America, on March 31st, 1854; 2, with Great Britain, on Oct. 14th, 1854; 3, with Russia, Jan. 26th, 1855; 4, with the Netherlands, Nov. 9th, 1855; 5, with Portugal, Aug. 3d, 1860; 6, with Prussia, Jan. 25th, 1861.

The tycoon is not, as was formerly supposed, the sovereign ruler of the land, in so far as secular matters are concerned. He is in rank only the fourth prince of the empire, and was the fifth until the present incumbent was raised a degree by intermarriage with the imperial house. At Miako there are two beside the emperor that outrank him—members of the imperial court. The sole head of this Government is the emperor. No change in the organic law of Japan can take place without his consent. All rank and authority are conferred by him, except those of the hereditary princes. Even they may forfeit their titles and immunities by acts of hostility against the mikado (literally, the sublime porte) or emperor.

The office of tycoon, though confined to one of three families, is in no respect that of a sovereign. Originally and theoretically the tycoon was but the generalissimo commanding all the military force of the country, under the direction of the emperor. He possesses hereditary domains in various parts of the country, and receives the revenue from them; but the daimios do the same. He is by virtue of his office superior in certain respects to the other hereditary princes, particularly in holding the military forces under his control. He has no power to make treaties without the imperial sanction. But for the assumption of this power, whereby he has enriched himself, while at the same time he does not admit others to a share in the profits of a foreign trade, he would have been at present, as he was in fact until lately, merely the captain-general of Japan. With all the advantages accruing from the new relations with foreign Powers, he still is the tycoon, and not the emperor, nor even a coördinate ruler with the emperor. Yeddo is not the capital of the country, as the common expression for going to Miako, even from Yeddo, shows. The Japanese go down to Yeddo, and up to Miako. The tycoon is after all but a servant of the emperor, and in the estimation of the Japanese, there is an impassable gulf between the two.

The trade of Japan with foreign countries has greatly increased since the opening of the ports. In one port alone, that of Kanagawa, the English trade increased from the value of £70,000 in 1862, to that of £112,000 in 1863. A despatch from the British chargé d'affaires, in Japan, dated September 11th, 1863, states that the value of the export trade in British vessels had increased within six months from £253,337 to £561,120, although, as the writer of the despatch observes, "during those same six months the succession of events which have transpired of an alarming and exciting character, was calculated altogether to paralyze and arrest any trading operations." For the first time raw cotton has been exported to the amount of 795,207 lbs. What may be the capabilities of the country in respect to cotton growing is uncertain. It is a point upon which no information whatever is given by the different writers who describe the country from personal observation. Trade has hitherto been much despised. "A millionnaire merchant, if one exists in Japan," says the writer we have already quoted, "is obliged to prostrate himself in the dust before the lowest two-sworded retainer of a daimio, if he happens to meet one on the road. Wealth bestows no social position. The most prosperous trader dares not appear on horseback in the streets of Yeddo; if he did, he would be instantly dragged from the saddle, and ignominiously rolled in the mud."

The only portion of the current history of Japan which is of interest for Americans and Europeans, is the history of the relations of the Japanese Government to the civilized nations, with which, in late years, commercial treaties have been concluded. This opening of communication with foreign nations met with a violent opposition on the part of many of the daimios, and there has ever since been an unceasing feud between a party friendly to the foreigners and an anti-foreign party. The tycoon was at the head of the former; the mikado, or spiritual emperor, has openly espoused the cause of the other party, and seems to have used this occasion for recovering a more active and direct influence upon the administration of the State than his predecessors have exercised.

In January, 1862, the Minister of Foreign Affairs, Ando Tousimano Kami, suspected of being favorable to the Europeans, was attacked in Yeddo, in open daylight; Ando defended himself bravely, killed one of his assailants and put the others to flight. He deemed it best, however, to leave the Council of Ministers, and was replaced by one supposed to be hostile to the foreigners. At the end of March a Japanese embassy left Yokohama to visit those European courts with which Japan has established commercial intercourse, and to obtain from them permission that the opening of the ports of Yeddo and Osaca be postponed to a period more favorable to the pacific intentions of the tycoon.

The anti-foreign daimios established a league and went to Kioto, to lodge before the mikado a complaint that the tycoon, "an unfaithful servant of the legitimate emperor," had violated the constitution of Japan by concluding treaties with foreigners (May 26th, 1862). The mikado summoned the tycoon to defend himself. The tycoon charged with this mission one of his ministers, who, rather than accept the commission, committed suicide (hari-kari). Another functionary went to Kioto, but was so affected by his reception as likewise to commit suicide. The tycoon then (July, 1862) promised to go to Kioto himself.

While these negotiations were going on, two English marines, belonging to the guard of Col. Neale, chargé d'affaires of the Queen of England, were assassinated at the English legation at Yeddo, by a Japanese officer, who immediately after committed suicide (June 25th, 1862). Col. Neale withdrew from Yeddo to Yokohama. In September, 1862, four English subjects, Richardson, Clarke, Marshall and Madame Borradaile, were attacked on the high road which leads from Yokohama to Yeddo, by the escort of a high Japanese functionary, a relation of the Prince of Satsuma. Mr. Richardson was killed; his companions escaped, but two of them were severely wounded.

Toward the close of the year 1862, the Japanese embassy returned to Yeddo, having visited Paris, London, Berlin, the Hague, St. Petersburg and Lisbon. They had achieved their object, having obtained the consent of those European governments that the opening of the ports of Yeddo and Yokohama might be put off.

At the beginning of the year 1863, a British fleet, under the command of Admiral Kuper, arrived in the bay of Yeddo, not far from the capital of the tycoon, in order to support by force, if necessary, the demand which Colonel Neale was to make for a reparation of the crimes committed against British subjects. Col. Neale was instructed to demand the execution of the murderers of Mr. Lenox Richardson; also, that the Government of Yeddo should formally express a regret at not having prevented the crime of which Mr. Richardson had been the innocent victim, and pay a sum of £100,000 as the expenses of the expedition to Japan, and £35,000 for the persons or heirs of persons who had been wounded or killed at the English legation in Yeddo, and on the high road from Yokohama to Yeddo. The commander of the French squadron in the Japanese seas, Admiral Jaurès, in accordance with the instructions received from his Government, was to join Admiral Kuper in supporting the demands to be made by Colonel Neale. The Government of Yeddo tried to dodge a definite reply to the English demands. They asked for a delay until the return of the tycoon from the interview with the mikado; they pretended that the tycoon had no authority over the murderers of Mr. Richardson, as they were the subjects of the Prince of Satsuma, and finally they maintained that the tycoon, while defending the foreigners in his vicinity, had neither the right nor the power to protect them against the hatred of the national party.

Col. Neale twice granted the demanded delay, but being at length convinced that the Japanese Government did not act toward him in good faith, he left the matter in the hands of Admiral Kuper, who made at once the necessary preparations, and announced to the Government of Yeddo that, unless within a specified time they would comply with the demands of the British Government, he would have recourse to coercive measures. This language had in so far the desired result, that the Government of Yeddo consented to place in the hands of Col. Neale a sum of 2,500,000 francs.

The relations of the minister of the United States, Mr. Pruyn, to the Government of the tycoon were for a long time more friendly than those of other treaty Powers. Mr. Pruyn remained at Yeddo, when all the other ambassadors had left, and more than once the Japanese Government invoked his interposition in the progress of their negotiations with England and France. Still he was desired, as well as the other ministers, to withdraw from Yeddo and remove to Yokohama. On May 24th, the buildings occupied by the American legation in Yeddo were totally destroyed by fire, and Mr. Pruyn succeeded, with difficulty, in saving the books and archives of the legation. Mr. Pruyn received at once several visits of condolence from various governors of foreign affairs by order of the Gorogio (council of state), at all of which it seemed to be taken for granted that he would at once leave for Yokohama. He was assured, however, of protection while in Yeddo. Mr. Pruyn declined to leave, and demanded that other quarters should be assigned to him. On May 31st, he was informed by one of the governors of foreign affairs, that a conspiracy to attack the American legation that night had been discovered; that ample provision for his protection had been made, but that his withdrawal to Yokohama would relieve the Government from great anxiety. Mr. Pruyn, whose intention had been to leave on the next morning, now consented to leave immediately.

The mikado, in the meantime, ordered the tycoon to expel the barbarians, and accordingly the ambassadors of all the treaty powers were informed, on June 24th, that the opened ports were to be closed, and the foreigners to be removed, as the Japanese could have no intercourse with them. Mr. Pruyn replied to this intimation, that he would insist on the maintenance of the treaty, and that the citizens of the United States would remain in Japan, protected by the U. S. naval forces. In a letter, addressed to Mr. Seward, dated Yokohama, June 27th, Mr. Pruyn expressed his opinion that the public mind in Japan would not be quieted until the treaties could be ratified by the mikado, and proposed to that end a naval demonstration upon Osacca (20 miles from Kioto), backed, if necessary, by a land force to move upon Kioto.

On the 26th of June, the American merchant steamer Pembroke was attacked in the Straits of Simonosaki, which separate the island of Kiusiu and Niphon, by a Japanese armed bark and the brig Laurie, both belonging to the Prince of Nagato. It being quite dark, the steamer fortunately escaped. Mr. Pruyn at once informed the Japanese Government that full satisfaction and indemnity would be demanded for this outrage. He at the same time sent to the scene of the outrage the U. S. steamer Wyoming, which, on July 16th, after a brief engagement blew up the Japanese steamer, sunk the brig, and silenced six land batteries, with the loss of four killed and seven wounded.

On the 8th of July, the French steam-gunboat Keshchang, of four guns, had been fired into by the same ships, and by batteries on shore, and reached Nagasaki almost in a sinking condition. When this intelligence reached Yokohama, Admiral Jaurès, with the Semiramis, a steam frigate of 35 guns, and the Tancrède, of four guns, was at once despatched to punish the outrage. When just out of the harbor, he spoke the Dutch steamship Medusa, of 16 guns, which had been fired into on the 11th in the same straits, and received from her captain charts, showing the position of the vessels and the batteries. On the 20th of July, Admiral Jaurès reached the straits, landed a force of 150 men, under the cover of his guns, seized and destroyed one of the batteries, blew up a powder magazine and daimio's

residence near the entrance, and burned the small village of Amidagume, in which several thousand horse and foot soldiers were stationed, who made but a feeble resistance.

On July 25th, a meeting of the representatives of the United States, France, Great Britain, and the Netherlands, was held at Yokohama, and it was unanimously agreed that the inland sea, now closed to commerce by the outrageous acts of the Prince of Nagato, should be reopened by the combined naval forces of the above governments.

Mr. Seward, under date of September 1st, instructed Minister Pruyn to demand of the Government of the tycoon a compliance with treaty stipulations; the prompt payment of a sum sufficient to indemnify all the losses which were sustained by himself and other members of the legation on the occasion of the firing of his official residence; to demand that diligent efforts be made to discover the incendiaries and bring them to condign punishment; to demand proper and adequate guarantees for his safe return to Yeddo, and the permanent reëstablishment of the legation there without delay. He said: "Insist on the full observance of the treaties between the United States and Japan in all the particulars which have not been heretofore waived or postponed by this Government, and demand reasonable indemnity, to be fixed by yourself, for the injuries which have been sustained by American citizens from any acts of violence committed against them by Japanese subjects; and further demand that diligent efforts be made by the tycoon's Government to bring the aggressors to justice, and to inflict upon them such punishment as will be calculated to prevent further outrages of the same kind."

Mr. Pruyn is authorized to employ the naval force at his command to protect himself, the legation, and others of our countrymen, under any circumstances which may occur; and he will inform the Government of the tycoon that the United States will, as they shall find occasion, send additional forces to maintain the foregoing demands.

Under date of Oct. 3d, 1863, Mr. Seward wrote to Mr. Pruyn: "Having been advised by your despatch of the 8th of August, which came from San Francisco by telegraph, that the tycoon has returned to Yeddo, and that your relations with his Government are much improved, I deem it inexpedient to restrain your discretion at present by special instructions, but cheerfully wait the development of events which must have occurred since that communication was sent."

As all the efforts of Colonel Neale to obtain satisfaction from the Prince of Satsuma for the murder of Richardson failed, Admiral Kuper proceeded with his fleet to Kagosima, which is in Kiusiu, the most southern of the four islands which constitute the Japanese empire. There Prince of Satsuma has a castle and strong fortifications which the British admiral intended to attack. The expedition consisted of seven vessels, while other seven remained in the harbor of Yokohama. The vessels forming the expedition reached their destination on the 12th of August. As the Japanese showed no disposition to avert hostilities, Admiral Kuper prepared for action. The following details of the memorable naval engagement which now ensued are taken from the "Japan Herald," an English newspaper published at Yokohama:

On the afternoon of August 14th, there was a general shifting of the disposition of the fleet, the greater part of which were placed under the island, out of range of the guns on the fort in the middle of the channel, say 1,700 yards on either side. The Euryalus, although shifting, still remained within range, as did also the Perseus. On the morning of the 15th the Pearl, Coquette, Argus, Havoc, and Racehorse proceeded up the bay, and took as hostages three steamers there at anchor—said to be the England, purchased by Satsuma in 1861, for 120,000 dols.; the steamer George Grey (for 40,000 dols.); and the Contest, which cost him 85,000 dols., in May last. The locality of the anchorage of these vessels was snugly behind Point Wilmot.

The weather, which had been stormy during the whole morning, now became worse; it was raining in torrents, and the wind blowing a hurricane round the bay. At ten o'clock the above named vessels, English and Japanese, had returned, and at twelve the men were just piped to dinner, and nothing immediate expected, when suddenly the battery on the main covering the Euryalus, and that on the island covering the Perseus, opened fire. The three hostage steamers were forthwith fired (their crews having been previously sent on shore, and one of the head officers on board, recognized as having belonged to the staff of one of the late ambassadors to Europe, and another officer, at their own request having been taken on board the flagship where they now remain). All the ships weighed and formed line of battle. The Perseus then engaged the battery that had been firing at her in beautiful style, as we are informed, knocking her antagonist's guns over, one after the other; and when she had completed that, as though she had been only getting her hand in, she passed over to the other side, and engaged the battery on the opposite shore. All the batteries (10) were then engaged by the ships, at point blank range, at from 400 to 800 yards respectively (the Euryalus being within 200 yards), commencing with the northernmost and passing down the entire line. About dusk the town was fired in several parts by our shells, and three of the forts silenced. All the ships then returned to their anchorage, save the Racehorse, which had got ashore within 200 yards of the nearest battery, of which accident she availed herself in true British style to pour her metal into it until it was effectually silenced. The Argus was sent to bring her off, which she accomplished after about an hour's delay, during the whole of which time she was under fire from one of the other batteries.

This was Saturday the 15th, during the whole of which day it had been raining and blowing fiercely. The loss on this day to us was 11 killed and 39 wounded. About nine o'clock the whole of one side of the town was blazing. The following day (Sunday) the weather cleared up, the dead (2 officers and 7 seamen) were consigned to their sailors' grave in Euryalus Bay, at eleven o'clock, and the fleet stood out, passing close to the batteries on the island, which it engaged the whole way. The destruction accomplished by the fleet appears to have been enormous. There can be no doubt that the whole city is now one mass of ruins, including the palace, the factories, and the arsenal and warehouses; the batteries also have been seriously damaged; not one of them which had been engaged the first day fired a shot on the second day as the fleet passed out. The three destroyed ships alone have cost Satsuma 245,000 dollars, upward of half of which he has

paid very recently. Several large junks also were destroyed. The Japanese are said to have stood well to their guns, so long as the play was at long range, but seemed somewhat taken aback when our ships came to close quarters.

Although Admiral Kuper did not accomplish all he desired, he yet succeeded in bringing the Prince of Satsuma to terms. He sent agents to Col. Neale, and their negotiations terminated in an agreement that the prince should pay the indemnity demanded of him for the sufferers on the 14th September, 1862, and should endeavor to the utmost to discover the murderers of Mr. Richardson, and should cause them, when discovered, to be executed in the presence of British officers as witnesses of the execution.

In a despatch of Nov. 17th, 1863, in which Col. Neale communicates this information to Earl Russell, he also says that "the information which has reached us from various sources, including some of the officers of the Prince of Satsuma, establishes the fact that the losses sustained by the prince and the punishment inflicted by her Majesty's squadron at Kagosima were very considerable. The destruction of property is estimated at £1,000,000 sterling, and the number of Satsuma's adherents killed and wounded is stated to have been 1,500."

This display of power on the part of England, as well as the preceding exploits of the American and French vessels seemed to produce an impression upon the Japanese. No further acts of hostility occurred during the year; although the Japanese Government persisted in their wish to restrict the intercourse of their country with the foreigners, and to obtain from the treaty Powers a modification of the treaties. The internal wrangle between the anti-foreign party and the friends of foreign trade also continued, but most of the information received about this point seemed to be little trustworthy. It was reported that in October, at an extraordinary meeting of the daimios, it had been resolved by 65 votes against 47 that there was no ground for declaring war against foreigners.

On the 19th of October, the Government of the tycoon issued a notification at Yeddo to the effect that all daimios or princes (excepting only those of the blood royal, and also those intrusted with the direction of affairs) should respectively withdraw to their principalities. The Government no longer requires them to reside at Yeddo; they will be called up once in three years to the metropolis for the space of one hundred days. The Princes of Awarri, Mito and Kishni, being of the blood royal, will reside at Yeddo one year each, by turns.

JEBB, Major-General Sir Joshua, R. E., K. C. B., an English statesman and writer on Penal Law and Prison discipline, died in London, June 26th, 1863, at the age of seventy years. He had entered the army at an early age, and had first come into prominent notice when stationed in Australia, from his connection with the efforts to carry out Captain McConochie's plan of encouraging transported convicts to reform, by granting a partial remission of their sentence as a result of good behavior. The plan of Capt. McConochie failed of success—not so much from any impracticability inherent in it, as from the circumstances under which its execution was attempted, and the remarkably depraved and reckless set of desperadoes who were its first subjects. One of its good results, however, was the calling of public attention to Capt. Jebb, who seems to have performed his duties with a fidelity and ability which deserved commendation. The constantly increasing difficulties experienced by the Home Government, in regard to transportation, most of the colonies protesting energetically against receiving convicts, and some of them threatening revolt if more were sent to them, led to the consideration of other measures for disposing of the convicted criminals of the United Kingdom; and Col. Jebb (he had attained to the rank of colonel a short time previous) was charged with the investigation and reporting of plans for the construction and management of convict prisons. He gave to the subject much thought and study, but at the time (1840) there was very little to be learned in regard to convict prisons—those in existence belonging mainly to two classes, the bad and the very bad institutions. As a result of his report, the Pentonville prison was built. It was, on the *solitary*, or as its friends chose to call it, the *separate*, system. No expense was spared to make it as nearly perfect as possible, and at first Col. Jebb believed that the ends had in view, the punishment of the offence against the law, the isolation of the prisoner from all evil associations and influences, and the use of the best moral means for his reformation, were fully attained. The prisoners were very quiet, a stillness like that of death reigned throughout the prison, and there was no danger of mutiny or outbreaks. But after a time it began to be painfully evident that under the system, though administered with great humanity and gentleness, the minds of many of the prisoners were giving way; that fatuity and mental stupor were becoming very common, and occasional suicides occurred. It was also enormously expensive, the support of each criminal costing $250 per year while the savings averaged only $13. Col. Jebb, who had now been permanently placed in the oversight of the prisons of the kingdom, deemed it necessary to modify the system somewhat. Accordingly the prisoners were only retained at Pentonville for twelve or fifteen months, and then either transported to North or West Australia, or sent to the public works where they labored in the open air, and in gangs. This produced some improvement; but the injurious effect of the solitary confinement was still evident, and in the prisons subsequently constructed, the separation was far less rigorous and thorough than it had been at Pentonville. When transporta-

tion (with the exception of 200 or 300 sent annually to West Australia) was at last definitely abandoned in 1854, there was a serious difficulty in providing for the large number of convicts at once thrown upon the Government. There were about 6,000 of these, and the number was rapidly increasing, while as yet there was no adequate provision of convict prisons for their reception. It was necessary also to diminish the term for which they were sentenced, as the confinement in prisons was deemed a severer punishment than transportation to which they had been condemned. The prisons under Sir Joshua's management were completed at as early a period as possible, and provision made for employing about one half the convicts, those who, by good conduct, were deemed deserving, on the public works at Portsmouth and Portland, and in the dockyards at Dartmouth and Chatham. Sir Joshua also reverted to the old system of Captain McConochie, borrowing from it the idea of discharging the most exemplary prisoners before the expiration of their sentence on "ticket of leave." This, when guarded as it was in Ireland, by requiring the persons to report regularly for a time at the constabulary headquarters, and placing them under the surveillance of the constabulary force, proved a judicious measure; but, in England, without such precautions, it became a serious blunder, and imperilled the peace and good order of society. So loud were the public clamors against it in 1855 and 1856, and again in 1862 and 1863, that Sir Joshua found it necessary to modify the system. The employment of convicts on the public works also proved dangerous—several mutinies occurring in which some lives were lost. In these manifold difficulties, Sir Joshua Jebb retained the confidence of the Government, and in general of the nation, as a conscientious, careful, prudent man, who, surrounded by serious embarrassments, and perhaps lacking in the highest order of genius, yet sought to do his duty honestly, faithfully and fearlessly, so far as he could comprehend what that duty was. His death was greatly lamented.

JEWS. The present number of Jews is estimated at from five to seven millions. They are most numerous in Russia, where they number, according to the last census, in the European possessions, 1,425,784, and in Siberia 7,077. This is exclusive of the kingdom of Poland, which (in 1859) had 599,875 Jews. Of the other European countries, Austria had (in 1857) 1,049,871 Jews, Prussia, 254,785; the other German states, together, about 200,000; European Turkey, 70,000; Holland (in 1859), 63,890; France, inclusive of Algeria, 185,007; Great Britain, about 40,000; Belgium 1,500; Denmark, 4,200; Sweden and Norway, 900; Switzerland (in 1860), 4,216; Italy, 34,000; Greece and the Ionian Isles, 10,000; Portugal, 3,000. Morocco (according to Wertheimer's *Jahrbuch der Israeliten*) had before the outbreak of the last war with Spain about 340,000, which number has since considerably decreased by persecutions. The Jews in the United States are estimated at about 200,000. A numerous Jewish population is also found in Abyssinia.

A narrative was published, in 1863, by the "Jewish Chronicle," of London, of the discovery by a Jewish officer in the British navy, of a large Jewish city in China, consisting of over 1,000,000 souls, speaking the original sacred tongue, keeping their own laws, and possessing documents, which record their history thousands of years ago. It has been long known that Jews existed in China. From the time when the Jesuits pursued their missionary effort in the Chinese empire, it has been no secret that there, as in India and remoter countries still, small bands of Jews were found maintaining their peculiar national characteristics, and engaged in industrial pursuits. The above narrative, however, was by all familiar with the condition of China deemed unworthy of credence.

Of the Jews in Western Persia some interesting intelligence was published by a Jewish periodical (the "Carmel") of Wilna, Russia: "There are, says this account, about 150 Jewish families in Balprosh, the principal city of Mazsandron, a large province in Western Persia, south of the Caspian Sea, and east of Media. Altogether Balprosh has a population of about 100,000 persons, mostly Persians. The Jews of the city trade with their brethren in the land of Kittim and the Great Tartary, and are engaged in woollen and silk manufactures. They have two synagogues, and about fourteen scrolls of the law. They received these scrolls from Babel (Bagdad?), and they are beautifully written. They reckon from the Babylonian captivity; for, according to their tradition, their fathers immigrated in the time of Nebuchadnezzar, and as they did not obey the call of Ezra the scribe, they remained there to this day. The Jews there live in happiness and comfort under the protection of the shah, who favors them on every occasion. Indeed, so happy are they, that they are esteemed as princes by their wretched brethren in the other provinces. When the labor of the day is over, they assemble in the evenings in the synagogues, and there read the Bible. Some of them also study the Talmud and ethical works. These books, too, are imported from Babel. They have three schools, in which the children are taught Hebrew and Persian. Among themselves they speak Persian, and some also Hebrew."

The Jewish population of Palestine is steadily increasing by immigration. Jews arrive there from all parts of the globe, except America, in numbers steadily increasing, and exceeding those of many centuries before. They settle not only in the city of Jerusalem, but also in the country towns and villages, where they are now permitted to purchase real estate, build houses, and cultivate fields which had lain des-

olate since the days of Hadrian, who changed the name of Jerusalem into that of Aalia, and forbade the Jews to approach its walls within a certain distance. The present population of Jerusalem amounts, according to the careful estimates of Prof. Tischendorf, to 8,000.

An account of the Jewish community in Calcutta says: "The Jews divide themselves into two classes—the European and the Arabic, of whom the one despises the other. I should apprehend that this is, in a much fainter degree, a similar division to that between the so-called White Jews and Black Jews of Cochin. The Calcutta Jews may always be distinguished by their costume from the other inhabitants. They wear a Turkish fez, a tight, variegated vest, a waistcoat in the strict sense, with showy buttons and loose, white sleeves, open at the end, and a zouave trowsers. The dress of Jewesses, *festis diebus*, is very costly, comprehending, I imagine, a considerable portion of the wealth of the house, in costly jewels richly set wherever room can be made for them."

The *Universe Israelite*, a Jewish paper of Paris, gives an interesting account of an ancient judaizing sect in Russia, called the Tsubbotniki. It says: "To the heretics of the third category belong the most ancient in Russia—the judaizing ones, whose origin dates back from the period when Novgorod was still indulging in bold dreams of independence, and when the Lithuanian prince, Michael Olelkowitsch, arrived in that town, in order to take charge of its government. He was followed by some Hebrews, who converted many inhabitants to their faith, and thus formed the remarkable sect, which soon spread as far as Moscow, and which has maintained itself, despite all persecutions, to our days. This sect is now better known under the name of the 'Tsubbotniki' (keepers of Saturday). The sectarians consider themselves the representatives of pure Divine worship, and the most faithful observers of the law of Moses. Nevertheless, they know but little of it. They confine themselves to the observance of certain rites, such as circumcision, passover, and the recitation of certain psalms in Hebrew, but written in Russian characters, and the engagement of rabbis. Like the Jews, they wait the advent of the true Messiah, rejecting all Christian doctrines, the sacraments, and also the oath."

The odious and oppressive laws, which in most of the Christian countries have for centuries deprived the Jews of equal civil rights or even prohibited altogether their residence, are more and more disappearing from modern legislation, although in a few countries they are still in existence.

The most notable case of persecution of Jews occurred, in 1863, in Morocco, a country in which as in Mohammedan countries in general they have often been taxed, fined, beaten with "khoorbashes," bastinadoed with maize canes; in which they have been torn from their shops by agas and emirs to work for nothing, laughed at in the law courts, derided in public, oppressed in private, their complaints disregarded, their rights ignored, and their adopted home made for them a place of misery and shame. The account of their sufferings induced that celebrated Jewish philanthropist, Sir Moses Montefiore, to undertake a journey to the sultan of Morocco, to implore justice for his co-religionists. He brought with him warm letters of recommendation from Earl Russel, and, on arriving in Tangier, he prevailed even upon the minister of Spain to instruct the consuls and vice-consuls in the ports of Morocco to "avail themselves of every opportunity which may arise to prevent acts of cruelty on the part of the Moorish authorities against the Israelites; and also in cases of notorious injustice, when the punishment of the lash may be inflicted in order to extort confession, to resolutely interpose their influence with the local authorities to prevent the commission of such act of barbarity."

His journey to the capital of Morocco, which resulted in obtaining complete liberty, not only for the Jews, but for all non-Mohammedan denominations, is thus described:

Sir Moses was resolved to see the sultan, and ask justice in the name of God and man. He pushed up the country by marches of fifteen miles a day, in the horse litter used by women and the sick—his name and the nature of his errand going before him. He was received as visitors of the sultan are sure to be received, with respect and hospitality. Every night the Moors made "mona" for his retinue—the name of an entertainment provided gratis by the people, and subtracted from the taxes which they afterward pay in kind to the sultan. Reaching Morocco, the party was lodged in a palace surrounded by orange gardens and palm groves. But everything depended upon the first step. The sultan hears petitions and grants audiences from the saddle of his Arab; and it makes all the difference upon what horse he rides forth to meet you from the palace gate. If all is bright and favorable, he will be seated upon a white steed; if clouds of displeasure or denial darken the royal mind, a gray horse is caparisoned and mounted; and if anger, confiscation, or death be in the wind, he comes forth on a black charger. It was a good omen, therefore, that, when the Jewish baronet's train was assembled about him in the courtyard of the palace, among thousands of Moorish soldiers and people, his Majesty made his appearance from the archway upon a superb barb of spotless white. This "Prince of Darkness" is, in fact, "a gentleman." He welcomed his generous visitor; admired the spirit and fortitude which had brought his silver hairs so far at such a season; praised the well-known exertions of the baronet for others, not of his race only, but of all creeds in other countries; finally, he received very graciously the petition for justice. A few days afterward a firman appeared, "in the name of God the merciful and gracious," granting to his Jewish subjects perfect equality of right and of protection under the law. "For," says the sultan, with truth, not the less sound or welcome because it is tardy, "injustice here is injustice in Heaven, and we cannot countenance it in any matter affecting either the Jews' rights or the rights of others, our own dignity being itself opposed to such a course. All persons in our regard have an equal claim to justice, and if any person should wrong or injure one of the Jews, we will, with the help of God, punish him."

Among the Christian countries, Switzerland is especially distinguished for intolerant laws

with regard to the Jews. In the canton of Aargau a majority of the voters declared against giving to the Jews the right of suffrage, and on March 13th, the Grand Council (the legislature) resolved the same by seventy-nine against sixty-one votes. The Federal Council of Berne, however—the supreme authority of the Swiss Confederation—on being appealed to by the Jews, decided that all political rights are to be as much enjoyed by the Jewish as by the Christian inhabitants of Switzerland. The Federal Council hesitated, however, in the commercial treaties concluded with several foreign nations, to grant for the Jewish citizens of such nations a general right of free settlement in every canton. The Chamber of Deputies of Holland rejected on this account, on June 15th, 1863, the treaty concluded with Switzerland, by thirty-three against seventeen votes. From a memoir which the minister of the United States of America presented to the Federal Council, it appears that there are among the cantons seven in which the Jews have complete religious liberty, while in seven others they are absolutely forbidden to reside. To the latter class belong the half-canton Basel country (Baselland), where whoever receives a Jew into his family or premises, is fined 300 florins, and who rents a store to a Jew, 50 florins.

The Diet of Holstein repealed, in 1863, some of its most obnoxious laws against the Jews, who received, on the whole, equal rights before the law with the Christians, but remained deprived of the right of suffrage as well as of eligibility to any office.

By this concession of civil rights the Jews of Holstein lose their autonomy which they enjoyed ever since their settlement in the duchy. Hitherto they were permitted to try their own causes in accordance with rabbinical law, and the verdicts were acknowledged by the Government. They further possessed the right of either receiving or excluding foreign Jews without consulting the authorities. Their religious affairs were administered exclusively by their chief rabbi, and no secular power had the right to interfere. All these privileges the Jews of Holstein have cheerfully renounced in exchange for the right of no longer forming a state in the state.

The Duchy of Lauenburg, which, like that of Holstein, has hitherto been subject to the crown of Denmark, though forming at the same time part of the German Confederacy, still perseveres in its intolerance. In this duchy no Jew is permitted to live, nay, even to stay over night.

A special hatred against the Jews is shown by the Greeks in Turkey and Greece. New proofs of it have lately been furnished by bloody riots against the Jews at Galatz, in the Danubian principalities, and Smyrna, in Asia Minor. A more liberal spirit began to prevail in the Ionian Islands. There, in 1863, a Jew was for the first time admitted to a masonic lodge, and another was chosen into the committee to give expression to the desire of the islands for annexation to Greece. Fears were however entertained that the annexation might greatly deteriorate their condition.

England, France, Holland, and the United States were hitherto the only countries in which the Jews had established a denominational organization. In Italy, during last year, a Congress of Italian Israelites was opened at Ferrara on the 12th of May. The "Archives Israelites" contains an account of the proceedings of this congress, from which we take the following particulars:

Delegates from 31 Italian congregations were present, and the utmost harmony and good feeling prevailed. They commenced proceedings by acknowledging their obligations to their sovereign, Victor Emanuel, and extending a brotherly greeting and an expression of regret to the congregations prevented from participating in the common joy. Just three centuries ago, a congress of the Italian rabbis was held at Ferrara, to deliberate on the means of averting the storm hovering over them, in consequence of the rigorous prohibition of Jewish scientific and theological works. Now it was an assemblage of free Jewish citizens, meeting under the shadow of the Constitution and equal rights, to coöperate for the moral and civil amelioration of the Italian Judaism.

The Congress having organized by electing as its chairman Prof. Giuseppe Levi, one of the editors of the *Educatore Israelita*, it was resolved to petition the Government to pass a law that should protect Jewish citizens from the machinations of conversionists, to compel the restoration of minors who had been lured away from parents and guardians, and to strictly forbid proselyting in hospitals and other public institutions. It was determined to send all future collections for the benefit of the poor of the Holy Land direct, without the intervention of messengers. A resolution was also adopted to ask the Italian Legislative Chambers for a grant toward the support of Jewish worship, as long as it is accorded to other religious bodies.

A want referred to with much feeling, in the deliberations of the Congress, was a society for the publication of moral and religious books. It was finally agreed that each congregation be recommended to contribute 1,000 francs annually toward the diffusion of books to be selected by a committee appointed for that purpose.

In reference to marriages, it was resolved to petition the Government for exemption from the general law, should this, in deference to the Catholic interpretation of certain biblical passages, forbid divorces; but in every other respect to submit to the provisions that might be made. A committee was appointed to report at the next Congress on the advisability of establishing a rabbinical seminary for the kingdom.

A proposal was offered that the Congress convene a synod of Italian rabbis. This they declined to do, leaving the matter entirely in the hands of the minister.

The Congress then appointed an Executive Committee, charged with carrying out its resolutions, and vested with these functions, viz., to watch over the principles sanctioned by the Congress; to receive suggestions from co-religionists on matters of general interest; to comply with them if desirable, and within the limits of its own power, or to convene, if necessary, a new general Congress.

It was, in addition, resolved that, every three years, delegates of the Jewish communities should meet to deliberate on questions of general interest, the first session to take place in the spring of 1866, at a city to be designated by the Executive Committee.

The Congress also adopted a constitution on

condition that three fourths of the congregations which had sent delegates should give their adhesion to the proposed organization. The president of the provisional committee appointed by the delegates, Professor Giuseppe Levi, of Vercelli, officially announced in the last number of the "Educatore Israelita" that twenty-four of the congregations represented had sent in their adhesion to the constitution, and that seven others which were not represented likewise adopted the organization; and that, consequently, the Italian Jewish central organization was duly constituted. It appears that the congregations which either dissented or have not yet declared themselves, form only the fifteenth part of the Jewish population of the kingdom of Italy.

In several countries the Jewish community was rent by grave dissensions. In Constantinople a violent dispute pending between the progressive party of the Jewish community, headed by the Chacham Bashi, and the conservatives, led by a number of subaltern rabbis, has at last been decided in favor of the latter. The Jewish congregations have been forbidden to elect foreigners as their chiefs, and a governmental order further enacts that the seal of the chief rabbi should be divided into two parts: one half to be in his charge, and the other in that of certain delegates of the subaltern rabbis. This decision is considered as a complete victory of the conservatives.

"The orthodox party in Würtemberg," says a Jewish paper of this country, "is beginning to protest against the spiritual tyranny of the centralizing Oberkirchenbehörde (upper church authority), appointed by the Government, and which deprives the congregations of their independence. It was lately stated in the Legislature by a member opposed to ecclesiastical encroachments, that the said central authority kept a synagogue closed for seven weeks, because the congregation, disliking the sermons of a new rabbi appointed by this authority, refused to attend them. This central authority belongs to the extreme reform party."

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KAMEHAMEHA IV., Alexander Liholiho, King of the Sandwich Islands, born at Honolulu, Feb. 9th, 1834, died in that city, December —, 1863. He was the son of Kamehameha III. He received a good education from Protestant missionaries on the island, and afterward travelled extensively in Europe and the United States. He succeeded to the throne on the death of his father, in October, 1854, and, in 1856, married Miss Emma Rooker, daughter of an English physician. He was amiable in his disposition, though, like most of his countrymen, subject to violent fits of passion and jealousy which, in his case, were aggravated by habits of intemperance. In 1859 he attempted to murder his secretary, during a paroxysm of jealousy against his wife, and when returning reason showed him his folly, he was so much humiliated that he offered to abdicate the throne, but was persuaded to resume his duties. The death of his only son, the Prince of Hawaii—born May 20th, 1858, died August 25th, 1862—unhappily increased his tendency to intoxication, and probably shortened his life. He was succeeded by his elder brother, Lot Kamehameha, who had previously been minister of the interior, and commandant of the army.

KANSAS, a Western Central State of the United States, organized as a Territory in May, 1854, admitted as a State January 29th, 1861. It has an area of 80,000 square miles, and had a population in 1860 of 107,206 inhabitants. The Governor and other State officers were elected in Nov., 1862, for two years, and there was no election in 1863 except for Legislature, Chief Justice and local officers. The candidates for Governor in the election of November, 1862, were Thomas Carney, Republican, and W. R. Wagstaff, Democrat. Governor Carney received 9,990 votes, and Mr. Wagstaff 5,464. The Legislature elected in 1863 was Republican and Union by a very large majority. The Democratic members constituting only one tenth of the whole number of representatives. Robert Crozier, Republican Union, was chosen Chief Justice, for six years, in Nov., 1863, by about 18,000 majority.

The State has a funded debt of $181,000, of which $150,000 (7 per cent. bonds) are due July, 1876, and the remainder, $31,000, was due in July, 1863. It has also a floating debt of $48,509. There has been great difficulty in collecting the taxes in portions of the State, from the scarcity of money, but the finances of the State are now improving. The school system of the State is not yet very fully developed, and very little of the school fund lands have been sold. Of the 14,766 persons between the ages of five and twenty-one years, in the State in 1863, 8,593 were enrolled as having attended school some part of the year. They had been taught by 210 teachers, and the cost of maintaining the schools had been $15,756.90. The State Legislature has passed acts for the location and organization of a State university, a State normal school and an agricultural college, and there are besides, four other colleges in the State, all of them, as yet, in their infancy, but with fair prospects of future success. A college has been organized on the Ottawa reservation, 20 miles from Lawrence, the land for the endowment of which was contributed by the Indians themselves. Provision has been made for an institution for deaf mutes and the blind, as well as for the

insane. A State penitentiary is building near Leavenworth. Kansas has been very active in its support of the war, having furnished over 14,000 troops, or about one seventh of its actual population, and its troops, a large portion of them cavalry, and trained to service in the previous border contests, have proved their valor on most of the battle-fields of the West. In the operations in Missouri, Arkansas and the Indian Territory, they have particularly distinguished themselves, both as partisan troops and as the most unflinching and untiring soldiers in the line. The State, especially toward its eastern border, has suffered severely from the raids of the irregular Confederate troops and guerilla bands from Missouri and Arkansas, who have ravaged and plundered the border towns and murdered their citizens as often as they had opportunity. Irregular Federal troops raised to oppose and revenge these raids, have retaliated on secessionists on the borders of Missouri and Arkansas, and have rendered some of the counties along the line almost a desert.

The most atrocious outrage of the war was the attack of Col. Quantrell and his band of Confederate guerillas upon the thriving city of Lawrence, on the 21st of August, 1863. The attack was made in the early morning, and entirely without warning. The citizens, unarmed, were unable to make any defence, and were many of them shot down in the streets in cold blood. The Eldridge House, the largest hotel in the city, and all the stores on Massachusetts street, the principal business street, were plundered and burned, as were many dwellings and stores in other parts of the city. Two hundred and five men were killed and many others wounded. No women or children were killed or wounded, though one assailant snapped his pistol at Miss Lydia Stone, a heroic woman, who had exposed her life for the preservation of others. Several of the churches were destroyed, and the property stolen and burned was estimated to exceed the value of $2,000,000. Quantrell, the leader of the gang, had been at one time a resident of Lawrence. Senator Lane (General James H. Lane) was in Lawrence at the time, but succeeded in avoiding the guerillas, and as soon as they left the town, raised such force as could be gathered and started in pursuit. Some thirty or forty of the guerillas were overtaken and slain, but the remainder got away safely with their plunder. Much indignation was felt by the citizens of Kansas at the alleged remissness of General Ewing, who was in command of the district of Kansas and Western Missouri, and of General Schofield, who commanded the department of Missouri. Two days after the attack, Gen. Ewing issued the following order:

General Order, No. 11.

KANSAS CITY, MO., *August* 23*d*, 1863.

All persons living in Jackson, Cass and Bates counties, Missouri, and that part of Vernon county included in this district, except those living within one mile of the limits of Independence, Hickman's Mill, Pleasant Hill and Harrisonville, and except those in Kaw township, Jackson county, north of this creek and west of the Big Blue, embracing Kansas City and Westport, are hereby ordered to remove from their present places of residence within fifteen days from the date hereof.

Those who within that time prove their loyalty to the satisfaction of the commanding officer of the military station nearest their present places of residence, will receive from him certificates stating the fact of their loyalty and the names of the witnesses by whom it can be sworn. All who have received such certificates will be permitted to remove to any military station in this district, or to any part of Kansas except the counties on the eastern border of the State. All others shall remove out of this district. Officers commanding companies and detachments serving in companies, will see that this paragraph is promptly obeyed.

All hay or grain in the field or under shelter in the district from which the inhabitants are required to remove within reach of the military stations after the 9th of September next, will be taken to such stations and turned over to the proper officers there, and a report of the amount so turned over made to the district headquarters, specifying the names of all loyal owners and the amount of such produce taken from them. All grain and hay found in such districts after the 9th of September next, not convenient to such stations, will be destroyed.

Quantrell and his band of marauders still hovered around the Kansas border, and on the 7th of October, having ascertained that Major-General Blunt and his escort were on their way from the Indian Territory to Fort Scott, Kansas, and near that fort, he disguised his men, about 300 in number, in Federal uniforms, and attacked the little body of about 100 men composing the escort, very suddenly, intending to capture General Blunt, who was especially obnoxious to these guerillas from his habit of hanging promptly all of them whom he succeeded in capturing. The escort broke, from the suddenness of the attack, but Gen. Blunt succeeded in rallying nine of them, and kept the guerillas at bay till he could rejoin his own forces, which were near. Seventy-eight of the escort were killed, most of them shot down after surrender; among the number was Major Curtis, a son of Major-General Curtis, who was on General Blunt's staff. It was supposed by the Confederates that Gen. Blunt was among the killed.

There have been in Kansas, and probably in Western Missouri, also, a considerable number of men, soldiers of fortune, who, while professing to belong on the side of the Union, have been ready to plunder and rob, in the name of freedom, all against whom they could raise any suspicion of sympathy with the Confederates. These "jayhawkers," as they were called, had really as little interest in the success of the Union cause as their counterparts, the guerillas, had in that of the Confederates; the controlling motive being in both instances the obtaining of plunder for their own emolument.

KENRICK, FRANCIS PATRICK, D. D., an American Roman Catholic prelate, born in Dublin, Ireland, Dec. 3d, 1797, died in Balti-

more, July 8th, 1863. He received a classical education in Ireland, and at the age of 18 was sent to Rome to study for the Church, spending two years at the house of the Lazarists, and four years in the College of the Propaganda, where, in 1821, he was ordained a priest. In the same year he came to the United States, and on the recommendation of the officers of the Propaganda, was appointed head of an Ecclesiastical Seminary recently established in Bardstown, Ky. At this place he passed nine years, visiting occasionally the scattered missions of the diocese, and succeeding, by his ability and energy, in establishing the seminary upon a firm basis.

In 1830 he was consecrated Bishop of Arath, *in partibus infidelium*, and at the same time appointed coadjutor to Bishop Conwell, of Philadelphia, with powers of administrator in that diocese. On Dr. Conwell's death, in 1842, he became his successor, and in 1851 he was transferred to the Archiepiscopal See of Baltimore, of which he retained the charge until his death. In 1852 he presided over the first Roman Catholic council with plenary powers held in the United States, as "Apostolical Delegate," and in 1859 the Pope conferred upon him and his successors the "primacy of honor," which gives them precedence over all Roman Catholic prelates in the country.

The deceased prelate was one of the most learned men and vigorous writers of his creed in the United States, being equally distinguished as a controversialist and a biblical critic. During his residence in Bardstown, he published "Letters from Omicron to Omega" (1828), embodying a defence of the Roman Catholic doctrine of the Eucharist, which had been attacked by Rev. Dr. Blackburn, President of Danville College, Ky., writing under the signature of "Omega." He also published a series of letters "On the Primacy of the Holy See and the authority of General Councils" (1837), in reply to the Rt. Rev. John H. Hopkins, Protestant Episcopal Bishop of Vermont, subsequently enlarged and reprinted under the title of "The Primacy of the Holy See Vindicated," and another series of letters entitled "Vindication of the Catholic Church" (1855), in reply to Bishop Hopkins's "End of Controversy Controverted." Of the same class of publications were his "Catholic Doctrine on Justification Explained and Vindicated" (1841), and "Treatise on Baptism" (1843).

The works, however, which constitute his chief claim to theological eminence, are his Latin treatises on dogmatic theology (*Theologia Dogmatica*, 4 vols., 1839–'40), and moral theology (*Theologia Moralis*, 3 vols., 1841–'43), which form a complete course of divinity, and are used as text books in nearly all the Roman Catholic seminaries in the United States. Enlarged editions of both treatises have recently been published in Belgium. During the latter part of his life he was chiefly employed upon a revised English translation of the Scriptures, of which, at the time of his death, the whole of the New Testament and the greater part of the Old Testament had been published. It is illustrated by copious notes, and is destined probably to supersede the Douay version in general use. Among the occasional and miscellaneous writings of the Archbishop may be mentioned the article "Roman Catholic Church," in the New American Cyclopædia.

Archbishop Kenrick was noted for his purity of heart and gentleness of disposition, for the sagacity of his judgment and his moderation in counsel. At the same time, when the occasion demanded energy of action, he was energetic, firm and courageous. It was during his episcopate that the anti-Catholic riots occurred in Philadelphia, and his efforts in allaying the strife and turmoil, and in preventing acts of retaliation by his own people, are gratefully remembered. During the troubles which succeeded the outbreak of the present rebellion he remained loyal to his adopted country, and, notwithstanding a large portion of the Roman Catholic population of Baltimore, including the congregation at the Cathedral, where he usually officiated, sympathized with the secessionists of the Southern States, he never failed to inculcate obedience to the powers placed in authority over the people, and amidst frequent manifestations of impatience and dissatisfaction persisted in invoking the customary blessing on the President of the United States. He was indefatigable in extending the influence and power of his church, and while Bishop of Philadelphia, founded the theological seminary of St. Charles Borromeo, in that city, and introduced into his diocese the Sisters of the Good Shepherd, who devote themselves to the care of Magdalen Asylums.

KENTUCKY. The State of Kentucky was comparatively exempt from invasion by any Confederate force during 1863. Some attacks were made upon the railroad trains running between Louisville and Nashville, and several raids were made by small bands of the enemy upon many towns in the State. Gen. Morgan, also, with a force of about five thousand men marched from the Cumberland river in Tennessee across the State, capturing several towns, and passing into Indiana and Ohio. Previously, on the 23d of March, Gen. Gilmore overtook, by forced marches, a body of the enemy under Col. Pegram at Somerset, in Pulaski county, where a sharp contest ensued. The force of Gen. Gilmore was twelve hundred to two thousand mounted men. Sixty prisoners were captured, and the enemy routed. During the night they retreated across the river, leaving behind them four hundred cattle, which were recovered by Gen. Gilmore. These expeditions not only caused great excitement in some parts of the State, but inflicted severe loss of property upon the inhabitants.

The number of the enrolled militia of Kentucky was 119,577. Out of this number 37,444 entered the Federal service for three years;

11,911 for one year; 413 for nine months, and 1,770 for sixty days; making an aggregate of 51,538, which was almost one half of those between the military ages. Since the beginning of the war the State had advanced on account of the United States Government, in recruiting, arming, equipping, subsisting, and paying volunteers, to November 30th, 1863, the sum of $2,196,611. Of this sum $861,221 was refunded; $605,000 credited as the proportion of taxes levied on the State, leaving a balance of $730,390. Notwithstanding many counties of the State had been so overrun by invaders and desolated by guerillas and marauders that no revenue could be collected within them, the state of the Treasury for four years presented the following results:

Balance in Treasury, October 10th, 1860...	$126,548 01
Balance in Treasury, October 10th, 1861....	280,111 65
Balance in Treasury, October 10th, 1862....	459,708 30
Balance in Treasury, October 10th, 1863....	808,387 00

The decline in the valuation of property in the State in 1862, as compared with 1860, was over 165 millions. The largest items of decline were in the value of land and slaves. In the former it was over 50 millions, and in the latter over 30 millions.

The institutions for education in the State are eight colleges, three theological schools, two medical schools, and one law school. The district public schools of the State number nearly five thousand, and are sustained by the income of a fund and local taxation. The charitable institutions consist of a deaf and dumb asylum at Danville, a blind asylum at Louisville, an asylum for the feeble minded at Frankfort, and lunatic asylums at Lexington and Hopkinsville.

The appropriation made by Congress for the endowment of Agricultural Colleges was accepted by the State, and consisted of scrip for 330,000 acres of public lands.

The public works of improvement in the State consist of the Louisville and Portland canal, 2½ miles around the falls in the Ohio river; the works to secure slack water navigation for 260 miles in Kentucky river; also for 231 miles in the Licking river; also for 175 miles in the Green river, and 100 miles of Barren river. The railroads in some portions of the State have suffered in consequence of the war. Tracks have been torn up and bridges and rolling stock destroyed. The number of miles of railroad previous to these disasters was 625.

The position of Kentucky, as one of the border Slave States, imparted more than ordinary interest to the political proceedings in the State. The Legislature, elected in August, 1861, commenced its last session at Frankfort early in January, 1863. The measures presented in this body represented the views of the people of the State. It was unequally divided, and the views of each division are to be found in the resolutions which they recommended for adoption. On the 27th of February, the Assembly adopted the following series of resolutions. They were subsequently adopted in the Senate, with the exception of the 11th:

1. *Resolved*, That our institutions are assailed by an armed rebellion on one side, which can only be met by the sword; and on the other by unconstitutional acts of Congress, and startling usurpations of power by the Executive, which we have seen by experiment can be corrected by the ballot-box. Policy, as well as principle, requires that Kentucky shall await the process of reform, which is slow but sure, and refrain from all unlawful and unconstitutional acts which have already brought terrible calamities upon the country; whilst we invoke the aid of all patriotic men to avert the evils that threaten our free institutions.

2. *Resolved*, That this General Assembly declares, as before it has oftentimes declared, that the State of Kentucky hath ever been, and is, loyal to the Government of the United States of America, and is determined to maintain that loyalty against both domestic and foreign foes.

3. *Resolved*, That this General Assembly recognizes a manifest difference between the administration of the government and the government itself—the one is transitory, limited in duration only to that period of time for which the officers elected by the people are charged with the conduct of the same; the other is permanent, intended by its founders to endure forever.

4. *Resolved*, That this General Assembly now, in the exercise of its right to differ in opinion with the National Executive, enters its solemn protest against the Proclamation of the President of the United States, dated 1st of January, 1863, by which he assumes to emancipate all slaves within certain States, holding the same to be unwise, unconstitutional, and void.

5. *Resolved*, That this General Assembly declares that the power which has recently been assumed by the President of the United States, whereby, under the guise of military necessity, he has proclaimed and extended martial law over States where war did not exist, and has suspended the writ of *habeas corpus*, is unwarranted by the Constitution, and its tendency is to subordinate civil to military authority, and to subvert constitutional and free government.

6. *Resolved*, That this General Assembly declines to accept the President's proposition for emancipation, as contained in his Proclamation of the 19th of May, 1862.

7. *Resolved*, That this General Assembly deems it proper further to declare that it, together with all the loyal people of the State, would hail with pleasure and delight any manifestation of a desire on the part of the seceded States to return to their allegiance to the Government of the Union, and would, in such event, cordially and earnestly coöperate with them in the restoration of peace, and the procurement of such guarantees as would give security to all their interests and rights.

8. *Resolved*, That Kentucky will adhere to the Constitution and the Union, as the best, it may be the last, hope of popular freedom; and for all the wrongs which may have been committed, or evils which may exist, will seek redress under the Constitution, and within the Union, by the peaceful but powerful and irresistible agency of the suffrages of a free people.

9. *Resolved*, That this General Assembly hails with pleasurable hope the recent manifestations of conservative sentiment among the people of the non-slaveholding States in their late elections, and regard the same as the earnest of a good purpose on their part to coöperate with all other loyal citizens—give security to the rights of every section, and maintain the Union and the Constitution as they were ordained by the founders of the republic.

10. *Resolved*, That, in the judgment of this General Assembly, a convention should be called for the purpose of proposing such amendments to the National Constitution as experience has proved to be necessary to maintain that instrument in the spirit and meaning of its founders; and to that end we reaffirm and adopt the resolutions recommending a call for a convention of the United States, approved January 25th, 1861.

11. *Resolved*, That it is expedient for the Mississippi Valley States, as soon as practicable, to hold a convention of advice and consultation, with a view to determine what is best to be done for the preservation of the whole Government, and for the purpose of maintaining their integrity and Union, and to prevent any one or more States from seizing and appropriating to themselves the exclusive use of the mouths of the Mississippi river, and imposing export and import duties on the commerce and navigation of the other States.

12. *Resolved*, That the laws of this State must be maintained and enforced, and that it is the duty of the constituted authorities of the State to see to it, that by all constitutional means this indispensable end shall be attained.

13. *Resolved*, That the Governor be requested to forward a copy of these resolutions to the President of the United States, and to the Governor of each State, with a request that he lay the same before the Legislature of his State, and to each of our senators and representatives in Congress. Our senators are instructed, and our representatives requested, to use their best efforts to accomplish the objects of these resolutions.

The following preamble and resolutions expressing the views of the minority of the Legislature, were offered in the Senate and Assembly, on the 19th of January, and although they failed to be adopted they have acquired an importance in connection with subsequent events in the State:

In times of war, as in peace, the Constitution of the United States is the supreme law of the land. It prescribes the powers of the Government in its executive no less than in other departments, and it is the only bond of Union between the States.

The Federal Government, as defined by the Constitution, when exercising the powers granted to it is entitled to the allegiance of the people; but loyalty to the Government does not impose upon the citizen any obligation to support an Administration in the enforcement of a policy unauthorized by the Constitution or forbidden by its provisions; but it is the duty of all good citizens to resist encroachments upon their rights, and to defend the Constitution of their country from violence. He who upholds the executive or any other department of the Government in the violation of its provisions is disloyal to the Constitution and an enemy to the freedom of his country.

The Federal Government, deriving all its legitimate powers from the Constitution, is, therefore, the creature of the Constitution, and has no power in any department to suspend any of its provisions, or throw off its restrictions under any pretense whatever.

The maxim that "Governments derive their just powers from the consent of the governed," is one which we ought never to forget. It involves a fundamental principle of freedom—one asserted by our ancestors, and for which they fought and won our independence of the British Crown, and which we never can surrender. It should also be borne in mind that Governments were instituted for the protection of life, liberty and property, and that such as fail to perform this duty will, sooner or later, be overthrown by an intelligent, virtuous, and courageous people.

The history of the present administration of the Federal Government is a history of repeated injuries and usurpations, tending directly to the overthrow of State authority and State institutions, and a consolidation in the Federal Government of all political power, and the erection upon their ruins of a great military despotism as tyrannical and despotic as the worst Governments of Europe, to prove which we refer to the following facts:

The President has, without authority of Congress, suspended the writ of *habeas corpus*—thus striking a deadly blow at the liberties of the people.

He has caused citizens to be arrested, transported to distant States, and incarcerated in loathsome prisons, without charge or accusation against them.

He has denied to citizens thus arrested and imprisoned a trial by jury, or indeed any trial, and has withheld from them all knowledge and information as to their accusers or the cause of their arrest.

He has subjected his prisoners thus held to barbarous and inhuman treatment, endangering both life and health, and has required hundreds of them so held, as a condition upon which they might be released, to take illegal oaths arbitrarily prescribed by himself or his agents.

He has attempted to destroy the freedom of the press by the forcible suppression of newspapers, because they saw proper to criticize the measures of his administration; and such as have escaped suppression have been subjected to a censorship wholly incompatible with freedom of thought or expression of opinion.

He has attempted to destroy the freedom of speech, by arresting citizens who animadverted upon the measures of his administration.

He has caused to be arrested persons engaged in circulating petitions for the signature of the people; thus interfering with the right of petition.

He has wholly disregarded the right of the people to be "secure in their persons, houses, papers, and effects against unreasonable searches and seizures."

He has interfered with the administration of justice in the State courts by violently forcing the judges to adjourn, and dispersing their grand juries, and by breaking open jails and releasing prisoners confined under regular judicial process for felonies and other crimes.

He has in some of the States, among which is Kentucky, forcibly wrested from the citizen his right to be the candidate for office within the gift of the people, thus striking down the elective franchise; and eminent citizens of this State are now in confinement beyond its borders for no other known reason than that they presented themselves as candidates for office before the people.

He has quartered soldiers in the houses of citizens against their will, and not in the manner prescribed by law.

He has permitted his troops to overrun this State, destroying houses, and fencings of farms and lots. They have sacked the houses of peaceful citizens, destroying their furniture, family pictures, carpets, clothing, and other articles of household goods, and robbed them of their silver ware, stock, and provisions.

He has permitted his wagon masters and others, with armed soldiers, to seize the corn, oats, and hay, &c., of our citizens for the use of the armies, without their consent, and without just discrimination as to whether the farmer could spare the articles or not—fixing their own price upon them, and making their own estimate as to the value and the quantity taken, and giving no receipt or name whereby the owner could successfully seek his pay; and often, when vouchers were given, they were so informal that no money could be drawn upon them.

He has permitted his officers and soldiers to entice slaves in great numbers to leave their masters and owners, and to take them within their camps, and there, with bayonets, to protect them from reclamation; and when civil suits have been brought for their recovery, in many instances the process of the court has been resisted by armed forces, and the owner of the slaves maltreated and imprisoned, for no known cause other than his attempt thus to recover and protect his property.

He has permitted his officers and soldiers, without authority of law, to levy large contributions of money upon unoffending citizens, under the pretence of reimbursing other citizens for losses sustained by the casualties of war.

He has permitted his officers and soldiers with impunity to murder peaceable citizens.

He has given his assent and approval to acts of Congress appropriating and proposing to appropriate enormous sums of the public money to purchase the

freedom of slaves and their deportation to some foreign country, and has invited the border Slave States (including Kentucky) to liberate their Slaves, with promises of compensation from the Federal Treasury.

He has set aside the Constitution of the United States by giving his official sanction to an act of Congress creating a new State within the territory of Virginia without her consent.

He has, without constitutional authority, aided in freeing the slaves of the District of Columbia.

He has, in violation of the Constitution, by proclamation, declared free all the slaves in many of the States, invited them to vindicate their freedom by force, and sought an alliance with them in a war waged against their masters—a monstrous and iniquitous act sanctioned by no law human or divine, finding no parallel in atrocity in the history of barbarous nations.

He is spending large sums of money, appropriated by Congress for the support of the Army, in feeding and clothing slaves stolen from their masters.

In view of the foregoing facts, the truth of which cannot be denied, we do firmly believe, and solemnly declare, that any assistance furnished the Executive in the further prosecution of the war upon the basis of his present policy, tends immediately and directly to the overthrow of both the Federal and State Governments: Wherefore,

1. *Resolved by the General Assembly of the Commonwealth of Kentucky*, That Kentucky will, by all constitutional means in her power, protect her citizens in the enjoyment of the elective franchise, the benefits of the writ of *habeas corpus*, the security of their persons and property against the unconstitutional edicts of the Federal Executive, and their enforcement by the Army under his control.

2. *Resolved*, That, by the constitution of the State of Kentucky, "the right of the owner of the slave to such slave, and its increase, is the same and as inviolable as the right of the owner to any property whatever;" that "Kentucky understands her own interests too well to be thankful for gratuitous advice as to the mode in which she should manage them; and when she wants the assistance of any outside administration of her affairs, she claims the privilege of originating the suggestion;" consequently the proposition made by Abraham Lincoln, for her to emancipate her slaves, *is hereby rejected.*

3. *Resolved*, That the object and purpose of the war having been perverted by the party now in control of the Government, in violation of its oft-repeated and most solemn pledges, our Senators in Congress are instructed, and our Representatives are requested, to oppose any further aid in its prosecution by furnishing either men or money.

4. *Resolved*, That the proclamations of the President, dated September 22d, 1862, and January 1st, 1863, purporting to emancipate the slaves in certain States and parts of States, set forth therein, are unwarranted by any code, either civil or military, and of such character and tendency as not to be submitted to by a people jealous of their liberties.

5. *Resolved*, That the act of Congress, approved by the President, admitting Western Virginia as a State, without the consent of the State of Virginia, is such a palpable violation of the Constitution as to warrant Kentucky in refusing to recognize the validity of such proceeding.

6. *Resolved*, That Kentucky will cordially unite with the democracy of the Northern States in an earnest endeavor to bring about a speedy termination of the existing war; and to this end we insist upon a suspension of hostilities and an armistice, to enable the belligerents to agree upon terms of peace.

7. *Resolved*, That — commissioners from this State be appointed, whose duty it shall be to visit the Federal and Confederate Governments, at Washington and Richmond, and urge them respectfully to agree upon an armistice for the purposes therein contemplated.

8. *Resolved*, That the Governor of Kentucky is hereby requested to forward a copy of the foregoing preamble and resolutions to the President of the United States, and to each of our senators and representatives in Congress.

On the 29th of January, the minority members of the Legislature, and a large number of persons from various counties of the State, met in the evening in the Senate Chamber, in the Capitol, and organized a meeting, and adopted the preceding preamble and resolutions in the form in which they had been offered in both Houses of the Legislature. Various propositions were then discussed in reference to calling a convention of the people, nominating candidates for State officers and members of Congress, to be chosen at the usual election in August, when the meeting adjourned to the next day. At the second meeting a State Central Committee was appointed, and instructed to call a State Convention to nominate candidates for governor and other officers, to meet at Frankfort on the 18th of February. On the next day, January 31st, this committee issued a call for a Convention. Previous to its meeting an application was made to the Assembly of the Legislature for the use of its hall, which was refused. At the appointed time the Convention assembled at Frankfort, but was soon dispersed by Col. Gilbert, the commander of a regiment of Federal soldiers. On the next day one of the members of the Convention, who was also a member of the lower branch of the Legislature, moved in the House a suspension of the rules, in order to enable him to present the following memorial:

February 19th, 1863.

To the General Assembly of the Commonwealth of Kentucky:

The undersigned citizens of the State of Kentucky, respectfully represent: That they are citizens of said State, and legal voters under the laws and Constitution thereof; that, in pursuance of public notification, they and many other citizens and voters met at the Metropolitan Hall in the city of Frankfort, on the 18th inst., for the purpose of holding a Democratic Convention, and nominating candidates to be voted for at the next August election for the offices of Governor, Lieutenant-Governor, and other State officers to be elected at that time, in obedience to the Constitution of the State; that they and their associates are peaceable and unarmed citizens, and in no wise connected with any military organization; that they met in a peaceable and orderly manner, and for a lawful purpose.

They further state, that soon after they had convened, Col. Gilbert, the military commandant of the post, appeared in said hall, attended by a large military force, surrounding the building, and caused to be read military order No. 3, to the effect that information had been received at headquarters that a large number of rebel spies and emissaries were present, and requiring all persons not residents of the city or members of the Legislature to report themselves immediately at his headquarters; but stated that, for mutual convenience, he had brought his adjutant to the hall, and that they could there and then report themselves, and give satisfactory reference as to their identity; that no person present would be permitted to leave the hall, unless by his order, until all had so reported themselves. The Convention, then, with his permission, proceeded to elect a chairman, and made a call of the counties of the State, the delegates present from each county reporting their names, and giving reference as their counties were respectively called.

When this was done the Convention was about to

proceed to the business before it, when, to the astonishment of all present, Col. Gilbert rose and stated that the further business of said Convention was "arrested;" that those present would not be permitted to hold a Convention within the Department under his command; that if nominations were made the candidates would be arrested, and, if elected, would not be permitted to hold the office to which they might be elected. He said he should preserve the list of names thus obtained; that, in certain contingencies, they might be of great importance; that he required all present to return peaceably and quietly to their homes, and to refrain from all "seditious and noisy conversation!" that whilst willing to allow the "greatest freedom consistent with the times," he should repress all conduct calculated to excite the people. He assigned as a reason for this extraordinary proceeding, that the "Conservative Democratic Legislature of the State" had refused to allow the Convention the use of its hall, saying that, had this refusal not been made, he might have acted differently. He said the conservative democratic papers of the State repudiated them as democrats, and that said papers, as well as common rumor, assigned to them the character of rebel sympathizers.

At the conclusion of these remarks, A. B. Chambers, Esq., the representative from Gallatin county, presented to Col. Gilbert the resolutions appended hereto, which had been adopted at a primary meeting of the Convention, as the resolutions which would be reported to this Convention, and which, in the opinion of said primary meeting and the committee on resolutions, embodied the views of this Convention, and requested that they be read, in order that the objects and views of the Convention might be understood. This proposition was declined by Col. Gilbert, who remarked that the Convention must not be holden.

Without intending to reflect upon Col. Gilbert, or question the authority of the Federal Government within the sphere of its constitutional powers, we, as citizens and freemen of the Commonwealth, submit that in the acts herein referred to, the constitutional rights of citizens peacefully to assemble together, the right of suffrage, and the right of free speech, as well as almost every other right dear to freemen, have been invaded by military authority, against which we enter our solemn protest, and pray your honorable body to adopt such legislation as in your wisdom will best conserve those rights and protect the citizens of this Commonwealth from military violence.

D. MERRIWETHER,
P. D. State Convention.
GEO. W. WILLIAMS, of Hancock.
J. R. BUCHANAN.

1. *Resolved*, That the political principles and views set forth and promulgated by the Democratic National Convention, particularly that held at Cincinnati on the 2d of June, 1856, in the form of resolutions adopted and published to the American people as containing the political faith and creed of the National Democracy, are approved by this Democratic State Convention, reasserted, and again adopted.

2. *Resolved*, As the leading idea in the National Democratic faith, we again assert "that the Federal Government is one of limited power, derived solely from the Constitution; and the grants of power made therein ought to be strictly construed by all the departments and agents of the Government; and that it is inexpedient and dangerous to exercise doubtful constitutional powers.

3. *Resolved*, That this Convention, representing the Democratic party in Kentucky, solemnly declare that they stand opposed to the continuance and further prosecution of the civil war now existing, for the reasons and upon the grounds set forth in the preamble and resolutions presented by Messrs. Grover and Bush in the Senate and House of the Kentucky Legislature, on the 19th of January, 1863, which preamble and resolutions were unanimously approved by a meeting of the democratic members of the Kentucky Legislature, and other citizens of the Democratic party, convened at the Senate chamber in Frankfort, on the 29th and 30th of January, 1863, and are hereby approved and adopted by this Convention. (*See* pp. 564, 565.)

4. *Resolved*, That the Union of the States cannot be maintained and perpetuated, unless their constitutions and laws, not inconsistent with the Constitution of the United States, their rights and interests thereby intended to be secured, and their reserved powers, are respected and held inviolate by the General Government, and unless that Government shall refrain from the assumption and exercise of ungranted powers.

5. *Resolved*, That we will coöperate with such of the adhering States as shall concur in opposing the continuance of the existing war, and in the adoption of such pacific measures as may be best calculated to promote a lasting peace in the country and a permanent union of all the States.

Resolved, That we hail with feelings of the liveliest satisfaction the recent victories of our democratic brethren of the Western and Northwestern States, in defence of "the Constitution as it is, and the Union as it was," and we congratulate the friends of constitutional liberty everywhere upon these signal triumphs of the true principles of republican government.

The motion to suspend the rules failed.

Says the "Louisville Journal," in July: "The Convention was dispersed, and the movement for the reorganization of the secession party of Kentucky, under the name of democracy, as respects public and formal action, was suddenly arrested. At this point two courses lay before the leaders of the movement. They were compelled to abandon the movement for the present election, or else to organize secretly, and selecting candidates in the main from the new recruits of the party, with but a comparative sprinkling of original secessionists, quietly to put them in the field without the intervention of any public or formal action. In a word, they had either to throw up their scheme for the present, or to prosecute it by indirection. They unhesitatingly chose the latter course. It is not probable that they so much as seriously thought of the former. And the course they chose they have pursued with energy and with considerable skill.

"The result, with respect to organization, we are not able confidently to state, though secret societies under the style of "Democratic Associations" have been established certainly in many parts of the Commonwealth and probably in all; but, with respect to candidates, the result is at last before the public in a complete "Democratic ticket" for the State, the candidates having been required to steal out to their places in the ticket one by one or in little groups, as the stars appear to steal into their places in the twilight sky, the managers apparently considering that to allow the ticket all at once to burst forth in constellated splendor might challenge too forcibly the attention of the authorities. But at last the ticket is out in full."

Meanwhile the majority of members of the Legislature, known as Union members, assembled in the Hall of the Assembly, on the evening of Feb. 16th, and agreed to "recommend to the Union Democracy of Kentucky that they assemble by delegation in convention in Louisville on March 18th, to nominate suitable

persons as candidates for the various State officers." At the appointed time the Convention assembled at Louisville. Delegates were present from one hundred and three counties, and the Convention contained more than a thousand members. Joshua F. Bell was nominated for Governor, and adopted a series of resolutions, which were thus explained by the present Governor, Bramlette, in a speech delivered in Louisville on July 18th:

Its first resolution approved and endorsed the principles contained in the joint resolutions upon Federal affairs, adopted by our Legislature. (*See* pp. 563, 564.) The spirit of these resolutions declared the loyal attachment of Kentucky to the Government of the United States, and our determination to maintain it; recognized the difference between a transitory administration of the government, limited to an official term, and the government itself, which is permanent, and was intended by its founders to endure forever; declared dissent from and entered its protest against the emancipation proclamation as unwise, unconstitutional, and void; denounced the extension of martial law over States where war did not exist, and the suspension of the writ of *habeas corpus* as unwarranted by the Constitution, tending to subordinate civil to military authority and to subvert constitutional and free government; declared we would hail with delight any manifestation of a desire on the part of the seceded States to return to their allegiance, in which event we would cordially coöperate with them in the restoration of peace and the security of such guarantees as would protect all their interests and rights; hailed the triumph of conservative sentiment in the non-slaveholding States as manifested by the then recent elections, and asserted that the laws of the State must be maintained and enforced, and that it was the duty of the constituted authorities to see that this indispensable end should be attained by all constitutional means.

These points of undying devotion and loyalty to the Government, and the determination to adhere to it and preserve it at all hazards; the duty of the State government to see the law executed; the condemnation of the radical measures of the Federal administration in power, and the pledge to correct them by peaceful and constitutional means through the ballot-box, all meet his most cordial approval and support. There is no issue made against them in Kentucky, and therefore there is no necessity to discuss them here, and he had not discussed them at length, because they were entertained in common by all the Union Democrats, and as our opponents say they hold the same sentiments, there is therefore no issue to be taken with them. But the second resolution of our Convention declared that the present causeless and wicked rebellion should be crushed by the whole power of the Federal Government, and the national authority restored over all the revolted States, and for the accomplishment of that object we were willing to devote our whole resources if necessary. On this resolution our opponents take issue; all the rest are unopposed.

On the 24th of April Mr. Bell declined the nomination for Governor, for the reason that his private affairs, which had been much neglected during the two previous years of trouble, demanded his whole attention. The State Central Committee on the 1st of May tendered the nomination to Thomas E. Bramlette, who accepted it. The election was held on the first Monday in August.

A general act of the Legislature and amendments thereto passed in 1862, constitute the laws of the State regulating elections. The statute required that, so long as there are two political parties in the State, each should be represented in the officers of every election precinct. An amendment adopted March 15th, 1862, declared that those who had engaged in rebellion for the overthrow of the Government, or who had in any way aided, counselled, or advised the separation of Kentucky from the Federal Union by force of arms, or adhered to those engaged in the effort to separate her from the Federal Union by force of arms, should not be deemed one of the political parties of the State. They, therefore, could not be officers at any election. Another amendment, adopted March 11th, 1862, declared that all citizens who should enter the service of the so-called Confederate States, in either a civil or military capacity, or into the service of the so-called Provisional Government of Kentucky, and continue in such service after the passage of this amendment, or who shall take up or continue in arms against the military forces of the United States or the State, or shall give voluntary aid and assistance to those in arms against said forces, shall be deemed to have expatriated themselves, and shall no longer be citizens of Kentucky, nor may be again, except by permission of the Legislature. Whenever any person attempted to exercise any legal right of a citizen of Kentucky, he might be required to negative on oath this expatriation. Persons who aided in attempting to break up or prevent any election from being held anywhere in the State were liable to be fined from $50 to $500, or imprisonment not more than one year. Officers who failed to arrest such offenders may be punished by fine and imprisonment. Persons offering to vote, who should make false statements under oath, should be deemed to be guilty of perjury, and suffer the penalties for that offence.

Previous to the election, Governor Robinson issued a proclamation stating the law relative to elections, and the oath that a voter might be required to take. It was called the "oath of loyalty," and, as administered in the city of Louisville, was as follows:

I —— of —— county of ——State of —— do solemnly swear that I will bear true allegiance to the United States, and support and sustain the Constitution and laws made in pursuance thereof as the supreme law of the land, anything in any State Constitution or laws to the contrary notwithstanding, and that I will not take up arms against the United States, nor give aid and comfort, by word or deed, to the enemies thereof, or to those now in rebellion against the United States; and that I disclaim all fellowship with the so-called Confederate States and Confederate armies; and that I will faithfully keep and observe this my solemn oath of allegiance to the Government of the United States of America, with a full understanding that death or other punishment by the judgment of a Military Commission will be the penalty of its violation.

Subscribed and sworn before me this —— day of ——, 186 .

General Burnside, who was in command of the Department of the Ohio, which included the central and eastern part of the State, issu-

ed the following proclamation previous to the election which was held on August 3d:

General Orders, No. 120.

HEADQUARTERS, DEPARTMENT, OF THE OHIO, CINCINNATI (OHIO), *July* 31*st*, 1863.

Whereas the State of Kentucky is invaded by a rebel force, with the avowed intention of overawing the judges of elections, of intimidating the loyal voters, keeping them from the polls, and forcing the election of disloyal candidates at the election on the 3d of August;

Whereas the military power of the Government is the only force that can defeat this attempt, the State of Kentucky is hereby declared under martial law, and all military officers are commanded to aid the constituted authorities of the State in support of the laws and of the purity of suffrage, as defined in the late proclamation of his Excellency, Governor Robinson.

As it is not the intention of the commanding general to interfere with the proper expression of public opinion, all discretion in the conduct of the election will be as usual in the hands of the legally-appointed judges at the polls, who will be held strictly responsible that no disloyal person be allowed to vote, and to this end the military power is ordered to give them its utmost support.

The civil authority, civil courts, and business will not be suspended by this order. It is for the purpose only of protecting, if necessary, the rights of loyal citizens and the freedom of election.

By command of Major-General BURNSIDE.

In the western part of the State the following order was issued:

General Order, No. 47.

DISTRICT OF COLUMBUS, HEADQUARTERS, 6th DIVISION, 16th ARMY CORPS, COLUMBUS, Ky., *July* 29*th*, 1863.

That no further doubt may exist as to the intention and meaning of Special Order No. 159, dated Headquarters 16th Army Corps, July 14th, 1863, it is ordered that no person shall be permitted to be voted for, or be a candidate for office, who has been, or is now, under arrest or bonds, by proper authority, for uttering disloyal language or sentiments.

County Judges within this district are hereby ordered to appoint, as judges and clerks of the ensuing August election, only such persons as are avowedly and unconditionally for the Union and the suppression of the rebellion, and are further ordered to revoke and recall any appointments of judges and clerks already made, who are not such loyal persons.

Judges and clerks of elections are hereby ordered not to place the name of any person upon the poll books to be voted for at said election, who is not avowedly and unconditionally for the Union and the suppression of the rebellion, or who may be opposed to furnishing men and money for the suppression of the rebellion.

The following oath is prescribed and will be administered by judges of elections to voters and to such candidates as reside within this district:

Form of Oath.—I do solemnly swear that I have never entered the service of the so-called Confederate States, that I have not been engaged in the service of the so-called Provisional Government of Kentucky, either in a civil or military capacity, that I have never, either directly or indirectly, aided the rebellion against the Government of the United States, or the State of Kentucky, that I am unconditionally for the Union and the suppression of the rebellion, and am willing to furnish men and money for the vigorous prosecution of the war against the rebellious league known as the Confederate States; so help me God.

Any voter, judge, or clerk of elections, or other person, who may evade, neglect, or refuse compliance with the provisions of this order, will be arrested and sent before a military commission, as soon as the facts are substantiated.

By order of Brigadier-General ASBOTH.

T. H. HARRIS, Assistant Adjt.-General.

In Henderson county the following order was issued:

General Order No. 12.

HEADQUARTERS U. S. FORCES, HENDERSON, Ky., *July* 28*th*, 1863.

In order that the proclamation of the Governor and the laws of the State of Kentucky may be observed and enforced, post commandants and officers of this command will see that the following regulations are strictly complied with at the approaching State election:

None but loyal citizens will act as officers of the election.

No one will be allowed to offer himself as a candidate for office, or be voted for at said election, who is not in all things loyal to the State and Federal Government, and in favor of a vigorous prosecution of the war for the suppression of the rebellion.

The judges of election will allow no one to vote at said election unless he is known to them to be an undoubtedly loyal citizen, or unless he shall first take the oath required by the laws of the State of Kentucky.

No disloyal man will offer himself as a candidate or attempt to vote, except for treasonable purposes; and all such efforts will be summarily suppressed by the military authorities.

All necessary protection will be supplied and guaranteed at the polls, to Union men, by all the military force in this command. By order of

JOHN W. FOSTER, Col. Commanding.

W. A. PAGE, Lieut. and Adjt.

Oath to be taken at the Election.—I do solemnly swear that I have not been in the service of the so-called Confederate States, in either a civil or military capacity, or in the service of the so-called Provisional Government of Kentucky; that I have not given any aid, assistance, or comfort to any person in arms against the United States; and that I have in all things demeaned myself as a loyal citizen since the beginning of the present rebellion. So help me God.

On July 16th Colonel Johnston published an order at Smithlands, directing the judges and clerks of the election in the adjacent counties "not to place the name of any person on the poll books, to be voted for at the election, who is not a Union man, or who is opposed to furnishing men and money for a vigorous prosecution of the war against the rebellion. Any person violating this order will be regarded as an enemy to the United States Government, and will be arrested and punished accordingly."

On July 30th General Shackelford published an order very similar to that of Colonel Foster above.

The effect of Gen. Burnside's proclamation on the result of the election was thus reported by the press: The "Cincinnati Commercial" said:

It had no more effect upon the election than would have been produced by a small boy whistling "Yankee Doodle" at the State capital, at six o'clock in the morning. It was unwise to issue such a proclamation, as the only effect it has produced is in giving a color of plausibility to the pretence made by the Wickliffe party, that they were defeated by bayonets. The proclamation didn't influence the election, but it has impaired, if not destroyed its moral force.

The "Louisville Journal" said:

There never was more fairness, more justice, more freedom in the election, than was practised and accorded by the friends of the Union last Monday.

In reply to this the "Louisville Democrat" said:

Below we continue further correspondence from different sections of the State, illustrating the "fairness," "justice," and "freedom" of the election of Monday, August 3d, 1863.

A memorial addressed to President Lincoln by Judge S. S. Nicholas, of Louisville, Kentucky, makes the following statement:

On August 1st, Colonel Mundy, commanding at Louisville, issued his proclamation, with generous assurances to the citizens that their election should be protected against the interference of raiders, of whom no man had the slightest fear, but giving no promise against his own soldiers, as to whom at least one half of the voters stood in the greatest apprehension. On the contrary, he said there would be a military guard at each voting place, accompanied by detectives, who knew "the record of each resident in the several precincts, to point out to the guard any who shall attempt to perpetrate a fraud against the election law;" and that "all who shall present themselves at the polls, and fraudulently attempt to vote, will be immediately arrested by the guard, and confined in the military prison." Accordingly, on the day of election, there were ten soldiers with muskets at each voting place, who with crossed bayonets stood in the doors, preventing all access of voters to the polls but by their permission, and who arrested and carried to the military prison all that they were told to arrest. But there were not very many arrested; it is said not more than thirty or forty, all of whom, with one or two exceptions, were released the next day, it becoming early apparent that there was no need for undue intimidation to secure the success of the Bramlette ticket. Out of some eight thousand voters in the city, less than five thousand votes were taken. How many of the missing three thousand were deterred from attempting to vote cannot be ascertained, nor is it necessary, for the intimidation of three thousand voters is no greater outrage than the intimidation of only five hundred. The interpretation generally put by the opposition party upon the order of Colonel Mundy was, that no man was to have the privilege of having his right of voting tested by the judges if pointed out to the guard, as proper to be arrested, by any one of the colonel's detectives. He not having the semblance of legal or rightful power to interfere with the election, the most sinister suspicions were naturally aroused, and very many deterred from going to the polls, for fear they should be victimized to personal or party malice. Indeed it is rather matter of surprise that so large a number of the opposition party did go to the polls. Similar intimidation was not only practised in other parts of the State, but, from published proof and reliable information, there is no doubt that in very many counties the judges were so dastardly infamous as to submit to the military order, and not permit the Wickliffe ticket to be voted for. The result is that there was not only direct military interference with the election, but it was conducted in most of the State under the intimidation of Federal bayonets.

The candidates for State officers were as follows:

Governor—T. B. Bramlette, U.; Charles W. Wickliffe, Dem.
Lieut. Governor—R. L. Jacobs, U.; W. B. Read, Dem.
Attorney General—John M. Harlan, U.; Thomas Turner, Dem.
Auditor—W. T. Samuels, U.; Grant Green, Dem.
Treasurer—J. H. Gerrard, U.; H. F. Kaifus, Dem.
Register—James S. Dawson, U.; T. J. Frazier, Dem.

The vote for Governor was as follows:

Bramlette	68,306
Wickliffe	17,389
Total vote	85,695

Total vote in 1860, 146,216.

The vote for the other candidates was smaller than that for Governor, on each ticket.

The vote for members of Congress was as follows:

	Union.		Democrat.	
1st District,	Anderson	4,323	Trimble	711
2d "	Yeaman	8,311	McHenry	3,087
3d "	Grider	8,654	Winfrey	1,293
4th "	Harding	10,435	Heady	2,508
5th "	Mallory	6,257	Walfe	2,477
6th "	Smith	6,936	Leathers	1,970
" "			Menzies	2,283
7th "	Clay	4,711	Buckner	2,143
" "	Boyle	2,487		
8th "	Randall	7,898	Bradley	196
9th "	Wadsworth	6,638	Brown	567

Of the Legislature, the Senate consists of 38 members, entirely Union; the House, 100 members, of which five or six were on the Democratic ticket.

The Governor elect was inaugurated on the 2d of September. In his address, he thus stated the public sentiment of the State, as he regarded it to be expressed by the election:

The recent elections clearly and unmistakably define the popular will and public judgment of Kentucky. It is settled that Kentucky will, with unwavering faith, and unswerving purpose, stand by and support the Government in every effort to suppress the rebellion and maintain the Union. That for this purpose she will "devote the whole resources of our Government to crush the present causeless and wicked rebellion, and restore the national authority over the revolted States."

But whilst so devoting our whole resources to uphold and maintain the Government against rebellion, the same devotion to constitutional liberty will equally impel her to oppose her will to all unconstitutional, all wicked, unwise, or hurtful measures of policy, which may be suggested or adopted in the prosecution of our defensive war. This she will do through the peaceful medium of the ballot-box, by the persuasions of argument, and the legitimate force of our constituted tribunals.

We will make no factious opposition; will adopt no mode of opposition which can in any manner check or retard those charged with the administration of the Government in any legitimate effort to suppress the rebellion and restore the national authority over the revolted States.

Kentucky will not affiliate with those at home, or in other States, whose manifest object is, under pretence of opposition to war measures, to cover their real purpose of crippling the energies of our Government, paralyzing its arm of just defence, and forwarding the aims of the rebellion.

The recent vote of Kentucky proclaims that she will not fraternize with rebellion, either open or covert; and with equal emphasis that she will not fraternize with those who would pervert our just defence into a fanatical war upon the constitutional rights and liberties of the people of the Southern States. But firmly and immovably poised upon her own just, loyal, and proud constitutional centre, Kentucky will maintain the right, and support the Constitution of the Union by all the powers and modes sanctioned by the wisdom of a humane experience and a just and legal warfare. "Men and money" to crush the rebellion; votes and argument to correct legislative or executive policy, when erroneous. This is the proclaimed and deliberate will of Kentucky. This is her right and duty. She will maintain her right, and do her duty.

We affiliate with the loyal men north and south, whose object and policy is to preserve the Union and the Constitution, unchanged and unbroken, and to restore the people to harmony and peace with the Government as they were before the rebellion.

It is not a restored Union—not a reconstructed Union—that Kentucky desires; but a preserved Union, and a restored peace upon a constitutional basis.

At the session of the Legislature, which commenced at the beginning of the ensuing year, the Governor recommended that the penal code of the State be so amended as to provide proper preventive as well as punitive remedies for every form of treasonable action, whether it consisted in acts or words, which tended to promote or encourage rebellion. He also recommended that the laws be so amended as to give to any loyal man who suffered in person or property from invasions or raids, a right of action against any or all persons who, after the passage of such act, may aid, encourage, or promote rebellion, either by acts or words of encouragement, or by approval, or by manifesting an exultant and joyous sympathy upon the success of such raids.

In the execution of the act of Congress for the enrolment and draft, the free negroes of Kentucky were not enrolled. The number of able-bodied men of this class was estimated between three and five hundred. A strong protest was made by the people to the enrolment of these persons, and no return was made of them.

A case in which was involved the constitutionality of the confiscation measure of Congress came before the Court of Appeals, the highest court of the State. It came upon an appeal from Mason county, under the title of Norris vs. Dompleon. Judge Bullitt delivered the opinion of the court, in which he held that the act of Congress relative to confiscation was unconstitutional, "because it attempts to authorize the confiscation of the property of citizens as a punishment of treason and other crimes, without due process of law, by proceedings *in rem* in any district in which the property may be, without presentment or indictment by a grand jury, without arrest or summons of the owner, and upon such evidence of his guilt as would be sufficient proof of any fact in admiralty or revenue cases." (Constitution, article 3, section 2; sub-sec. 3, and section 3, sub-sec. 1; and articles 5th and 6th of Amendments.)

"The clause of the Constitution which authorizes Congress to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water, has no bearing on this question. It relates only to war with foreign nations."—[The Brilliant vs. United States.]

Judge Williams delivered a separate opinion, in which he held:

1. That both the Congress of the United States and State Legislatures are prohibited from passing bills of attainder; and that none but judicial attainder is known to our Constitutions, whether Federal or State.
2. That judicial attainder can only be had upon a criminal proceeding, and must be upon indictment, or other legal proceeding, with a trial and judgment, as upon an indictment.
3. That treason against the United States can only be committed by actually levying war against them, or in adhering to their enemies in time of war, giving them aid and comfort.
4. That the trial and punishment for treason have been confined by the Constitution to the courts of the country: the punishment to be prescribed by Congress, within constitutional limits.
5. That even upon judicial attainder for treason, there can be no forfeiture of real or personal estate, save for the life of the person attainted.
6. That the limitation on the power to punish for treason is a limitation on the war power as to this crime.
7. That this act of Congress, of July 17th, 1862, to suppress insurrection, &c., is in derogation of the personal rights, and rights of property of the citizen, as guaranteed both in the Federal and State Constitutions.
8. That said act is not in conformity with the Federal Constitution, and is in conflict with the Constitution and laws of the States, and derogatory to their sovereignty.
9. That said act cannot be justified by the laws of nations, nor by the usages of war, as recognized by modern, civilized, and Christian nations.
10. That, being in conflict with the United States Constitution, it cannot be upheld as a rule prescribed by a sovereign, in derogation of the laws of nations, but is nullity. (*See* CONFISCATION.)

KERHALLET, CHARLES PHILIPPE DE, a captain in the French navy, and eminent as a hydrographer and meteorologist, born in Brittany in 1809, died in Paris, in February, 1863. Receiving a thorough scientific education in the school of marines, M. de Kerhallet entered the navy early, and, in 1837, had attained a rank and reputation which justified the minister of marine in assigning to him the duty of making a hydrographic survey of the Brazilian coast, from San Louis de Maranhao to Para. This survey was completed in 1840, and the results published in 1841. The next seven years were spent in sea service, but, in 1847, Captain de Kerhallet was directed to make a careful and thorough survey of the African coast, from Cape Verde to Sierra Leone. In 1849 he published a series of maps of this coast, which up to that time had been considered the most dangerous, as it was the least known, of the shores of Africa washed by the Atlantic, and accompanied it by a memoir entitled "Nautical Description of the Western Coast of Africa, from Cape Roxo to the Isles de Los." From this period, with but rare and brief intervals of rest, Captain de Kerhallet was constantly engaged in hydrographical surveys mostly of the African coast. In 1853, in conjunction with M. Vincendin Dumoulin, he explored and mapped, with great care and accuracy, the African shore of the Mediterranean, from the Straits of Gibraltar eastward along the coast of Morocco, an enterprise of great peril from the ferocity of the native tribes on the coast. On the completion of this, in 1857, he published a nautical description of the coast, and also a manual of the navigation of the Straits of Gibraltar. He had previously prepared, at the direction of the Council of the Admiralty, the result of personal observation, mainly descriptions of the Archipelagoes, of the Azores, of the Canaries, and of the Cape de Verde Isles. These monographs were published in 1851. He had also been led by his long

experience and careful observations in the different oceans washing the shores of the Eastern and Western Continents to come to certain conclusions relative to ocean currents and their causes, and the prevalent winds of the different regions, similar to those which were subsequently published by Captain Maury, and published in 1851 (five years before the publication of Maury's "Physical Geography of the Sea") three memoirs under the titles of "General Considerations upon the Atlantic Ocean," "upon the Indian Ocean," and "upon the Pacific Ocean." He commenced at this time his great work, which was published in 1853, in three volumes, 8vo., entitled "Manual of the Navigation of the West Coast of Africa." This work included a description of the entire Atlantic coast of Africa, and the adjacent islands, and was illustrated with drawings giving a succession of views of the entire shores from the Straits of Gibraltar southward. He also published, in 1853, the first edition of his "Manual of Navigation in the Sea of the Antilles" (the Carribbean Sea), a work of great labor and research. A revision and extension of this work was his last literary labor, the final proof sheets of it passing through his hands while he was suffering from the disease which proved fatal. Captain de Kerhallet was a diligent observer and a hard-working student, and in other departments of physical science his attainments were such as would have won him high reputation. He was particularly partial to geographical science, and his occasional papers on countries on the African coast, communicated to the Bulletin of the Geographical Society at Paris, were replete with interest.

KILVERT, Rev. Francis, an English scholar and author, born in Bath, 1793, died at his residence, Claverton Lodge, Bath, Sept. 16th, 1863. His education was commenced under Dr. Rowlandson, at Hungerford, where he was a fellow-pupil of the present bishop of Hereford. Afterward, he was for some years at the Bath Grammar School, where his attainments recommended him to the head master, who engaged him as one of the assistant masters prior to his matriculation at Oxford. He entered Worcester College in 1811, was ordained deacon in 1816, and priest in 1817. His first curacy was that of Claverton, near Bath. In 1837 Mr. Kilvert, who had for many years previously taken private pupils in Bath, became possessor of Claverton Lodge, to which he transferred his pupils, and in this sphere of duty continued until his death. In his later years he was constantly receiving testimonials of affection from the young men formerly under his charge, many of whom had become highly distinguished. He was a man of uncommon purity of life, and, as a guide to youth, and the framer of their religious and moral sentiments, his precepts and his holy example were invaluable. In 1822 Mr. Kilvert married Adelaide Sophia de Chièvre, a lady of French extraction, and a refugee of very ancient and historical family. He was the author of several works, among which are: "a volume containing fourteen sermons preached in St. Mary's Church, Bathwick, 1827; a selection from unpublished papers of Bishop Warburton, 1841; a collection of original Latin inscriptions; and "Memoirs of the Life and Writings of Bishop Hurd, with a selection from his correspondence," 1860.

KOWER, The Maharanee Jendan, relict of Runjeet Singh, Maharajah of Lahore, born not far from 1780, died at Abingdon House, Kensington, August 1st, 1863. She was said to have been of humble birth, but was selected by the Runjeet as one of his harem, and from that time her career was one of splendor, crime, success, and misfortune. As his favorite wife, and the mother of the little prince, she became the most powerful sultana in Asia. Runjeet was succeeded by Kurruck Singh, and she caused him to be despatched with acetate of lead mingled with a curry. Nao Nehal Singh followed Kurruck on the throne, but, as he passed upon his elephant beneath an arch, after his coronation, it was contrived that the masonry should fall and crush him. The widow of Kurruck, and her son, being yet in her way to the throne, she caused the former to be killed by her chamber-women, and the little prince was shown an English rifle, and while examining it the muzzle was turned to his breast and four slugs were discharged in his heart. Having won at last the crown of the Punjaub for her child, she employed the influence thus obtained to revel in license. In conjunction with her lover, Lall Singh, she declared war upon the British, by marching her Sikhs across the Sutlej, but was defeated and finally reduced to the mere guardianship of a protected prince. Then she commenced the net-work of intrigue with Moolraj of Mooltan; Golab Singh, of Cashmere; and Dost Mohammed, of Afghanistan; resulting in the murder of the English officers at Mooltan, and the second Sikh war. She was removed to Benares, too late to avert the great war she had fomented, and in her imprisonment learned that the son for whom she had sinned and plotted was dethroned and exiled. Thenceforward she passed from the eyes of men, a pensioner of the British power.

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LANSDOWNE, Henry Petty Fitz-Maurice, marquis of, a British statesman, born July 2d, 1780, died Jan. 31st, 1863. He was educated at Westminister School, and at Trinity College, Cambridge; and also passed several years in Edinburgh, under the care of Dugald Stewart, acquiring from his intercourse with that distinguished man, and with Brougham, Jeffrey, Sidney Smith, and others of his own age, a love of liberal principles and constitutional government to which he remained faithful during his whole life. At 21 years of age, being then known by his courtesy title of Lord Henry Petty, he entered parliament for the borough of Calne, and soon gained the reputation of an able and accomplished debater. Upon the death of Mr. Pitt, he succeeded him in the representation of the University of Cambridge, and in 1806 he entered the "All the Talents" ministry under Fox and Grenville as Chancellor of the Exchequer. He had identified himself from the outset of his career with the fortunes of the Whigs, but the short duration of the ministry, which retired in 1807, prevented him from displaying his financial ability.

In the latter year he succeeded his brother as third Marquis of Lansdowne, and transferred his services to the House of Peers, where, during the long period of Tory ascendancy, he was a prominent leader of the Whig party, commanding the respect of his opponents by his powers of debate, his varied and extensive information, and his amenity of manners. Though long compelled to remain in a hopeless minority in parliament, he abated in no degree his efforts in support of liberal measures, and the final triumph of the friends of Catholic emancipation, the abolition of slavery, parliamentary reform, and free trade was very considerably promoted by his eloquence and perseverance.

After 20 years' exclusion from administrative duties, he was appointed in August, 1827, Home Secretary in the short lived cabinet of Viscount Goderich; and upon the formation of Earl Grey's ministry in November, 1830, he became President of the Council, an office which he held during several administrations until the overthrow of the Melbourne ministry and the accession of the Tories under Sir Robert Peel in September, 1841. He resumed the office in 1846 in the ministry of Lord John Russell, and held it until February, 1852. The brief Derby ministry of that year was succeeded in December by that of the Earl of Aberdeen, who solicited Lord Lansdowne to return to his former post. The latter declined, but consented to accept a seat in the cabinet without office, which he occupied until March, 1858, when he retired definitively from public life. With the exception of Lord Holland, no Whig statesman of the present century had for so many years been a leader in the House of Peers, and subsequent to the death of that nobleman, he was generally regarded, in virtue of his age, his experience, and his persuasive eloquence, as the Nestor of the Upper House.

LEWIS, Sir George Cornewall, an English statesman and scholar, born in Radnor, Wales, October 21st, 1806, died in London, April 13th, 1863. His father, Sir Thomas Frankland Lewis, was a statesman of considerable ability, and had served as joint secretary of the Treasury, vice-president of the Board of Trade, treasurer of the navy, and chairman of the Board of Poor Law Commissioners, and was created a baronet in 1846. Sir George received his early education at Eton, from whence he passed to Christ Church College, Oxford, where he graduated, at the age of twenty-two, ranking as first class in classics and second in mathematics. In 1831 he was admitted to the bar, but never practised, having acquired a legal education as the necessary preliminary to public service. At the age of twenty-nine, he was appointed assistant commissioner to report on the working of the relief of the poor in Ireland; and the following year, made a commissioner to inquire into the affairs of Malta. In 1839 he was appointed successor to his father, as Poor Law Commissioner, and remained in this office till 1847, when he was elected a member of parliament for Herefordshire, and became secretary of the Board of Control. In 1848 he became under secretary of the House Department; in 1850, secretary of the Treasury; and in 1852, on the disolution of the Russell cabinet, retired from office. In May, 1855, he again assumed office, succeeding Mr. Gladstone, as Chancellor of the Exchequer. When Lord Palmerston returned to power he yielded this position to Mr. Gladstone, and took the position of Home Secretary. On the death of Lord Herbert of Lea, in 1861, Sir George (he had succeeded to the baronetcy, in 1855) took charge of the War Department, the duties of which proved too severe for his already failing health. Though never a brilliant speaker, Sir George was a perspicuous and clear-minded debater, and his thorough acquaintance with public affairs, his sound judgment, clear head, and fixed honesty of purpose, together with his relish for hard work, made him very valuable to the country as a minister of State. Yet, amid the multiplicty of duties which pressed upon him during his twenty-seven years of public service, he was not simply a politician or even a statesman. He dwelt in a higher and loftier sphere; he was eminently a scholar and a man of letters not from any necessity, for his means

were ample, nor from want of employment; but from his intense delight in literary pursuits. Before he graduated at Oxford he had become a frequent contributor to the "Classical Journal and Foreign Quarterly Review," and at the age of twenty-one he had published a translation from the German of Boeckh's "Treatise on the Public Economy of the Athenians." At the age of twenty-four, in conjunction with Mr. Henry Tufnell, he translated Müller's "History and Antiquities of the Doric Race." He was editor of the "Edinburgh Review," from December, 1852, to March, 1855, and left it reluctantly, when called to become Chancellor of the Exchequer. Of the long list of his books, many of them of great merit (though it is said not one of them ever paid the cost of publication), the principal were: "Essay on the Use and Abuse of Political terms;" "On the Origin and Formation of the Romance Languages;" "Inquiry into the Credibility of Early Roman History;" "Influence of Authority in Matters of Opinion;" "A Glossary of Provincial Words used in Herefordshire;" "Treatise on the Methods of Observation and Reasoning in Politics;" "On the Astronomy of the Ancients," a work of great learning and research; and a "Dialogue on the Best Form of Government." He avowed promptly and boldly his sympathy with the Northern States in the present civil war in this country, and, though the majority of Lord Palmerston's cabinet was against him, his services were regarded as indispensable. In private life, Sir G. C. Lewis was a warm-hearted, happy man, always cheerful and equable, and, though undemonstrative in manner, strongly attached to his friends, and greatly beloved by them. His death was very sudden, and affected the House of Commons deeply. Even his political opponents eulogized his worth, his conscientious adherence to duty, and his devotion to the interests of the nation.

LITERATURE AND LITERARY PROGRESS IN 1863. In no period of the past history of the United States has the literary activity of the country been so manifest as in the year 1863. While the price of paper has more than doubled, and the cost of printing and binding been greatly enhanced, and at the same time the scarcity of skilled labor has rendered production difficult, the number of newspapers, periodicals, and magazines, has greatly increased, and the circulation of those previously established been much enlarged, and the number of new books issued surpasses that of any previous year. A tolerably complete catalogue of the books of the year enumerates 2,050 distinct publications, a considerable number of them extending to two or more volumes. The number of reprints has not been large. Aside from translations, and books on which a large amount of editorial labor has been bestowed in the way of notes, additions, appendices, or introductions, there are but 297, and including these the whole number does not reach 400. There are then not less than 1,650 original American works which have passed through the press during the past year, and an unusually large number of these have attained a sale of more than 10,000 copies, while a few have exceeded 50,000, and one or two 100,000 copies. The most numerous class of publications were those for juvenile readers. Of these, 420, or more than one fifth of the whole number, were issued during the year. 203 were novels, of which somewhat more than one half were reprints; 205 were theological and religious works. The number of works on military science did not exceed 65, while those on legal science numbered 75, and those on medicine, 50. Of works devoted to history —a large portion of them referring to the history of the existing war—there were 110; and about 100 biographical works. Forty-six works were devoted to physical science, and 25 to mathematics and technology. Twelve works were added to the domain of philology, of which but one was reprinted from foreign publications. Political science was discussed in 130 distinct essays and treatises. Seventy works were devoted to education. There were also 42 books in the department of art and illustrative science; 37 volumes of poems, including new poems or collections of poems, by Bryant, Longfellow, Whittier, &c.; and 52 volumes of essays.

A considerable portion of the works on military science are technical treatises for the instruction and guidance of particular arms of the service. To this class belong "Hints to Company Officers on their Military Duties," by Capt. C. C. Andrews, U. S. A.; "The Automaton Company, Regiment, and Battery," by G. Douglas Brewerton, U. S. A.; "Cavalry Tactics," by Col. (now Gen.) Philip St. George Cooke; "A Military Manual for Schools," by F. N. Freeman; "Instructions for Officers and Non-Commissioned Officers on Outpost and Patrol Duty," &c.; "Advanced Guard, Outpost, and Detachment Service of Troops, with the Essential Principles of Strategy and Grand Tactics," by D. H. Mahan, LL.D.; "Uniform for Officers of U. S. Navy;" "United States Infantry Tactics for the use of Colored Troops;" "The Company Clerk," by Capt. August V. Kautz; "Instructions for the Government of Armies in the Field," by Francis Lieber, LL.D.; "The Military Laws of the U. S.," compiled by John F. Callan; "De Hart on Courts Martial;" "Manual of Instructions for Military Surgeons in Examination of Recruits and Discharge of Soldiers," by John Ordronaux, M.D.; "Instructions for Enlisting and Discharging Soldiers," by R. Bartholow; "The Army Regulations of 1861, Revised to 1863;" Gen. Q. A. Gillmore's "Practical Treatise on Limes, Hydraulic Cements, and Mortars;" "Seamanship," by Lieut.-Com. S. B. Luce; "Strategy and Tactics," by Gen. G. H. Dufour, translated from the French, by Captain W. P. Craighill; Gen. John Gibbon's "Artillerist's Manual;"

"Instructions for Heavy Artillery," prepared by a board of officers, and "Hand-Book of Artillery for the Service of the U. S.," by Col. Joseph Roberts. The reports of commanders, or of particular arms of the service, and treatises on military science, constitute another branch of the military literature of the day. Thus we have: "Report of the Engineer and Artillery Operations of the Army of the Potomac," by Gens. W. F. Barry and J. G. Barnard; Major-Gen. Pope's "Report of his Virginia Campaign," with plans; Major-General Rosecrans's "Report of the Battle of Stone River;" "Annals of the Army of the Cumberland," by an officer; "Temporary Fortifications Prepared for the Naval Service," by Edward Barrett; "Practical Strategy as Illustrated by the Achievements of the Austrian Field Marshal Traun," by J. Watts De Peyster; "Daring and Suffering; a History of the Great Railroad Adventure," by Lieut. Wm. Pittenger; Brig.-Gen. G. W. Cullum's "System of Military Bridges in use in the U. S. Army;" Surgeon-General William A. Hammond's "Treatise on Hygiene, with special reference to Military Service;" "Cavalry, its History, Management, and Uses in War," by J. Römer, LL.D.; "The Campaigns of 1862 and 1863," by Emil Schalk; "Summary of the Art of War," by Emil Schalk; "Elements of Military Art and History," by Duparcq; "Official Report of the U. S. Engineer Department, of the Siege and Reduction of Fort Pulaski, Ga.," by Q. A. Gillmore, Brig.-Gen. U. S. V.; "On Military and Camp Hospitals, and the Health of Troops in the Field," by Drs. Baudens and Hough. Among the other books of reference and convenience for the military man, are: "A Military Dictionary," by Col. H. L. Scott, revised to meet the emergencies of the times; "The Soldier's Book," a convenient pocket memorandum, contrived by Capt. R. N. Scott; "The Ready Calculator, or Regimental Pay Table," &c., by Major-Gen. Webb; "Table of Monthly and Annual Pay, Tax, and Organization of the Army of the U. S.," by Major Henry Foote; "Manual for Quartermasters and Commissaries," by Major R. F. Hunter; "Catalogue of the Army Medical Museum;" "The Army Register;" "The Naval Register;" "The Alphabetical Army Register," and "The Army and Navy Almanac and Washington Military Directory, for 1863."

In history, the greatest interest has centred in historical sketches of the existing war. The number of these has continued to increase, and many of those announced the previous year have appeared, and have met with a large sale. The first volume of "The History of the Civil War in America," by John S. C. Abbott, appeared in the spring of 1863. The first volume of "The Great Rebellion; a History of the Civil War in the United States," by J. T. Headley, was issued about the same time. The second volume of Thomas P. Kettell's "History of the Rebellion," appeared in the autumn; as did also the second volume of "The History, Civil, Political, and Military, of the Southern Rebellion, from its Incipient Stages to its Close," by O. J. Victor. The first volume of other histories of the war, by Mrs. Ann S. Stephens, J. G. Kennedy, E. G. Storke, Samuel M. Schmucker, LL.D., —— Blake, C. Edwards Lester, and Lorenzo H. Whitney, have also appeared, and most of them possessing a fair share of merit, have had a large sale. Mr. R. S. Fisher, and Mr. Horace E. Dresser, both well known statisticians, have each published volumes of the events of the rebellion; Mr. Fisher's being in chronological, and Mr. Dresser's in alphabetical order. Mr. Fisher's is accompanied with excellent maps. There have also been a considerable number of serial histories of the war issued in monthly, semi-, and bimonthly numbers. Among these are W. A. Craft's "The Southern Rebellion;" Evert A. Duyckinck's "History of the War for the Union, Civil, Military, and Naval;" Frank Leslie's "Pictorial History of the War," edited at first by E. G. Squier; Harper's "Pictorial History of the Great Rebellion," edited by Richard Grant White; Dr. Robert Tomes's "The War with the South;" and we might add to these Frank Moore's "Rebellion Record," which has reached, during the year, the completion of its sixth volume. Mr. Moore has also issued six numbers of a serial "Companion to the Rebellion Record," giving valuable narratives and official documents illustrative of the war. Among those who have announced as speedily forthcoming, histories of the war, are Horace Greeley, of the New York "Tribune," and Joshua R. Giddings, of Ohio. Two volumes of a "Southern History of the War," by E. A. Pollard, editor of the Richmond "Examiner," have also appeared, and also two volumes of the "Southern Official Accounts of Battles," answering in part to the "Rebellion Record."

Beside these more extended histories of the war, there have been a considerable number of narratives of portions of the different campaigns published: some of them by American officers who had participated in them; others by foreign officers who had either been sent to this country to observe the military operations, by their governments or by newspapers who desired to have correspondents with the armies, or had joined one or the other army voluntarily. Of the first class were Dr. A. L. Castleman's "Army of the Potomac; Behind the Scenes;" W. D. Bickham's "Rosecrans' Campaign with the Army of the Cumberland;" "The Bivouac and the Battle Field," by Capt. Geo. F. Noyes; "The Story of the Guard: a Chronicle of the War," by Jessie Benton Fremont. (This is also published in German.) The "Color Guard," by Rev. James Hosmer; "The Whip, Hoe and Sword, or the Gulf Department in 1863;" by Rev. George H. Hepworth; "The Peninsula Campaign in Virginia," by Rev. J. J. Marks; "Sketches of the War," by Capt. C. C. Nott; "Beyond the Lines, or a Yankee Prison-

er Loose in Dixie," by Capt. J. J. Geer; "My Days and Nights on the Battle Field," by Carleton (C. C. Coffin); and Dr. T. J. Ellis's "Leaves from the Diary of an Army Surgeon." To the second class belong: M. Ferdinand Lecomte's "The War in the United States," a report to the Swiss Military Department, which had sent him out; "The Army of the Potomac, its Organization, its Commander, and its Campaign," by the Prince de Joinville; William Howard Russell's "My Diary North and South;" Col. B. Estvan's "War Pictures from the South;" "Battlefields of the South, from Bull Run to Fredericksburg," by an English Combatant; Lieut. Freemantle's "Campaign in the South."

Of works bearing directly upon the history of the war, though not written by eyewitnesses, we have Edward Everett's "Gettysburg Oration," Detterline's "Sketch of the Battles at Gettysburg;" James Parton's "General Butler in New Orleans;" C. Edwards Lester's "Light and Dark of the Rebellion;" "The Iron Furnace, or Slavery and Secession," by Rev. John H. Aughey; Bishop's "Loyalty on the Frontier," and "The Captivity of Gen. Corcoran." The Official Report of the Committee on the Conduct of the War published in three vols. in the Spring of 1863, contains much matter for history, and portions of it called out replies from Gen. Franklin and other generals whose conduct was censured in the report.

Though somewhat less direct, the following works published during the year, hold important relations to the history of the present struggle: "Correspondence between Charles G. Loring of Boston, and Mr. Field of England, on the Present Relations between Great Britain and the United States of America;" "The Trial of the Constitution," by Sidney Geo. Fisher; "History of American Conspiracies," by O. J. Victor; "Christian Life and Character of the Civil Institutions of the U. S. developed in the Official and Historical Annals of the Republic," by Rev. B. F. Morris; "France, Mexico, and the Confederate States," by Michel Chevalier; "History of the Sioux War and Massacres of 1862 and 1863," by Isaac D. V. Heard.

The "History of West Point and its Military Importance during the Revolution," by Capt. E. C. Boynton, a sumptuous and beautiful volume, is allied to these, giving, as it does, a full account of the course of training adopted in that school, from which so many of the higher officers of the army have graduated.

During the year two periodicals devoted to the interests of the Army and Navy and to the War have been established. These are the "Army and Navy Journal," a weekly, edited by Captain W. C. Church, commenced in August, 1863; and the "United States Service Magazine," monthly, edited by Captain Henry Coppee, a professor in the University of Pennsylvania, the first number of which bore date January, 1864. Both are conducted with ability, and supply a want which the war created, but which is likely to be permanent.

Of those historical works published in 1863, the greater part, not reprints, relate either to the general or local history of the United States, or of the colonies from which they sprang. Thus we have a new edition of Frank Moore's "Diary of the American Revolution;" "a History of the United States," by Egbert Guernsey; "Histories of King Philip's War," by Increase Mather and Cotton Mather; "A Description of the Province and City of New York," by John Miller; "History of the Town of Gorham, Me.," by Joseph Pierce; "The First Colonization of New England;" "An Address Delivered at the Erection of a Monumental Stone, in the Walls of Fort Popham, Me., August 29th, 1862," by John A. Parr; "The Vermont Quarterly Gazetteer" (occupied with county histories), edited by Abby M. Heminway; "History of Buffalo Public Schools;" "History of the Town of Cornwall, Vt.," by the Rev. S. Mathews; "The Firelands Pioneer," vol. IV. (the Transactions of the Firelands Historical Society, in Northern Ohio); "The First Century of Columbia College, 1754–1854," by W. Alfred Jones; "Memorial of the Semi-Centennial Celebration of the Founding of Hamilton College, Clinton, N. Y.;" "Speech of John Wingate Thornton on the Colonial Schemes of Popham and Gorges;" John D. Ward's Account of the Steamboat Controversy between New York and New Jersey, 1811–1824;" "Historical Sketch of the 12th Congregational Society of Boston," by Lewis G. Pray; "Kruger's First Discoveries of America and its Early Civilization," edited by W. L. Wagenen; "White Mountain Guide Book," 3d ed., revised; "History of Hadley, Mass.," by Sylvester Judd, with "Family Genealogies," by Lucius M. Boltwood; "A Brief Narrative of the Hostile Conduct of the Barbarous Natives toward the Dutch Nation," translated by E. B. O'Callaghan; "Supplement to the History of Windsor, Conn.," by Henry R. Stiles, M.D.; "Memorial Volume of the Popham Celebration, and Vindication of the Claims of Sir Ferdinando Gorges," by John A. Parr; "The Reed and Cadwallader Pamphlets (1783), Reprinted;" "The History of Cape Cod," by Frederick Freeman; "The Florida Exiles, and the War for Slavery," by Joshua R. Giddings; "Long Island," by W. Alfred Jones, librarian of Columbia College. [To these should be added, the Proceedings, Annals, Journals, and Transactions of the Massachusetts, New York, Vermont, New Hampshire, and Iowa State Historical Societies, and of the Ulster County Historical Society, and Essex (Mass.) Institute, all of which have issued volumes during the year.]

Of historical works by American authors, on topics not connected with their own country, the most remarkable are: John Foster Kirk's "History of Charles the Bold," a work destined to take rank with the histories of Prescott

and Motley; and Rev. E. H. Gillett's "Life and Times of John Huss; or the Bohemian Revolution of the Fifteenth Century." Other historical works belonging to the same class are: Thomas D'Arcy McGee's "Popular History of Ireland;" M. B. Czechowski's "Poland; Sketch of her History;" "Napoleon I.; a Historical Lecture," by Benjamin Blow. The veteran scholar George Ticknor has carefully revised and made considerable additions to his "History of Spanish Literature," of which a new edition has appeared during the year. In the department of ecclesiastical history, there is but one noticeable contribution, "The Documentary History of the Protestant Episcopal Church in the United States," by Rev. Drs. Hawks and Perry. "The Foundations of History, a Series of First Things," by Samuel B. Schieffelin, has been received with such favor that an abridged edition for the use of Schools has been prepared by the author.

Among the reprints are several of considerable importance. Foremost among them are: "History of the Romans under the Empire," by Charles Merivale, B.D., a work in seven volumes, of which three have already appeared here, in sumptuous type and paper (it forms a fitting companion to Arnold's "Rome," and Gibbon's "Decline and Fall of the Roman Empire," bridging the interval between them); a new edition from the Riverside Press of Hallam's "Introduction to the Literature of Europe;" The History of the World, from the Earliest Records to the Present Time," by Philip Smith, B.D., a work presenting, in a condensed form, and in an attractive style, all the results of historical research in the history of nations; "The Constitutional History of England, from 1760 to 1860," by Thomas Erskine May, an admirable continuation of Hallam; vol. v. of the new edition of Thiers' "History of the Consulate and Empire;" "The Social Condition and Education of the People of England," by Joseph Kay; "The Invasion of the Crimea," by William Kinglake; "History of the Reformation in Europe, in the Time of Calvin," by J. H. Merle D'Aubigne; "Track of the Hidden Church; or Springs of the Pilgrim Movement," by Rev. J. Waddington; "A Historical Sketch of the Provincial Dialects of England," by James R. Halliwell; Victor Hugo's "Sketch of the Battle of Waterloo." "The Dictionary of the Bible," comprising its history, antiquities, geography, biography, etc., by William Smith, LL.D., in three vols., 8vo, imported in sheets, by Little & Brown, perhaps, also, belongs to this class of works.

An elaborate work on "Brittano-Roman Inscriptions, with critical notes," by Rev. John McCaul, LL.D., has been published at Toronto, C. W.

"The American Notes and Queries, and Historical Magazine," a monthly periodical, and "The Congregational Quarterly," both contain a large amount of historical matter, of great value and interest.

In biography there have been a number of important works. Among them are "The Life and Correspondence of Theodore Parker," by John Weiss; "The Life of William Hickling Prescott," by George Ticknor, in a superb quarto (since republished in 8vo. and 12mo.); "Life and Letters of John Winthrop," by Robert C. Winthrop; the third and fourth volumes of the "Life of Washington Irving," by Pierre M. Irving; "Memoirs of Theodore Frelinghuysen," by Talbot W. Chambers, D. D.; "Chaplain Fuller, a life sketch of Arthur B. Fuller," by Richard F. Fuller; "Life and Times of William Lyon Mackenzie," by Charles Lindsay; "Life of Stephen A. Douglas," by N. M. Flint; "An Abridgment of Parton's Life of Andrew Jackson;" "Life of Philidor," by George Allen, LL.D., professor in the University of Pennsylvania, one of the most superbly printed books ever issued in this country; "Life and Times of Nathan Bangs, D.D.," by Abel Stevens, D.D., LL.D.; "Life and Military Career of Lieut.-Gen. Thomas Jonathan Jackson," by Markinfield Addey; and a memoir of the same general, reprinted from the Richmond edition, by J. M. Daniels of Virginia; "The Works of Rufus Choate, with a Memoir of his Life," by S. G. Brown; "The Son of Consolation, a Sketch of the Life and Ministry of Rev. B. C. Cutler, D. D.," by Rev. S. H. Tyng, D. D.; "Tribute to the memory of Rev. Henry Anthon, D.D., late Rector of St. Mark's, in the Bowery, N. Y.," by Rt. Rev. Manton Eastburn, D.D.; "Life and Services of Rev. John C. Brigham, D. D.;" "Life and character of Luther V. Bell, M. D.," by Isaac Ray, M. D.; "Memorial of Hon. Thos. Scott Williams, LL.D.;" "Proceedings of the N. Y. Bar on the occasion of the death of John Anthon;" "Memoir of Rev. Erskine J. Hawes," by his mother. Of funeral discourses, addresses, memorials, and eulogies, the number is very large. We can only name the most important: "Prof. S. Waterhouse's Eulogy on Jos. Gibson Hoyt, LL.D., late chancellor of Washington University, St. Louis;" "Rev. L. M. Glover's Funeral Discourse on the death of John Adams, LL.D.;" "Memorial of Edward Robinson, D. D., LL.D.," by R. D. Hitchcock, D.D.; "Rev. D. Howe Allen's Commemorative Discourse of Lyman Beecher, D.D.;" "Rev. Dr. Ferris's do. of John C. Guldin, D.D.;" "Memorial of Dr. William Darlington;" Dr. Dalton's "Memorial Discourse of Roger Sherman Baldwin, LL.D.;" "The Sergeant's Memorial," by his father (Reverend J. P. Thompson, D. D.); "Memorial of William Kirkland Bacon," by his father; "The Sacrifice Consumed: the Life of Edward Hamilton Brewer," by Jeremiah Taylor, D.D.; "In Memory of Carlton Edwards;" "The Young Quartermaster: Life and Death of Lieut. L. M. Bingham, of 1st S. C. Volunteers;" "Jesus, the Resurrection: Funeral Discourse for Mrs. Mary E. Foss," by Rev. Albert S. Hunt; "Transition: a remembrance of Emma Whiting," by Rev. H. S. Carpenter; "The Blessed-

ness of the Righteous Dead," by Rev. J. C. French; "Hosmer's Funeral Address on Nathaniel Fillmore;" "Funeral Oration over Rev. John McDowell, D. D.," by Rev. Morris C. Sutphen; "Sketch of Antonio Bishallany," by Rev. Chas. Whitehead; "Funeral Discourses by Rev. W. B. Sprague, D.D., over Rev. Samuel Osgood, D.D., of Springfield, Mass., and Rev. Timothy Woodbridge, of Spencertown, N. Y.;" "Commemorative Sermon of Reverend Samuel H. Turner, D.D.," by Rev. S. R. Johnson, D.D.; "Discourse at the Funeral of Rev. Richard Pike, of Dorchester," by Rev. Nathaniel Hull, D.D.; "Biographical Memoir of Dr. William D. Brincklé," by Dr. E. B. Gardette; Rev. S. M. Haskins's "The Child of Grace" (Margaret L. B. Ballou); "Rev. Theodore Tebbetts, a Memorial," by Rev. E. C. Turner. Other biographies are the following: "Memoir of Genevra Guerrabella;" "Essay on the Character and Influence of Washington in the Revolution of the United States of America," by Guizot; "The Harvest work of the Holy Spirit, illustrated in the Evangelistic Labors of Rev. Edward Payson Hammond," by Rev. P. C. Headley; "A new Memoir of Hannah More," by Mrs. Helen C. Knight; "A Brief Memoir of Sir Walter Raleigh;" "A popular Life of St. Patrick, by an Irish Priest;" "Sketch of the Life of Rev. Michael Wigglesworth, A. M., author of The Day of Doom," by John Ward Dean; "Drifting About, an Autobiography," by Stephen C. Massett; Dr. Winslow Lewis's "Address at the Annual Meeting of the New England Historic Genealogical Society;" "Ninetieth Birthday Gathering of Rev. Chas. Cleveland, Jan. 21st, 1862;" "Following after Jesus: A Memorial of Susan Maria Underwood," by Mrs. Eliza H. Anderson; "The Captivity of Gen. Corcoran;" Major W. D. Reynolds's "Miss Martha Brownlow, or the Heroine of Tennessee;" "Reminiscences of Amherst College, Biographical, Autobiographical," &c, by Edward Hitchcock, D.D.; "A Narrative of the Life and Adventures of Levi Hanford, a Soldier of the Revolution," by Chas. J. Bushnell; "Life of Archbishop Laud," by Rev. John N. Norton, D. D.; "Toussaint L'Ouverture, a Biography and Autobiography." There were very few biographic reprints. The most important were: "'Christopher North,' a Memoir of John Wilson," by his daughter Lady Gordon; "Chronicles of the Schönberg-Cotta Family," by one of themselves; "Remains, in Prose and Verse of Arthur Henry Hallam, with a memoir;" "Victor Hugo, by a Witness of his Life" (Mme. Hugo); "Rénan's Life of Jesus;" "Life of Bishop Wilson, of Calcutta," by Rev. John N. Norton, D. D.; "Life of Chopin," by F. Liszt. The contributions to genealogy have been larger than usual. We subjoin the most important: "The Sutton Dudleys in England, and the Dudleys of Massachusetts in New England, from the Roman conquest to the present time," by George Adlard; A letter concerning Family History, by Andrew Brown; "The Chapin Genealogy," by Orange Chapin; "The Toppans of Toppan's Lane," by Joshua Coffin; "The true Genealogy of the Dunnel and Dwinnel Family of New England," by Henry G. Dunnel, M. D.; "Genealogy of Othniel Phelps, Esq., of Aylmer, C. W.; "Genealogy of a portion of the Pope Family, together with Biographical Notices of Col. William Pope, of Boston, and some of his descendants;" "Genealogical Memoir of the Huntington Family in the United States," by Rev. E. B. Huntington; "Genealogy of the Montgomery Family," by T. H. Montgomery; "Genealogy of the Stiles Family," by Henry R. Stiles, M. D. Several collections of biographies have been published during the year, some of them serials, others in volumes. The principal were: "Portraits of Celebrated Women, with brief Biographies;" "The Old Merchants of New York," by Walter Barrett, clerk; "American Annual Monitor, or Obituary of the Members of the Society of Friends," for the years 1861 and 1862; "Men of the Time," three numbers, being biographies of Hooker, Rosecrans, Pope, Burnside, Banks, Butler, &c.; "Bramhall's Military Souvenir, a Portrait Gallery of our Military and Naval Heroes;" "The American Nation Illustrated in the Lives of her Fallen Braves and Living Heroes," by J. Gilmary Shea, LL. D.; "The National Portrait Gallery of Eminent Americans," by Evert A. Duyckinck; "The Portrait Monthly;" "The New England Historic Genealogical Register," quarterly; "Obituary Record of the Alumni of Yale College."

The number of works of a theological or religious character published during the year was greatly in excess of former years. Including translations, there were 40 reprints. The Colenso controversy, in the early part of the year, attracted much attention, three volumes of Bishop Colenso's works being reprinted during the year, and replies from Rev. W. H. Green, D. D., Rev. Dr. Cumming, Rev. Dr. Mahan, Rev. Abiel Silver, Rev. C. Walworth, Rev. M. Heiss, and others, being published. Of works on the Scriptures, illustrative or explanatory, the following were the most important: "The Life of our Lord upon Earth, considered in its Historical, Chronological, and Geographical Relations," by Rev. Samuel J. Andrews; "The New Testament: the common English Version Corrected by the final Committee of the American Bible Union;" "The New Testament, with critical Explanatory Notes and Scholia," by Howard Crosby, D. D.; "The Bible Atlas and Gazetteer;" "An Exposition of the Epistle of Paul to the Romans, according to the Analogy of the Catholic Faith," by Rev. Morgan Dix; "A Morning Beside the Lake of Galilee" (reprinted), by J. Hamilton, D.D.; "The Bible as an Educating Power among the Nations," by John S. Hart, LL.D.; "A Year with St. Paul," by Charles E. Knox; "The Risen Redeemer," by F. W. Krummacher, D.D.; "The Astronomy of the Bible," by O. M. Mitchel; "Bible Illustrations; being a Storehouse of Similes, Allegories, and Anecdotes, selected from Spencer's Things

New and Old," by Rev. Richard Newton, D.D.; "The Words of the Lord Jesus," by Rudolf Stier (a new translation); "Stories from the Lips of the Teacher, retold by a disciple" (Rev. O. B. Frothingham); "Shadows of the Rood, or Types of our Suffering Redeemer in Genesis;" "Patriarchal Shadows of Christ and his Church," by Octavius Winslow, D.D.; "The Holy Catholic Bible" (Douay version), 4to., approved by Archbishop Hughes; "I Will; being the Determinations of the Man of God in the Psalms," by Rev. Philip Bennett Power; "Triumphs of the Bible," by Rev. Henry Tullidge; "Lectures on the Symbolic Character of the Sacred Scriptures (New Church)," by Rev. Abiel Silver; "New Pronouncing Bible" (published by the agents of the Methodist Episcopal Book Concern); "Palmoni, or the Numerals of Scripture, a Proof of Inspiration," by Rev. M. Mahan, D.D.; "An Index to the Bible, with suggestions for the proper reading of the Scriptures;" "The Jewish Tabernacle and its Furniture," by Rev. Richard Newton; "The Literary Characteristics and Achievements of the Bible," by Rev. W. Trail; "The Miracles of Christ, as attested by the Evangelists," by Alvah Hovey, D.D.; "Music of the Bible, including a brief view of Hebrew Poetry," by Rev. Enoch Hutchinson; "The Sacred Scriptures the Imperial Record of the Glory of the Holy Trinity," by Right Rev. W. H. Odenheimer, D.D.

The following were the principal Doctrinal Works: "A History of Christian Doctrine," by Rev. W. G. T. Shedd, D.D., 2 vols.; "Watson's Theological Institutes Defended, &c.," by Rev. John Levington; "Guide to the Holy Communion," by Rev. Robert Nelson, with an appendix by Rev. J. W. Shackleford; "A Treatise on Regeneration," by E. C. Wines, D.D.; "Critical History of the Doctrine of a Future Life," by W. R. Alger, with a complete Bibliography of the subject by Ezra Abbot; "Able to Save; or Encouragements to Patient Waiting," by the author of the "Pathway of Promise;" "Christ Even With You," by Rev. Octavius Winslow, D.D.; "Evidences of Christianity;" "Lowell Institute Lectures," by Mark Hopkins, D.D., LL.D.; "The Work of Preaching Christ," by Rt. Rev. Charles P. McIlvaine, D.D.; "The Last Times and the Great Consummation," by J. A. Seiss, D.D.; "Theology of Universalism," by Rev. T. B. Thayer; "How to be Saved; Three Letters to a Friend," by Francis Wayland, D.D.; "The Faith and Order of the Protestant Episcopal Church," by J. H. Hopkins, jr.; "The Atonement, a Sermon," by Rev. James S. Bush; "Catholicity of the New Church," by Rev. B. F. Barrett; "The Guilt of the Pagan," by W. G. T. Shedd, D.D.; "A Renovated Earth, the Saints' Everlasting Home;" "Good Hope Through Grace, or Distinguishing Traits of Christian Character," by Rev. Gardiner Spring, D.D.; "The Four Dispensations," by Jubal Hodges, D.D.; "Works of Nathaniel Emmons, D.D.," edited by Jacob Ide, D.D., 6 vols.; "Church Discipline," by Rev. Eleazar Savage; "The Roman Catholic Principle," by Rev. F. D. Huntington, D.D.; "Critical History of Free Thought in Reference to the Christian Religion," by A. S. Fanar, D.D. (reprinted); "The Churchman's Reasons for his Faith and Practice," by Rev. N. S. Richardson, D.D.; "Seducing Spirits and Doctrines of Devils," by Rev. W. Crosswell Doane, B.D. The following are the principal works of a practical character: "Aids to Prayer," by Rev. Henry Ward Beecher; "Christian Self-Culture, or Counsels for the Beginning and Progress of Christian Life," by Leonard Bacon, D.D.; "The Infant's Catechism," by Mrs. Bradley; "An Exposition of the Church Catechism," by Henry J. Cammann; "The Great Consummation," by Rev. John Cumming, D.D.; "Man's Cry and God's Gracious Answer," by Rev. B. Franklin; "Speaking to the Heart, or Sermons for the People," by Thomas Guthrie, D.D.; "Twelve Hospital Tracts for Soldiers and Sailors," by A. W. Henderson; "The True Cause of all Contention, Strife, and Civil War in Christian Communities," by Rev. D. C. Hopkins; "Evening Exercises for Every Day in the Year," by Rev. William Jay, a new and revised edition (reprinted); "God's Glory in the Heavens," by William Leitch, D.D.; "Hymns on Heaven;" "The Thoughts of God," by J. R. Macduff, D.D.; "A Present Heaven, addressed to a Friend; The Two Friends; and Heaven our Home," by Dora Greenwell; "The Image of the Beast, with Crumbs of Comfort for God's Dear Children," by S. B. Smith; "Sunbeams for Human Hearts;" "Four Little Books for Soldiers," by J. B. Waterbury, D.D.; "The Wicket Gate, Short Narratives of the Turning of Sinners to God;" "Experiments of Spiritual Life and Health," &c., by Roger Williams, introduction by Dr. Wayland; "God Timing all National Changes in the Interest of his Christ," by William R. Williams, D.D.; "Confirmation Explained and Defended," by Rev. James A. Bolles, D.D.; "Family Sermons," by Horatius Bonar, D.D.; "Calls to the Saviour;" "A Short Treatise on the Rosary," by J. P. Heaney, Dominican; "Jubilee Essays; a Plea for the Unselfish Life;" "The Desert Pathway," by Rev. William Robertson (reprint); "Letters on the Ministry of the Gospel," by Francis Wayland, D.D.; "Beecher's Lectures to Young Men, new and enlarged edition; "The Army Chaplain," by Rev. W. T. Brown; "The Army Chaplain's Manual," by Rev. J. P. Hammond; "Prairie Breaking, or Scenes in the Work of a Western Pastor," by Rev. J. C. Holbrook, D.D.; "Thomas Fuller's Good Thoughts in Bad Times;" "The Theatre," by Rev. F. H. Newhall; "The Pilgrim's Path; interesting Incidents in Religious Experience;" "Story of My Career," by Heinrich Steffens," translated by W. L. Gage; "The Sacramental Directory," by Rev. John Willison (reprinted); "Woman and her Saviour in Persia," by a returned mis-

sionary; "Living Words from Living Men;" "Address to Parents by a Pastor;" "Christianity and Emancipation," by Joseph P. Thompson, D.D.; "The Sacred Heart Mission Book," by Reverend F. X. Weininger, S. J.; "Hymns and Meditations," by A. L. Waring; "New York City a Mission Field," by Frank W. Ballard; "The Church and the Sunday Schools; Their Mutual Relations, Duties and Interests;" "Gospel Workers," by Rev. J. Cross; "The Mission of Sorrow," by Rev. Gardiner Spring, D.D.; "Thoughts about the Right, Lectures by William Allinson; "Manual of Devotions for Domestic and Private Use," by Rt. Rev. George Upfold, D.D.; "Universalism a Practical Power," by Rev. E. G. Brooks; "The Comforter, or the Pastor's Friend," by Rev. J. G. Bartholomew; "Army Life, or Incidents from the Prayer Meeting and the Field;" "Discourses on Freedom and War," by Rev. H. W. Beecher; "The Safe Compass and How it Points," by Rev. Richard Newton, D.D.; "Unitarianism in the Present Time," by John Orr; "The Three Cripples," by Rev. P. B. Power; "The Christian's Pocket Companion;" "Daily Walks with Wise Men," by Rev. Nelson Head; "Man's Gift to God;" and "Looking unto Jesus," by Rev. Adolphe Monod" (translations and reprints); "Meditations on Life and its Religious Duties," translated from the German of Heinrich Zschokke, by Frederica Rowan (reprint); "Comfort for Afflicted Youth, in Letters from a Father to his Children;" "Happiness; Discourses delivered at Geneva, Switzerland," by Count Agenor de Gasparin, translated by Mary L. Booth; "Helion de Villeneuve, a French Zouave, a Model for Christian Soldiers;" "Hospital Life; being Incidents from the Prayer Meeting and the Hospital;" "The Blood of Jesus," by Rev. William Reid, of Edinburgh (reprint); "Does the Bible Sanction American Slavery," by Goldwin Smith, Prof. in the University of Oxford (reprint); "Illustrative Gatherings for Preachers and Teachers," by Rev. G. S. Bowes (reprint); "The Man of God; or Spiritual Religion Explained and Enforced," by Octavius Winslow, D.D.; "The Mercy Seat, or Thoughts on Prayer," by A. C. Thompson, D.D.; "Christianity the Religion of Nature;" "Lowell Institute Lectures," by A. P. Peabody, D.D.; "The Prodigal Son," by Rev. George Mott; "Angel Voices, or Words of Counsel for Overcoming the World," enlarged edition; "Of the Imitation of Christ," by Thomas à Kempis, new edition; "Gilead, or the Vision of All Souls' Hospital," by Rev. J. Hyatt Smith; "The Valley of Achor a Door of Hope," a discourse by Henry C. Fish, D.D.; "Five Years of Prayer with the Answers," by S. Irenæus Prime, D.D.; "Christ all in all," by Rev. George Burder (reprint).

We can enumerate only the most important of the occasional lectures and sermons, or collections of sermons: "The Signs of the Times, or a Glance at Christendom as it is," by Reverend H. L. Hastings; "Two Centuries in the History of the Presbyterian Church of Jamaica, L. I.," by James M. Macdonald, D. D.; "Sermons" preached at the Church of St. Paul the Apostle in 1862, and in 1863; "Lecture on the history of the Jewish Church," by A. P. Stanley, D.D. (reprint); Sermons and Lectures, by Rev. Mr. Clapp, Rev. S. W. S. Dutton, D.D., and by Rev. M. G. Farrington; "The Bridle of Vanity, or Knowledge, Progress, Liberty, and Equality," &c., by Rev. E. Putnam; "Sermons," by Jabez Bunting, D.D. (reprint); Sermons preached before H. R. H. the Prince of Wales, by Arthur Penrhyn Stanley, D.D. (reprint); "Popular Lectures and Addresses," by Alexander Campbell, D.D.; "Beitrage zur Mission der Lutherischen Kirchen in N. Y.," von J. W. Drees; "Baccalaureate Sermons and Occasional Discourses," by Mark Hopkins, D.D., LL. D.; "Address delivered by Rev. Asa D. Smith, D.D., at his inauguration as President of Dartmouth College;" Selections from the Works of Jeremy Taylor," new edition (reprint); "A Willing Reunion not Impossible;" a Sermon by Rev. F. A. Wharton; "The Voice of Elias, or Prophecy Restored;" by S. S. Snow.

Of Polemical Works, the number was hardly so large as usual. The principal were: "Bishop Seabury and the Episcopal Recorder: a Vindication," by Rev. W. S. Perry; "Thrilling and Instructive Developments" (anti-Catholic), by M. B. Czechowski, for many years a Roman Catholic Priest; "Letters of Rev. John Smith, a Presbyterian Minister, to his brother, Rev. Peter Smith, a Methodist Preacher:" "Connection of the Church of England with American Discovery and Civilization," by Rev. W. S. Perry; "The Religious Demands of the Age, a Preface to the collected (English) Edition of the Works of Theodore Parker," by Francis Power Cobbe (reprint); "The true Spiritual Conferences of St. Francis of Sales," translated from the French (reprint); "The Stewards and the People," by Rev. J. Porter; "Christian Union and the Protestant Episcopal Church," by a Presbyter of the Western Diocese of New York; "The Tercentenary Monument, in Commemoration of the Three Hundredth Anniversary of the Heidelberg Catechism;" "Bishop Hobart's Clergyman's Companion," new and enlarged edition; "The Rector's Vade-Mecum, a Manual for Pastoral Use;" "Atheos, or the Tragedies of Unbelief;" "The Complete Sodality Manual and Hymn Book," by Rev. Alfred Young; "History and Ecclesiastical Relations of the Churches of the Presbyterial Orders at Amoy, China," by Rev. J. V. K. Talmage; "The Witness Papers," by Hugh Miller, edited by Peter Bayne; "The Pastor's Manual," prepared by Rev. William Reid (reprint); "*The Ne plus Ultra*, or Lay Representation proven to be Unscriptural, Unreasonable," &c., by Rev. William Barnes; Presbyterian Liturgy Directory for Public Worship, by

C. W. Shields; "Seed Thoughts: a Hand-book of Doctrine and Devotion for Class Leaders, Bible Class and Sunday School Teachers, Young Preachers," &c., by George C. Robinson. A few works on Spiritualism published the past year may properly be included under this head: "Three articles on Modern Spiritualism by a Bible Spiritualist;" "History of the Supernatural in all ages," by William Howitt (reprint); Plain Guide to Spiritualism," by Uriah Clark; "Arcana of Nature; or the Philosophy of Spiritual Existence and the Spirit World," by Hudson Tuttle; "Progressive Tracts, Nos. 2, 3 and 4," by A. J. Davis; "Individuality, or Reason in Search of God; or Spiritualistic Communications from William Brown of Buffalo, a Sailor;" Progressive Annual for 1863; comprising an Almanac, a Spiritual Register, and a General Calendar of Reform." With a few religious Works of a miscellaneous character, we close this formidable list of the theological religious publications of the year: "The Carmel; or, the Conversion of Hermann the Pianist;" "Outposts of Zion; with Limnings of Mission Life," by Rev. William H. Goode; "The Kingdom," by Rev. Wm. M. Willett, Part I.; Scripture History abridged from Mrs. Trimmer (reprint); "The Sunday Evening book," by Several Clergymen; "The Sunday School Prayer Book," by Rev. Treadwell Walden; "Life, Death, and Futurity," by Horace Welby (reprint); "Hymns and Tunes for the Army and Navy;" "The Heidelberg Catechism in German, Latin, and English; Tercentenary Edition, with an Historical Introduction;" "Common Prayer for Christian Worship" (Unitarian).

The number of works on Moral and Intellectual Science has been very small. The most remarkable are: "Evidences of Christianity," by President Hopkins, elsewhere mentioned;" "History of the Intellectual Development of Europe, by John H. Draper, M.D., LL.D.;" "The Souls of Things, or Psychometric Researches and Discoveries" by William and Elizabeth M. F. Denton; "The Logic of Sir William Hamilton," by Henry N. Day, D.D., LL.D.; George Combe's "Moral Philosophy," a new and revised edition (reprint); the continuation of the fine Riverside edition of the Works of Francis Bacon, Baron Verulam, also a reprint; "Intellectual Freedom, or Emancipation from Mental and Physical Bondage," by Charles S. Woodruff, M.D. In Physical Science, the year has been unusually prolific. Foremost among the works of this class stands Prof. William Chauvenet's magnificent "Manual of Spherical and Practical Astronomy," 2 vols. with numerous illustrations. Other contributions to Astronomical Science were: "Annals and Report of Harvard College Astronomical Observatory;" "Astronomical and Meteorological Observations made at the United States Naval Observatory, during the year 1861;" "Annals of the Astronomical Observatory of Harvard College with account of the Great Comet of 1858," by G. P. Bond; "Description of a new Cataloguing and Charting Machine," by G. W. Hough. In Geology we have: "Report of a Geological Reconnoissance of Indiana, made during the years 1859 and 1860, under the Direction of Richard Dale Owen;" an elegant reprint of Sir Charles Lyell's "Geological Evidences of the Antiquity of Man;" "Report of a Geological Survey of the Upper Mississippi Lead Regions," by J. D. Whitney; "Annual Report of the State Geologist of California;" "Second Annual Report upon the Geology and Natural History of the State of Maine," by the State Geologists; The Great Stone Book, by David Thos. Ansted (Reprint); "Air Breathers of the Coal Period," &c., by J. W. Dawson; "Geological Survey of Canada, with Atlas," &c.; "Ancient Mining on the Shores of Lake Superior," by Charles Whittlesey. In other departments of Physical Science we have: "Methods of Study in Natural History," by Louis Agassiz; "Cursory Thoughts on Some Natural Phenomena;" "Bulletin of Museum of Comparative Zoology at Cambridge;" D. Giraud Elliot's magnificent "Monograph of the Pittidæ;" "A monograph of the Order Pholadacea," by George W. Tryon, jr.; a new edition of Audubon's "Birds of America;" "On the Origin of Species," by Thomas H. Huxley; "Evidence as to Man's Place in Nature," by the same author (both Reprints); "The Sunbeam and the Spectroscope," by Howard Townsend, M. D.; C. L. Brace's "Races of the Old World;" "Physiological Memoirs," by William A. Hammond, Surgeon-General U. S. A.; "The Man of the North and the Man of the South," by C. V. de Bonstetten (Reprint); "Observations on the Genus Unio," &c., by Isaac Lea, LL.D., vol. 9; "Plants, illustrating in their Structure the Wisdom and Goodness of God;" "The Annual of Scientific Discovery for 1863," edited by David A. Wells; "The Philosophy of Natural History on the basis of Smellie," by John Ware, M. D.; "Heat Considered as a Mode of Motion," by John Tyndall, F. R. S. (Reprint); "Substance and Shadow, an Essay on the Physics of Creation," by Henry James; "Class Book of Chemistry," by Edward L. Youmans; "Blues and Carmines of Indigo," by Felicien Capron de Dole (Reprint); "Treatise on the Coloring Matters derived from Coal Tar," by Prof. H. Dussauce; "First Outlines of a Dictionary of the Solubility of Chemical Substances," by Frank H. Storer; "Chemical Technology, or Chemistry in its Application to Manufactures," by Thomas Richardson and Henry Watts, vol. I. part 3 (Reprint); Transactions, Proceedings, and Journals of the Academy of Natural Science at St. Louis, of the California Academy of Natural Sciences, of the American Philosophical Society, Academy of Natural Sciences, Philadelphia, Entomological Society of the same city, Lyceum of Natural History of New York, Illinois Natural History Society, Smithsonian Institution, Natural History Society of Montreal,

C. E., and the American Academy of Arts and Sciences.

The works on Political and Social Science have also been numerous. The following are the principal: "The American Theory of Government considered with Reference to the Present Crisis," by Peter H. Burnett; "The Results of Slavery" (Translation), by Augustin Cochin; "Ten Chapters on Marriage," by Wm. B. Hayden; "Political Fallacies," &c., by Geo. Junkin, D.D.; "The System of Landed Credit," &c., by George H. Macaulay; "The Prisoner of State," by D. A. Mahoney; "Four Acts of Despotism," by the same author; "On Liberty," by J. Stuart Mill (Reprint); "The Problem of American Destiny Solved by Science and History;" "Arbitrary Arrests in the South, or Scenes from the Experience of an Alabama Unionist," by R. S. Tharin; "Address at the opening of the New Chamber of Commerce at Milwaukie," by T. Whitney; "Reply to Prof. Parker's Letter in the Boston Post," by Leonard Bacon, D.D.; "The Slave Power, its Character, Career, and Probable Designs," by J. E. Cairnes (Reprint); "Opinion of Attorney General Bates on Citizenship;" "Present Condition of Mexico, Report from the Secretary of State;" "Trial and Proceedings in the case of Clement L. Vallandigham;" "Record of Hon. Clement L. Vallandigham, on Abolition, the Union, and the Civil War;" "The Bloody Week; Murder, Riot and Arson;" "The Empire of the Mother over the Character and Destiny of the Race," by Henry C. Wright; "Principles of Political Economy, with some of their applications to Social Philosophy," by John Stuart Mill (Reprint), a work of great and permanent value; "Lunsford Lane, or another Helper from North Carolina," by Rev. W. G. Hawkins; "French Intervention in America," by Vine W. Kingsley; "Neutral Relations of England and the United States," by Charles G. Loring; "A Letter to the Women of England on Slavery in the Southern States," by Edward Yates, M. A.; "The Fœderalist, with Historical Introduction and Notes," by Henry B. Dawson, 2 vols.; "Liability of the Government of Great Britain for Depredations of Rebel Privateers considered," by Charles P. Kirkland; "Money," by Charles Moran; "Speeches of Hon. Benjamin F. Thomas, in the 37th Congress;" "The New Gospel of Peace, according to St. Benjamin," parts 1 and 2; "Revelations, a Companion to the New Gospel of Peace, according to Abraham;" "Book of the Prophet Stephen, Son of Douglas;" "Ye Book of Copperheads."

There have been also some valuable contributions to Mechanical Science and Technology; among these were: "The Supplement to Ure's Dictionary of Arts Manufactures and Mines," edited in England, by Robert Hunt, and re-arranged with valuable additions by E. L. Youmans; "Ewbank's Hydraulics," a new and improved edition; John Rack's "French Wine and Liquor Manufacture;" "The Game of Draughts" by Henry Spayth; "Introduction and Early Progress of the Cotton Manufacture in the United States," by Samuel Batchelder; "The Iron Manufacture of Great Britain," by W. Truran, C. E. (Reprint), but with some additions to the American Edition; "Experimental Researches in Steam Engineering," by B. F. Isherwood; "Ulrich's Complete Treatise on the Art of Dyeing Cotton and Wool," revised and improved by Prof. H. Dussauce (Reprint); "The Dead Shot, or Sportsman's Complete Guide," by Marksman; "Bourne's Catechism of the Steam Engine," new and revised edition; "A Practical Treatise on Mechanical Engineering," &c., by Francis Campin (Reprint); Pierre Blot's "What to Eat and how to Cook it;" "How to Color Photographs;" "Necessity of a Ship Canal between the East and the West;" "Theory and Art of Penmanship; a Manual for Teachers."

In philology, five dictionaries and vocabularies of Indian languages have appeared, viz.: "The Mutsun," by R. F. A. de la Cuesta; the "San Antonio," by Rev. B. Sitjar; the "Iroquois," by Rev. J. Bruyas; and two volumes of the Chinook Jargon, by Geo. Gibbs, LL.D., all published in J. Gilmary Shea's Library of Linguistics; a translation of the "Atharva Veda, with Text and Notes," by Prof. W. D. Whitney; Max Müller's "Lectures on the Science of Language;" Prof. W. H. Green's "Hebrew Chrestomathy," and new editions of Webster's Imperial 8vo., and Pocket Dictionaries.

The principal agricultural works of the year were: Col. Haraszthy's "Grape Culture" (a California book); J. M. Knowlton's "Our Hardy Grapes," &c.; Fearing Burr's "Field and Garden Vegetables;" Isaac A. Hedge's treatise on "Sorgo;" two volumes of essays on "Tobacco Culture;" two books on "Sheep Husbandry," by H. S. Randall, LL.D.; Robert Jennings' "Cattle and their Diseases;" "A Manual of Flax Culture;" D. G. Mitchell's "My Farm of Edgewood," and a reprint of Liebig's "Natural Laws of Husbandry." Much of J. S. Hittell's "Resources of California" is devoted to the agricultural products and interests of that State.

The number of new medical works was large, and few of them were reprints. The most important were: "U. S. Pharmacopœia; Fourth Decennial Revision;" Treatises on Consumption and Weak Lungs, by Drs. Dio Lewis, James C. Jackson, and H. I. Bowditch; Manuals and Treatises on Surgery and Surgical Operations, by Drs. F. H. Hamilton, Stephen Smith, H. H. Smith, John H. Packard; T. Wharton Jones ("Ophthalmic Medicine and Surgery"); Chapin A. Harris ("Dental Surgery"); A. Robertson ("Extracting Teeth"); and Geo. McLeod ("Surgery of the Crimean War") Reprint; Lectures and Treatises on Obstetrics and Diseases of Women, by Drs. Meigs, Simpson (a Reprint), G. S. Bedford, H. R. Storer ("Anæsthetics in Child-Birth"); Monographs on Special Diseases, by Drs. J. B. Upham ("Cerebro-spinal Meningitis"); H.

H. Salter ("Asthma"); C. F. Taylor ("Potts' Disease of the Spine"); W. T. Helmuth ("Diphtheria, Homœopathic Treatment"); Isaac Ray ("Mental Hygiene"); Erasmus Wilson ("Disease of the Skin," Reprint); W. A. Hammond, Surgeon General, U. S. A. ("Hygiene with reference to Military Service," and "Physiological Memoirs"); J. Ordronaux ("Hints on Health in Armies"); "J. J. Woodward ("Camp Diseases in the U. S. Armies"); C. Baunscheidt ("On Diseases of the Eye, and their Cure by a New Method"). On medical science there were: Dr. Martyn Paine's "Institutes of Medicine," a new edition; Dr. T. R. Beck's "Medical Jurisprudence," new edition; Dr. J. Carson's "Lectures on Materia Medica;" Dr. C. Dunham's "Homœopathy: the Science of Therapeutics;" Dr. F. Chance's translation of R. Virchow's "Cellular Pathology" (Reprint); Dr. Norton's Prize Essay "On the Senses of Smell and Taste;" Dr. H. I. Bowditch's "Medical Profession, a Means of Developing the whole Nature of Man;" Dr. C. A. Lee on "Hospital Construction and Foreign Hospitals," and an account of the "Hospital Transports" of the Sanitary Commission. To these may be added Dr. G. H. Tucker's "Medical Register of the City of New York;" Dr. H. Millard's "Homœopathic Guide for Emergencies," and the reprint of Dr. Brinton's "Medical Selection of Lives for Assurance.

In the department of law, the most numerous works were reports of cases decided in the supreme courts and courts of appeal of the States, and the United States; of these, there were published during the year, one or more volumes of reports of the courts of seventeen States, two cities (New York and Philadelphia), and the Supreme Court of the United States. There were also published, Digests of the Laws of N. Y., by Abbott Brothers; and Pennsylvania, by F. C. Brightly; of Patent Laws, by S. Law; and of Taxation in the States, by A. B. Sturt. Still other legal works were devoted to the practice and pleadings, or history and jurisdiction of State or local courts, as of the Surrogate Court, in N. Y., or probate courts elsewhere, chancery courts, and The Law of Trusts, Trustees, Administrators, Executors, Guardians, etc., by the late Judge T. Reeve and other writers; Equity Courts, by Van Santvoord; and Courts of Record, by Whittaker. Aside from the "Statutes at Large of the U. S.," edited by G. P. Sanger, there were published numerous editions of special acts of Congress, as "The Direct and Excise Tax Laws" (eight editions, some of them with notes, decisions, explanations, etc.); "Postal Law," "Bank Law," "Loan, Revenue and Currency Acts," &c., &c., &c.; a new edition of Wheaton's "International Law," with notes W. B. Lawrence; and "The Law of Nations, Affecting Commerce during the War," by F. H. Upton, LL.B. There were also some reprints of "Foreign Law Reports," and reports of two important trials.

In educational science—aside from four or five books on the new method of object teaching, by Mr. E. A. Sheldon, Prof. Alphonso Ward, and "Scotia," and a few works on general educational topics, of which the most important were: "The Practical Education of Boys," by Otis Bisbee, of the Poughkeepsie High School; "Help to Education in the Houses of our Country," by Rev. Warren Burton; "Levana; or the Doctrine of Education," by J. P. F. Richter, translated by Rev. C. T. Brooks; "The Semi-Centennial Anniversary of the Albany Academy," &c.—the publications were mostly school books. Of these there were English grammars, by Messrs. H. Kiddle, N. G. Clarke, and J. M. B. Sill; French grammars, by A. Vaillant and Prof. W. J. Knapp; German grammars, by Dr. Emil Otto and J. S. Oehlschlager (Ahn's); a Portuguese Grammar, by E. J. Grauert. Of arithmetic and works on pure and mixed mathematics, there were treatises by Prof. C. Davies, J. F. Stoddard, S. A. Felter, Elias Loomis, LL.D.; Oren Root (Robinson's Series); Bryant and Stratton (C. H. Book-keeping); Lassing (Manual of Electricity); and Prof. E. S. Snell (Olmsted's Natural Philosophy, revised and re-written). The new geographies were by C. C. Morgan, E. E. White, and D. W. Camp; histories by J. J. Anderson and Miss Yonge (Reprint). Readers and spellers, by M. Willson, W. T. Adams, C. W. Sanders, and G. S. Hillard. Of other school books, there were "Text Books on Penmanship," by H. W. Ellsworth, and Payson, Dunton, and Scribner; "Rudimentary Drawing," by W. E. Worthen; "A Child's Chemistry," by Prof. W. Hooker, M.D,; "Conversations in French and English" (Bellenger's), by C. & H. Whitcomb; and "Translation Exercises" (*Petit Cours de Versions*), by P. Sadler; "Manual of Gymnastic Exercises in Families," by S. W. Mason; and "Hand-book of Calisthenics and Gymnastics," a valuable and needed work, by J. Madison Watson. To these should be added the little treatise of Mrs. H. Mann and Miss A. P. Peabody, "Moral Culture of Infancy and Kinder-Garten Guide." The reprint of Prof. Craik's "Compendious History of English Literature," and of "Chambers' Encyclopædia," which reached its fifth volume during the year; as well as the issue of "The Annual Cyclopædia," for 1862, may be reckoned among the items of educational progress. Among the numerous educational periodicals, all ably conducted, a new monthly, called "The American Educational Monthly," appeared near the close of the year. The numbers issued thus far give evidence of decided ability.

In the department of geography and travel, the most remarkable original works were: H. D. Thoreau's "Excursions;" "In the Tropics," by a settler in Santo Domingo; Dr. S. D. Phelps's "The Holy Land; with Glimpses of Europe and Egypt;" W. T. Coggeshall's "Stories of Frontier Adventure;" "Three Years in Chili," by a lady; "William Hoffman's

"Monitor; or Jottings of a New York Merchant," &c.; W. L. G. Smith's "China and the Chinese;" Aaron Ward's "Around the Pyramids;" H. P. Leland's "Americans in Rome;" Captain J. Mullan's "Report on the Military Road between Forts Walla-Walla and Benton;" F. H. Howard's "Fourteen Months in American Bastiles;" C. H. Jones's "Recollections of Venice;" "The Great Lakes," by J. Disturnell; "Harper's Hand-book for Travellers in Europe and the East," by W. P. Fetridge. Of reprints the most important were: W. C. Baldwin's "African Hunting from Natal to the Zambese," &c.; Sir R. Alcock's "Capital of the Tycoon;" De Smet's "Western Missions and Missionaries," and "New Indian Sketches;" Mrs. F. Kemble's "Journal of a Residence on a Georgia Plantation;" C. G. Leland's translation of H. Heine's "Pictures of Travel;" Mendelssohn's "Letters from Italy and Switzerland," and W. S. Gage's translation of Karl Ritter's "Geographical Studies." The album for postage stamps, American and foreign, with maps and descriptions, belongs also to this department.

The essays were not numerous, but many of them were of great excellence. Among the best were: O. W. Holmes's "Soundings from the Atlantic;" Dr. J. G. Holland's "Letters to the Joneses;" "Our Old Home," by N. Hawthorne; "Gala Days," by Gail Hamilton (Miss A. Dodge); Miss L. M. Alcott's "Hospital Sketches;" Wendell Phillips's "Speeches, Lectures," &c.; M. G. Ware's "Thoughts in my Garden;" Theo. Winthrop's "Life in the Open Air," &c.; T. W. Higginson's "Out Door Papers;" J. H. Hackett's "Shakespeare Notes, Criticisms," &c.; W. W. Brown's "The Black Man; his Antecedents," &c.; C. G. Leland's "Sunshine in Thought;" J. F. W. Ware's "Home Life; what it is, and what it needs;" Rev. Dr. Jacobs's "Notes on the Rebel Invasion of Maryland and Pennsylvania, and the Battle of Gettysburg." There have been new editions in beautiful forms of several of Irving's best essays, and of Ik Marvel's (D. G. Mitchell's) "Dream Life," and "Reveries of a Bachelor," and a new edition, with additional notes, of Christopher North's (John Wilson's) "Noctes Ambrosianæ," of which the first American edition was for many years the only complete one, though Wilson had been for a long time a leading contributor to Blackwood's, and a popular author in Great Britain. Of the reprints, the most important were Alex. Smith's "Dreamthorp;" Thackeray's "Roundabout Papers;" Sala's "Breakfast in Bed;" A. K. H. Boyd's "Every-Day Philosopher in Town and Country;" and Mrs. Browning's "Essays on the Greek Christian Poets and the English Poets."

A larger number than usual of our poets have issued new volumes of poems. Among these are W. C. Bryant ("Thirty Poems"); H. W. Longfellow ("Tales of a Wayside Inn"); J. G. Whittier ("In War Times," &c., and "Poetical Works"); T. B. Aldrich ("Poems"); John Savage ("Faith and Fancy"); E. C. Stedman ("Alice of Monmouth,") &c. Among the new poets of the year, are J. H. Hopkins, jr. ("Carols, Hymns and Songs"); Lizzie Dolen ("Poems from the Inner Life"); Sarah E. Knowles ("Orlean Lamar,") &c.; Mrs. E. T. Porter Beach ("Pelayo; an Epic of the Olden Moorish Time"); W. A. Devon ("War Lyrics"); C. J. Stedman ("The Russian Ball; or Adventures of Miss Clementina Shoddy"); Kane O'Donnell ("The Song of Iron and the Song of Slaves"); "L." (Sybelle and other Poems"); "Don Pedro Quærendo Reminisco," ("Life in the Union Army,"&c.,) ("America; a Dramatic Poem,") ("Songs of Alpha-Delta-Phi,") and ("Songs for the Union,") by anonymous authors. Frank Moore has collected a number of war poems, under the title of "Lyrics of Loyalty," and Mr. A. C. Remington, a choice selection of religious and consolatory pieces, under the title, "Poems of Religion, Sorrow, Comfort, Counsel, and Aspiration." Of the reprints, the most important are: Jean Ingelow's Poems, Goethe's, Bulwer Lytton's, Burns's, H. Heine's, Uhland's, C. Swain's, and H. Taylor's ("Philip Van Artevelde"); Palgrave's "Golden Treasury," and Roundell Palmer's "Book of Praise," are the best foreign collection of poems, published recently.

The number of novels, original and reprinted, is larger than usual, and many of them possess a good degree of merit.

Among the most successful and meritorious of the American novels, were: "Hannah Thurston; a Story of American Life," by Bayard Taylor; "Husks," by Marion Harland (Mrs. Terhune); "Peculiar; a Tale of the Great Transition," by Epes Sargent; "The Fatal Marriage," by Mrs. E. D. E. N. Southworth; "Was He Successful," by Richard B. Kimball; "The Old Helmet," by Miss Susan Warner ("Elizabeth Wetherell"); "Round the Block; an American Novel;" "The Days of Shoddy; a Novel of the Great Rebellion in 1861," and "Shoulder Straps; a Novel of New York and the Army," both by Henry Morford; "Vincenzo, or Sunken Rocks," by John Ruffini; "Peter Carradine; or the Martindale Pastoral," by Caroline Chesebro; "The Rejected Wife," by Mrs. Ann S. Stephens; "Frank Warrington," by the author of "Rutledge;" "The Orpheus C. Kerr Papers; a Second Series;" "Madge; or Night and Morning," by H. B. G.; "Two Pictures; or what We think of Ourselves and what Others think of Us," by Miss Maria J. McIntosh; "Marian Gray; or the Heiress of Redstone Hall," by Mrs. Mary J. Holmes. Other American novels which met with some success, were: "Broken Columns;" "Rockford; or Sunshine and Storm," by Mrs. L. D. Umsted; "Light," by Helen Modet; "Etna Van de Noir; a Romance of Kentucky," by Sallie J. Hancock; "Mabel; or Heart Histories," by Rosella Rice; "Temptation and Triumph," by Virginia F. Townsend; "The Amber Gods," by Harriet E. Prescott; "Tactics;

or Cupid in Shoulder Straps; a West Point Love Story," by Hearton Drille.

A large proportion of the original, as well as many of the reprinted novels, are published in a cheap form, either as octavo or 16mo pamphlets; the latter having been for the past year the more popular. These small 16mo pamphlet novels should properly be called novellettes, rather than novels. They consist of from 64 to 100 pages, and are sold at ten cents. There are now five publishing houses issuing books of this class, and one house has published sixty or more novels, besides other books sold at the same price. The extent of the sales is very great; the more popular works of the series reaching a sale of 75,000 or more copies. The titles of these cheap novels we cannot give; a few of them are by good writers, and possess a fair share of merit, but the larger portion, both of the octavo and 16mo cheap novels, are of the sensational school, and decidedly trashy. The principal authors of these cheap productions are Dr. J. H. Robinson, Edward S. Ellis, W. J. M. Reynolds, "May Carleton," N. C. Iron, Warren St. John, John S. Warner, Sylvanus Cobb, Ned Buntline (E. Z. C. Judson), Pierce Egan, Mrs. J. Sadlier, Mrs. E. D. E. N, Southworth, Mrs. M. A. Denison, Mrs. Ann S. Stephens, and Mrs. Metta V. Victor.

Of the reprints of the year, many are of a high character, and some will undoubtedly be numbered among English classics. We can hardly predict such permanent success for the works of Miss M. E. Braddon, eight of whose novels appeared during the year, or for those of Mrs. Henry Wood, who furnished the public with eleven novels, all of which found a large and ready sale. Such rapid production is hardly compatible with that careful writing which alone lives longer than a generation. Of other reprints, the most important were: "No Name," and "Sights Afoot," by Wilkie Collins; "Very Hard Cash," by Charles Reade, "Barrington, A Novel," by Charles Lever; "Dark Night's Work," and "Sylvia's Lovers," by Mrs. Gaskell; "At Odds," by the Baroness Tautphœus; "The Conscript; a Tale of War," by Alex. Dumas; "Fanchon the Cricket," by George Sand (Madame Dudevant); "Strange Adventures of Capt. Dangerous," by George Augustus Sala; "A Glimpse of the World" by Miss Sewell; "Chronicles of Carlingford," and "Heart and Cross," by Mrs. Oliphant; "Nathusius; or Above her Station," by Mrs. Hermann Philip; "Wanderings of a Beauty," by Mrs. Edwin James; "A Tangled Skein," by Albany Fonblanque, Jr.; "The Fairy Book," by Miss D. M. Muloch; "The Story of Elizabeth," by Miss Thackeray; "Lost and Saved," by the Hon. Mrs. Norton; "Romola," by Geo. Elliot (Miss Evans); "Austin Elliot," by Henry Kingsley; "The Ring of Amasis," by "Owen Meredith" (Robert Bulwer Lytton); "Mrs. Lirriper's Lodgings," by Charles Dickens; "Bensley; a Story of To-Day," by the author of "Life Before Him;" "Live it Down," by J. C. Jeaffreson; "Martin Pole; a Novel," by John Saunders; "The Nose of a Notary," by Edmund About; "Mary Lyndsay; a Novel," by Lady Emily Ponsonby; "Rumor," by Miss Elizabeth Sheppard; "Rachel Ray; a Novel," by Anthony Trollope; "St. Winifred's, or the World of School," by T. W. Farrar; "Boys at Chequasset," and "Faith Gartney's Girlhood," by an anonymous author; "Queen Mab," by Julia Kavanagh; "Held in Bondage, or Granville de Vigne," by "Ouida;" "Pique, a Novel;" "Thrice Lost; a Novel;" "The Cruellest Wrong of All," by the author of "Margaret;" "Skirmishing," and "Who Breaks—Pays," by an anonymous author.

To attempt to give the names of all the Juvenile Books published during the past year, would require far more space than we have at command. The activity displayed in the preparation and publication of works of this class during the year is entirely without precedent. In general, they have not been reprints, and many of them are from the pens of our ablest writers. Among the most successful American writers of juvenile books, have been: T. S. Arthur, whose valuable works may be reckoned by scores; L. M. Sargent, whose Temperance Tales have been universally popular; the brothers Jacob and John S. C. Abbott, the most prolific of writers for children and youth; Rev. D. C. Eddy, D. D., author of the Walter Series; George J. Taylor, Esq.; "Oliver Optic" (William T. Adams); Rev. William M. Thayer, author of the Pioneer Boy Series; J. T. Trowbridge, author of "Father Brighthopes;" Rev. William P. Breed; John Todd, D.D.; Mrs. Madeline Leslie; Mrs. Dr. Prentiss, author of "Little Susie's Six Birth days," &c.; "Aunt Fanny" (Mrs. Fanny Barrow), author of the Nightcap and Mitten Series; Mrs. M. A. Denison; Mrs. Jane D. Chaplin; Miss Sarah W. Lander; Miss Caroline E. Kelly; Miss Harriet B. McKeever; Miss Virginia F. Townsend; Mrs. C. M. Kirkland; Miss L. M. Alcott; Mrs. L. C. Tuthill; "Mrs. Manners" (Mrs. Maria T. Richards); "Constance Graham;" "Nellie Graham;" "Gertrude Graham;" "Aunt Friendly;" Catharine D. Bell; Mrs. F. J. Burge Smith; C. M. Trowbridge; Mrs. S. C. Mayo; Annie W. Abbot; Mary J. Halpine; "Rena Ray;" Anna M. Hyde; Sarah A. Myers; "Ethel Lynn;" Jennie M. Parker; Caroline Chesebro; Emma Marshall; the author of "Irish Amy;" the author of "Kitty's Victory;" the author of "Kate Morgan's Soldiers;" Nellie Browning, and Phœbe Harris Phelps.

Of the Juvenile reprints, four each are from the pen of the indefatigable A. L. O. E.; R. M. Ballantyne, well known as an author of stories of juvenile adventure; Rev. P. B. Power, and Emma Macallan; and Miss Planche, Miss Yonge, Henry Mayhew, W. G. Kingston, Rev. Chas. Kingsley, Sarah F. Tytler, A. de Bréchat, Fred. Gerstaecker, Mayne Reid, John G. Edgar, Rev. W. K. Tweedie, D.D., Coventry Patmore, and Miss Charlesworth, each one or more.

LONGWORTH, Nicholas, an American vine-grower and horticulturist, born in Newark, New Jersey, January 16th, 1782, died at Cincinnati, February 10th, 1863. His father had been a tory during the Revolutionary war, and his large property had been entirely confiscated in consequence. Young Longworth's childhood was passed in comparative indigence, and when yet a boy, he went to South Carolina, as clerk for an older brother; but the climate proved unfavorable to his health, and he returned to Newark and resolved to study law. Believing that the region then known as the Northwest Territory offered the best opportunity of success to young men of enterprise, he emigrated thither, in 1803, and fixing upon the little village of Cincinnati as his residence, he continued his legal studies in the office of Judge Jacob Burnet. His first case, after his admission to the bar, was the defence of a horse thief, for which he received some whiskey stills, which he found after a time in the possession of a man who was anxious to retain them, and, having nothing else to offer him, tendered him a few acres of barren land for them, which he reluctantly accepted. This land, from the subsequent influx of emigration, came to be worth two millions of dollars. His practice as a lawyer was tolerably lucrative, and all his surplus earnings were invested in lands in the city and its immediate vicinity, of whose future value he was fully assured. He had for some years given much attention to the cultivation of the grape, with the view of making wine, and at first attempted, though with little success, the acclimation of foreign vines. He tried about forty different varieties before the idea occurred to him of testing the capabilities of our indigenous grapes. In 1828 he withdrew from the practice of his profession, and commenced experimenting upon the adaptation of native grapes to the production of wine. Two of the varieties, the Catawba and Isabella, seemed to him to possess the best qualities for wine in that climate and soil, and he gradually adopted these throughout his vineyards, though not entirely to the exclusion of others. He had two hundred acres of vineyards, and extensive wine-vaults in the city, where the vintage of each year was stored by itself to ripen. He also purchased wine and grape juice in large quantities, to be converted by his processes into the wines of commerce. These wines eventually became profitable to him and to the thousands of vine-growers and vine-dressers, who emigrated from the wine countries of Europe, and established themselves on the hillslopes of the Ohio, in the vicinity of Cincinnati; but for many years his expenditure was greater than his income from his vineyards. Mr. Longworth did not, however, confine his attention to the culture of the grape. He was also much interested in the improvement of the strawberry, and published the results of his numerous experiments on the influence of the sexual character of the strawberry in rendering it productive. In private life, Mr. Longworth was a genial, kindly, but very eccentric man, dressing always in the extremest simplicity and plainness, often to the extent of shabbiness, giving largely, and often, but secretly, and oftenest to those whom he called "the devil's poor," the vagabonds and estrays of social life. His property, by the increasing value of his lands and buildings, had increased till, at his death, it was inventoried at nearly fifteen millions of dollars.

LOUISIANA. The most important subjects of general interest connected with affairs in Louisiana, during 1863, relate, 1st, to the Provisional Judiciary adopted in that State; 2d, the movements to organize a State Government; and 3d, the organization of the labor of the freedmen.

After the capture of New Orleans and some other parts of Louisiana by the Federal forces, the military being under command of Major-General Butler, and the naval under Admiral Farragut, in April, 1862, a system of government for the territory rescued from the enemy became necessary, and nothing was called for by the wants of the community more than some tribunal to decide controversies which were constantly arising. All the functions of the previously existing disloyal Government having been suspended, and among others the judiciary, a new one for the time being, embracing among others the judicial powers, must take its place. At first, as questions arose, they were often decided by the major-general himself. Some were by him from time to time referred to other persons for examination and decision: to the various members of his staff; to other officers and military men under his command, and sometimes to civilians. The decisions of these gentlemen were required to be respected and obeyed, and the justice obtained in this manner, uncertain as it was, without system and in a great degree accidental, depending much on first impressions of the gentlemen to whom reference was made, the opportunity for investigation, or the want of it, was still immeasurably better than none, and was in fact a necessity of society. Soon, however, institutions in the nature of courts were established by the general commanding, and an officer was detailed to hear and decide controversies of a particular character. Soldiers were detailed to execute his commands, to bring the accused before him for trial, and to see that the judgment pronounced was executed. Such a court had no name in fact, but was known by the name of the officer holding it. It had no formal records, although probably some one of the men detailed kept a list of the persons against whom judgment was rendered, and some brief memorandum of the judgment itself, such as the number of dollars of fine or of days of imprisonment, and this person shortly came to be called clerk, if he was not originally so termed.

About June, and five or six weeks after the

occupation of the city by the Federal forces, a court was established called the Provost Court of the army of the United States, having at first, as its name imports, power only to decide questions relating to the army, officers or soldiers. From time to time other questions were referred to this court, relating to persons not connected with the army, and particularly to matters of police and the punishment of crimes generally, and the jurisdiction over cases of this kind from frequent repetition of the references of them to it became habitual. Before the summer after the conquest had expired, this court exercised unquestioned jurisdiction of all criminal cases arising in the city of New Orleans. Shortly after this acquisition of jurisdiction, civil matters, in the absence of courts endowed for that purpose, were referred from time to time to this court.

The major-general commanding the department, and his staff under him, being in possession of the power, were of course appealed to by the wronged or distressed. This was done naturally, without reflecting further than to see that they seemed to have the power of government and to restrain and redress wrongs. They had it, and they alone had it, and as conquerors, they had the right and theirs was the duty to exercise it. The right and duty in such a case come directly from the possession of the power and the necessity for its exercise, and this is very manifest when the matter is viewed in a practical light. They follow so necessarily and naturally that they are never questioned. Where society by conquest and the suspension of its civil institutions is reduced to its elements, nothing is plainer than that it is the duty of those who have the power, however obtained or held, to protect the weak against the strong and to maintain order and the rights of citizens among themselves. This right and duty in such a state of wants and means are as apparent as is in the simplest case the connection of cause and effect.

In August following the conquest of the city, General George F. Shepley, of Maine, was appointed Military Governor of Louisiana, and among other things he immediately set about providing a system of courts for the State. Most of the judges of the courts that had been in operation there, and the other officers of them, were disloyal, and having fled the country on its capture were still absentees in the Confederacy so-called, and could not have been continued in office even if they had been willing to remain. Governor Shepley therefore had substantially to erect new courts. He found it easier and more natural to erect such as they had before had, and accordingly he appointed John S. Whittaker Judge of the Second District Court of the parish of Orleans. The old Second District Court had been a court of probate and successions, in addition to possessing the ordinary powers of a local court in civil matters. This action seemed like setting in motion that old court under the new motive power of the Federal Government. It was in fact, perhaps, more properly speaking, the establishment of a new court by the Executive of the Federal Government, with the jurisdiction and powers theretofore pertaining to the court previously bearing that name. This court therefore had all the powers pertaining and belonging to the old court of that name, among which were those of a Probate Court. It had also power to hear and decide civil cases generally, where the defendant resided in the parish of Orleans or was a non-resident of the State. Where a defendant resided in the State, however, and not in the parish of Orleans, this court could not entertain a suit against him, that having been under the jurisdiction of the constitutional State court to whose jurisdiction this court had been appointed to succeed.

The Sixth District Court of the parish of Orleans was also put in motion shortly after the capture of the city.

Rufus K. Howell, the incumbent of that bench, had always been a loyal man, and having early taken the oath of allegiance to the Federal Government, was allowed to resume his functions and continue his court under the government of the Federal arms. He continued under his old commission which he had received from the State of Louisiana before her attempted secession, and had held and acted under after the act of secession and during the Confederate rule. Here was one commission that had been held from the State of Louisiana while she was yet loyal and free from secession, continued through the day and rule of secession into the time of the capture and government of the State by the Federal army, and still held and its functions exercised by that same firm man and worthy judge under Federal rule.

This court, like the one before mentioned, retaining and exercising all the powers it had possessed, as originally constituted, had general jurisdiction in civil cases, where the defendant was a resident of the parish of Orleans, or was a non-resident of the State, and was served with process within it.

The Fourth District Court of the parish of Orleans was also established, and Judge J. Hiestand was appointed to its bench. This court, in addition to the general jurisdiction in civil cases, possessed by the other district courts of the parish of Orleans, entertained appeals from justices' courts, the hearing of which constituted a large part of its business.

These three civil courts were all of them constituted by Governor Shepley, in September, and October, 1862, and entered upon the discharge of their duties about the 1st of November, that being the time when the courts in New Orleans, from usage immemorial, resume their session after the vacation of summer.

These were the only courts of civil jurisdiction in the State, and their jurisdiction was limited as against defendants resident of the

State, to citizens of the parish of Orleans. As to other residents of the State, outside the parish of Orleans, there was no court in which they could be sued. The Federal army held several counties in this condition.

The Provost Court, under Judge Joseph M. Bell, administered all the criminal justice of the State in all its departments, and, previous to the establishment of the civil courts, had occasionally exercised jurisdiction in civil cases.

This was the condition of things when, on the 15th day of December, 1862, the officers of the United States Provisional Court for the State of Louisiana, arrived in New Orleans, from New York.

This court was constituted by an order of the President, and Chas. A. Peabody of New York made judge, with power to appoint all other officers. He appointed the officers mentioned in the order, and the court thus constituted was composed of the following persons: Charles A. Peabody, *Judge;* Augustus D. B. Hughes, *Clerk;* Isaac Edward Clarke, *Marshal;* George D. Lamont, *Prosecuting Attorney.*

This court, made up as to its personnel in the North, and sent constituted and organized for immediate business to Louisiana, attracted much attention, as well for the novelty of its constitution as for the character and extent of its jurisdiction and powers, which are only limited by the limit of human acts and transactions capable of becoming subjects of judicial investigation.

They embrace all causes, civil and criminal, including causes in law, equity, revenue and admiralty, and particularly all such powers and jurisdiction as belong to the district and circuit courts of the United States.

This court, embracing within its jurisdiction all things of judicial action in the State and having jurisdiction of certain cases concurrently with other courts, had also an extensive field of labor, unoccupied and untouched by any other court.

The parts of the State held by our armies outside the parish of Orleans had no courts, civil or criminal, and no process from the courts of the parish of Orleans went thither. No local courts could well be created there, for our tenure of the country was not always permanent, or at least was liable to fluctuation from time to time. At one time, and for months together, a large and wealthy tract of country, embracing several counties, would be in possession of, and held by, the Federal army, and, at another time, another part of the State of equal extent would be so held, and these districts, one after the other, by the retirement of the Federal army from them, returned to the occupation and control of the rebel army. This was the case in different parts of the State, at different times, to such an extent that perhaps no part of the State, except the city of New Orleans, had been uniformly held by the Federal arms, since its first capture by them.

A central court, therefore, with power to bring litigants to the focus of the State, and whose operations, practically, would expand and contract with the flow and ebb of our army, was a great desideratum, and almost indispensable to the administration of justice in those parts of the State. This want, not only as to matters within the cognizance of State courts, but also as to those within the cognizance of the Federal courts throughout the State, embracing the eastern and western judicial districts of Louisiana, the Provisional Court was well calculated to supply.

No review of the judgments of this court by any other was allowed, and cases originating there were heard and determined there in the first instance, and then in review; and in all cases, as well those originating there as those brought there on appeal from other courts, the rights of parties were finally settled there. "His judgments, to be final and conclusive," says the executive order—meaning the judgments of Judge Peabody.

The power to hear and determine finally all cases involves the power to hear and determine finally cases originating in other courts, as well as those originating in the court in question, and, accordingly, cases were brought to this court on appeal from other courts, and were there determined finally. From the United States Circuit Court cases pending there on appeal from the District Court of the United States were transferred, by order, to this court, and there heard and decided.

Other courts of the kind may have been created by generals in command of armies of occupation, but no account of any bearing any comparison with this, in the fulness and completeness of its powers and organization, is to be found. (*See* PROVISIONAL COURT FOR LOUISIANA.)

From the local courts of the State—and the First, Second, and Sixth District Courts, of the parish of Orleans, among others—appeals had lain in former times to the Supreme Court of the State, a court having only appellate jurisdiction, and being the court of last resort under the State system of judiciary. Accordingly, these courts now organized held that their decisions were subject to be reviewed by the Supreme Court of the State, and on appeals being taken, in accordance with the practice theretofore existing, they treated them as regular, and stayed proceedings on the judgments appealed from, until a decision of the Supreme Court. In this manner many of the judgments rendered in the district courts above mentioned, of the parish of Orleans, were stayed and in suspense.

The Supreme Court had not been organized or set in motion since the reëstablishment of the Federal authority there. Two of the former judges had actually fled with the Confederates, on the capture of the city, and the other had not acted. In this condition of things the three district courts were of little practical benefit. All the judgments they ren-

dered which were of moment to induce the defeated party to appeal, were carried by appeal to the Supreme Court, a court of that time having an ideal, rather than a real, existence; for it was, if not wholly dead, at least in a state of suspended animation. The necessity for a court to decide these cases, and the accumulations of former years, led to the appointment of judges for the Supreme Court of Louisiana, and, accordingly, in April, 1863, the following judges were appointed:

Chief Justice—Charles A. Peabody, of New York.

Associate Justices—John S. Whittaker, of New Orleans, and of New Orleans.

Throughout nearly the entire year 1863 the courts above mentioned, all provisional in their nature, constituted the judiciary establishment of Louisiana, a State, in times of peace, of very large products and transactions, and numerous and large litigations, and having in those times, in the parish of Orleans alone, eight or ten courts, and in each of the other parishes of the State, of which there were forty-six, at least one local court of record of general jurisdiction.

The Provost Court, which had been presided over from its institution by Major Joseph M. Bell, of Boston, a member of General Butler's staff, on his retirement with General Butler in December, 1862, to relieve an urgent want at the time, was taken charge of by Judge Peabody, of the Provisional Court, who, for several months, held both courts, in one dispensing justice in civil matters, and in the other the entire criminal justice of the State daily.

He was succeeded in the Provost Court by Augustus De B. Hughes, Esq., of New York, who continued to preside over that court until near the end of Aug., 1863, when that court was discontinued, and a new one with the same name, but powers somewhat different, was instituted, at the head of which, as judge, was A. A. Atocha, a native of New Orleans, but, until recently, a citizen of New York.

In November, 1863, E. Hiestand, then judge of the Third District Court, was appointed to the First District Court of the parish of Orleans, a court of general criminal jurisdiction, and this court was opened, and the trials of criminal cases arising in the parish from that time were chiefly in that court.

Two recorders' courts, performing the duties of police and committing magistrates, and trying for petty offences, were organized in September, by the Military Governor. The city, in times of peace, had four. These courts relieved the Provost Court of much of its business, and left that to the legitimate duties of a provost court of the army.

Parish courts of general jurisdiction, like the old constitutional courts of the same name, were also established in the parishes of Jefferson and St. Bernard, East Baton Rouge, and a few others in the latter part of the year 1863. In some instances, the same judge was authorized to hold several of those courts.

Late in the year 1863 the Second District Court of the parish of Orleans (a probate court), was authorized by Governor Shepley to perform the duties of a probate court for other parishes of the State in which there was no court of that kind, the necessity of such a provision becoming very urgent, and it being not expedient to erect new courts for that purpose.

Such was substantially the condition of the provisional judiciary of Louisiana at the end of the year 1863, twenty months after the capture of the city of New Orleans.

All of the few courts there, except the United States Provisional Court, under Judge Peabody, were creations of the Military Governor, bearing the names and having the jurisdiction and attributes of old constitutional courts of the State in former times, with some few modifications by way of enlargement or curtailment of their powers, made by the Military Governor of the State.

Those courts required no written constitutions or orders defining their powers. They had the powers theretofore belonging to the courts whose names they bore, which had been well known and recognized in the community. The appointment of a judge and other officers to a certain court was, in effect, the establishment of a court having the powers theretofore belonging to the court named, and the investment of the judge with the powers theretofore under the State government pertaining to the office of the same name. The process of constituting and endowing a court in this manner is very brief and simple. There is, for instance, the Second District Court of the parish of Orleans. An order to the effect that a certain man is appointed judge of the Second District Court of the parish of Orleans, puts at once into existence a court having the powers formerly belonging to that court, and gives him the powers and rights and privileges previously belonging to one holding the office of the same name, and this even to the extent of determining his salary or compensation for services, which it was always held was the same as that provided by law for the same officer under the State constitution.

These courts, well adapted to the wants of such a community in times of peace, perhaps were not so well suited to times of war, when industrial and commercial pursuits are, in a great measure, suspended, and resorts to courts are much less frequent, and for causes very different—when the amount of judicial force required is much less, but the flexibility and power of adaptation called for are much greater.

The Provisional Court, on the contrary, had a written charter, prepared with reference to the occasion, and was eminently adapted to the wants of the locality—in the then condition of things. Its powers to hold its sessions in the State, wherever in the condition of the country it could, and of changing its place from

time to time; of calling to itself, wherever sitting, litigants, whether plaintiffs or defendants; of expanding to cover whatever of the State was held by our arms, and of contracting its operations territorially as the territory held by our arms should be contracted; the comprehensiveness of its jurisdiction as to subject matters and parties, and the conclusiveness of its decisions, in each case terminating the litigation, were features most of them peculiar to it, and giving it immense powers; it may well be added, however, that powers so immense as those possessed by this court could properly be confided for exercise only to a man having qualifications of the highest order.

For further facts of interest, the reader is referred to the article, PROVISIONAL COURT FOR LOUISIANA.

The movement for the reorganization of a State Government in Louisiana, commenced early in the year. In February, 1863, the question was brought before the principal Union associations of New Orleans, as the only channel through which public opinion could be reached. The plan finally adopted was upon the theory that the Constitution of Louisiana was destroyed by the rebellion, and could not be again put into operation. Its principal features were as follows:

1st. Civil reorganization by loyal citizens of Louisiana, without the control or interference of the military authorities, except for protection.

2d. The appointment in each parish (county) of the State—within the United States lines—of a civilian, as Commissioner of Registration, empowered to open books of registration, in which should be inscribed the names and residences of any citizens of the United States, having resided six months in the State and one month in the parish, and who should swear to such qualification; and in addition that he took the oath freely and voluntarily for the purpose of establishing a State Government loyal to the United States.

3d. That after a sufficient number of citizens should be inscribed, and a sufficient area of the State embraced, the Military Governor should order an election of members of a convention to frame a new constitution; representation in the convention to be based on the ratio of one delegate to every 2,500 of the (white) population, according to the last census of the United States.

4th. That on the adoption of this constitution by the people made voters under it, an election of State officers should be ordered.

Those who prepared this plan stated the reason for the adoption of the white basis of representation to be that the only part of Louisiana in which they could operate was the first and second congressional districts, which had been excepted by the President from the operation of his emancipation proclamation of Jan. 1st, 1863; and it was only by adopting the white population as the basis of representation that they could bring the slaveholder to an equality with themselves at the ballot-box.

After discussion for three months, the machinery of the movement was completed by the appointment of a committee known as the "Free State General Committee." It was composed of five delegates from each of the Union Associations of New Orleans and the adjoining parish of Jefferson, wherein alone such associations had been formed. Of this committee Thomas J. Durant was chosen president and James Graham, secretary. The committee, having matured their plans, laid them before the Military Governor, G. F. Shepley, who entirely approved of their purpose, and consented to carry out the registration. For this object he appointed Mr. Durant Attorney General and Commissioner of Registration, with power to appoint registers in the parishes.

Under the laws of Louisiana previous to secession, a registration of voters was required in the city of New Orleans only, and an office for that purpose had existed. This office had been held by Gov. Shepley, in 1862, previous to the election of Messrs. Hahn and Flanders to Congress at Washington. The system adopted was only to register those who took the oath of allegiance required by Gen. Butler, but it had no reference to, and afforded no proof of, qualification to vote under the laws of Louisiana. Neither did it come up to the regulations adopted by the committee and approved by the Military Governor. A new registration was therefore ordered by the Governor, at which the applicants were required to take an oath. It was commenced also in the country parishes as well as New Orleans, but these were soon overrun by the enemy, and not a foot of Louisiana beyond the city and outside of the range of Union cannon was left in possession of the Federal forces. The military excitement which now ensued, in July, suspended for a time all efforts at registration.

The regulations of the committee adopted for the purpose of registration, prescribed the place where the office should be opened in New Orleans, the manner of registering the names, and the following oath to be sworn and subscribed by the citizens:

> I, ——— ———, do solemnly swear (or affirm) that I am a citizen of the United States of America; that I have resided six months in the State of Louisiana, and one month in this parish; that I am of the age of twenty-one years and upward; that I will bear true faith and allegiance to the United States of America, and will support the Constitution thereof; and that I now register myself as a voter, freely and voluntarily, for the purpose of organizing a State Government in Louisiana, loyal to the Government of the United States.

It was also declared, under the approval of the Military Governor and attorney-general, that any person swearing falsely to any material part of the above oath would be deemed guilty of perjury, and be liable to prosecution and punishment accordingly.

Meantime, delegates from a meeting of planters had been sent on to Washington to petition the General Government for authority to proceed to the election, in November, of Federal and State officers, in pursuance of the Constitution of the United States, and the State Constitution of Louisiana. The subject was laid before the President, and considered officially, and the following reply made:

EXECUTIVE MANSION,
WASHINGTON, *June 19th*, 1863.

Messrs. E. E. Mathiot, Bradish Johnston, and Thomas Cottman:

GENTLEMEN: Your letter, which follows, has been received and considered:

To his Excellency Abraham Lincoln, President of the United States.

The undersigned, a committee appointed by the planters of the State of Louisiana, respectfully represent that they have been delegated to seek of the General Government a full recognition of all the rights of the State as they existed previous to the passage of an act of secession, upon the principle of the existence of the State Constitution unimpaired, and no legal act having transpired that could in any way deprive them of the advantages conferred by the Constitution. Under this Constitution this State wishes to return to its full allegiance, in the enjoyment of all rights and privileges exercised by the other States under the Federal Constitution. With the view of accomplishing the desired object, we further request your excellency will, as the commander-in-chief of the army of the United States, direct the Military Governor of Louisiana to order an election, in conformity with the Constitution and laws of the State, on the first Monday of November next, for all State and Federal officers.

With high consideration and respect, we have the honor to subscribe ourselves your obedient servants,

E. E. MATHIOT,
BRADISH JOHNSTON,
THOMAS COTTMAN.

Since receiving the letter, reliable information has reached me that a respectable portion of the Louisiana people desire to amend their State Constitution, and contemplate holding a convention for that purpose. This fact alone, as it seems to me, is a sufficient reason why the General Government should not give the committee the authority you seek to act under the existing State Constitution.

I may add, that while I do not perceive how such a committal could facilitate our military operations in Louisiana, I really apprehend it might be so used as to embarrass them.

As to an election to be held next November, there is abundant time, without any order or proclamation from me just now. The people of Louisiana shall not lack an opportunity for a fair election for both Federal and State officers by want of anything within my power to give them. Your obedient servant,

ABRAHAM LINCOLN.

Two parties of individuals were thus engaged in distinct efforts to restore a State Government. The one acted upon the theory that the Constitution was destroyed by secession, and the other that its operation was only suspended. This led to considerable discussion of the effect of the Secession Act upon the State. The first Constitution of Louisiana was adopted January 22d, 1812, and on April 8th, the State was admitted into the Union. In 1845, a new Constitution was adopted, which was superseded by another Constitution in 1852. On the 12th of December, 1860, a law passed the Legislature, providing for a State Convention on the ground that "the condition of public affairs" required "action for the interest and welfare of the State." Everything was legally done up to the opening of the Convention on January 23d, 1861. This body passed the act of secession, and in many material points remodelled and reconstructed the Constitution of 1852, "and made or assumed to make substantially a new Constitution of 1861—not in conformity with or in allegiance to the Constitution of the United States, but to that of the Confederate States. The conservative portion wished to reorganize the State under the Constitution of 1852, on the ground that the acts of the Convention which framed the ordinance of secession and the Constitution of 1861 were void, and that the Constitution of 1852 was still in force. The Free State Committee desired to call a Convention and form an entirely new Constitution. The real point of issue between these parties is thus set forth in the organ of the latter:

Although much breath has been wasted upon this subject (the Constitutions of '52 and '61) by certain ingenious politicians amongst us, who prate so loudly of their loyalty, and yet who are extremely desirous of holding important offices of honor and emolument under the National and State Government, yet, for the reasons before set forth, the question is altogether immaterial; for, in the conflict of arms incident to this rebellion, the predominant ideas of the good people of Louisiana have far preceded either Constitution; and to reorganize now the State on the slave basis which both Constitutions and the laws passed under them recognized, has become an utter impossibility. Free soil and free speech have grown up into absolute necessities, directly resulting from the war, which has converted into dust and ashes all the Constitutions which Louisiana has ever made, embodying the ideas of property in our fellow-man, and all the baneful results of this system of African slavery. The present war is nothing but the conflict of the ideas of slavery and liberty. The war must necessarily last until one or the other idea fully, fairly, and decisively triumphs. We can neither progress nor regress until this question is determined. We cannot have peace until public opinion is brought quite up to this point. We cannot reorganize the civil Government of our city, and still less that of our State, and get rid of the fearful incubus of martial law now pressing down our energies by its arbitrary influence, unless we believe, give utterance to and establish the fundamental principle of our National Government: "all men are created free and equal." We know of no better way to effect this than by calling a Convention as soon as possible, to declare the simple fact that Louisiana now is and will forever be a free State.

The Free State General Committee, or their friends for them, insist that in August the Military Governor, Gen. Shepley, was in Washington, and at that time the plan of the committee was adopted in the Cabinet, and adopted in all its parts, as above stated, and a special order was issued from the War Department to Gen. Shepley, directing him to carry the plan into execution. They say, "this order may be seen at the War Department," Such facts as these would place the movement under the guidance and control of loyal citizens of Louisiana, who were steadfast opponents of slavery, and demanded its immediate abolition throughout the State. They further insist as follows:

During the absence of Governor Shepley, near the end of August, 1862, President Lincoln wrote to Gen. Banks, referring to the registration then being con-

ducted by Mr. Durant, approving of the plan of calling a State Convention instead of a State election under the old Constitution, and expressing the hope that the work of the Convention might be completed in season to hold the elections before the next session of Congress. The Free State Committee, being apprised of this letter, gave to the President the reasons; which none but those on the ground could understand, of the difficulty, indeed of the impossibility of so expediting the registration outside of New Orleans as to be ready for the election at so early a date.

In October, 1863, Mr. B. F. Flanders, returning from Washington, reported that the President had complained that the work was too slow, and that, on his pointing out to the President that there was not a sufficient amount of territory and of the population of Louisiana under the occupation and protection of the forces of the United States to justify an election, according to the views of the President himself, as formerly expressed, in attempting to organize a State Government, the President immediately said he would modify his previous opinion, and would then say that so great was, in his view, the necessity for immediate action, that he would recognize and sustain a State Government organized by any part of the population we then had control of, and that he wished Mr. Flanders to say so on his return to Louisiana.

On the 27th of October, the papers of New Orleans contained an address "To the Citizens of Louisiana," signed W. P. Pugh, president, E. Ames, vice-president of the Executive Central Committee of Louisiana. The citizens were addressed "as citizens loyal to the Government of the United States," and the address proceeds:

The want of civil government in our State can, by a proper effort on your part, soon be supplied, under laws and a constitution formed and adopted by yourselves in a time of profound peace. It is made your duty, as well as your right, to meet at the usual places, and cast your votes for State and parish officers, members of Congress, and of the State Legislature.

* * * * * *

The day, as fixed by our laws, is Monday, the 2d day of November next, 1863. There is nothing to prevent your meeting on the day fixed by law, and selecting your agents to carry on the affairs of government in our own State. The military will not interfere with you in the exercise of your civil rights and duties, and we think we can assure you that your action in this respect will meet the approval of the National Government. Even now, the day of election in every rebellious State has passed, with the exception of Louisiana, and should you suffer that to pass, the whole country will be in a state of anarchy, without any civil government of the people's own choosing, and subject to the danger of being thrown as "vacated" territory, into the hands of Congress, where the wish of many is, that our State, with others, shall be thrown. We charge this design upon a certain faction here and at the North, the result of whose action, in our minds, threatens to destroy republican liberty and republican institutions.

Louisiana has always been at heart loyal to the United States. She never seceded by a majority vote. The true interests of her citizens comported only with her remaining loyally in the Union. She was juggled and forced into the position of seeming rebellion, but in our opinion she was and is still one of the United States. Now that it is practicable—thanks to the gallant army and navy of the United States—her citizens desire to assume forthwith their old status, and to replace the star of their State, with lustre bright as ever, on the glorious flag of our common country. We raise no minor points. Our objects are to restore the Union and preserve the National Constitution.

A correspondence took place between this committee and the Free State Committee, in which the latter were invited to coöperate in the movement. This the latter declined, on the ground that the movement was illegal and unjust. They further say:

There is no law in existence, as stated by you, directing elections to be held on the first Monday of November.

The Constitution of 1852, as amended by the Convention of 1861, was overthrown and destroyed by the rebellion of the people of Louisiana, and the subsequent conquest by the arms of the United States, does not restore our political institutions.

But not only is your movement illegal, but unjust; you are only a party. What principles of State policy you may entertain, you have not referred to in your communication. As a party, then, without the consent and against the wishes of the only lawful authority here, the military governor and the commanding general, you undertake to appoint your own commissioners of election; hold the polls at such places as you may select; admit such electors as you may deem proper, and on such proceeding you propose to declare yourselves (for who could be chosen but yourselves?) officers of the State of Louisiana, and to assume the functions of a State Government here; while in all these proceedings, the plan of which is known only to yourselves, your opponents have no opportunity of participating. We beg you to reflect how unjust such a course would be, could it be carried out.

We look upon the result of such an attempt as a nullity, producing no legal effect.

No general election took place in response to this address. An announcement was made that the intention of holding an election was abandoned. It was claimed that an election was held in some parishes, and certain persons were chosen as members of Congress. At the commencement of the session in December, 1863, persons appeared in Washington, claiming to be members of Congress under this election. Their claims were rejected.

Meantime, the registration proceeded, and the Free State Committee, in order to hasten forward their plan, conferred with the Military Governor for the purpose of holding an election about January 25th, 1864, for delegates to a State Convention. It was then anticipated that the election would be held at that time.

On the 5th of November, the free colored population of New Orleans held a meeting, and resolved to address the Military Governor, Shepley, for the liberty of being registered as voters, to the right of which they considered themselves as entitled. The following address was adopted at the meeting:

To His Excellency Brig.-Gen. G. F. Shepley, Military Governor of Louisiana:

The undersigned respectfully submit the following to his Excellency:

That they are natives of Louisiana and citizens of the United States, that they are loyal citizens, sincerely attached to the country and the Constitution, and ardently desire the maintenance of the national unity, for which they are ready to sacrifice their fortunes and their lives.

That a large portion of them are owners of real estate, and all of them are owners of personal property; that many of them are engaged in the pursuits of commerce and industry, while others are employed as artisans in various trades; that they are all fitted to enjoy the privileges and immunities belonging to the condition of citizens of the United States, and among

them may be found many of the descendants of those men whom the illustrious Jackson styled "his fellow citizens," when he called upon them to take up arms to repel the enemies of the country.

Your petitioners further respectfully represent that over and above the right which, in the language of the Declaration of Independence, they possess to liberty and the pursuit of happiness, they are supported by the opinion of just and loyal men, especially by that of Edward Bates, Attorney General, in the claim to the right of enjoying the privileges and immunities pertaining to the condition of citizens of the United States; and to support the legitimacy of this claim, they believe it simply necessary to submit to your Excellency the following considerations, which they beg of you to weigh in the balance of law and justice.

Notwithstanding their forefathers served in the army of the United States in 1814 and 1815, and aided in repelling from the soil of Louisiana a haughty enemy, over confident of success, yet these and their descendants have ever since, and until the era of the present rebellion, been estranged and even repulsed, excluded from all rights, from all franchises, even the smallest, when their brave fathers offered their bosoms to the enemy to preserve the territorial integrity of the republic.

During this period of forty-nine years they have never ceased to be peaceable citizens, paying their taxes on assessments of more than nine millions of dollars.

At the call of Gen. Butler they hastened to rally under the banner of Union and Liberty, they have spilled their blood and are still pouring it out for the maintenance of the Constitution of the United States; in a word, they are soldiers of the Union, and they will defend it so long as their hands have strength to hold a musket.

While Gen. Banks was at the siege of Port Hudson, and the city threatened by the enemy, your Excellency called for troops for the defence of the city, and they were foremost in responding to the call, having raised the first regiment in the short space of forty-eight hours.

In consideration of this fact, as true and as clear as the sun which lights this great continent; in consideration of the services already performed, and still to be rendered by them to their common country, they humbly beseech your Excellency to cast your eyes upon a loyal population, awaiting with confidence and dignity the proclamation of those inalienable rights which belong to the condition of citizens of the great American republic.

Theirs is but a feeble voice claiming attention in the midst of the grave questions raised by this terrible conflict, yet confident of the justice which guides the action of the Government, they have no hesitation in speaking what is prompted by their hearts. "We are men, treat us as such."

General, the petitioners refer to your wisdom the task of deciding whether they, loyal and devoted men, who are ready to make every sacrifice for the support of the best Government which man has been permitted to create, are to be deprived of the right to assist in establishing in the new Convention a Civil Government in our beloved State of Louisiana, and also in choosing their representatives, both for the Legislature of the State, and for the Congress of the nation.

The prayer of the petitioners does not appear to have been granted.

On the 24th of December, an order was issued by the Military Governor, directing the several registers to keep a book of the names of persons taking the oath issued with the amnesty proclamation accompanying the message to Congress. The registration for voters was likewise continued. On the 8th of January, 1864, Gen. Banks announced that he should issue a proclamation ordering an election of State officers. A crisis had come with the Free State Committee. The plan they had proposed to pursue would be a failure unless the general commanding would accede to their wishes. Entreaties to allow the convention election to go on were made to Gen. Banks, aided by the demonstration of an immense public meeting assembled in its favor. He was, however, unyielding, and on the 11th of January issued the following proclamation:

HEADQUARTERS DEPARTMENT OF THE GULF,
NEW ORLEANS, *Jan. 11th*, 1864.

To the People of Louisiana:

I. In pursuance of authority vested in me by the President of the United States, and upon consultation with many representative men of different interests, being fully assured that more than a tenth of the population desire the earliest possible restoration of Louisiana to the Union, I invite the loyal citizens of the State qualified to vote in public affairs, as hereinafter prescribed, to assemble in the election precincts designated by law, or at such places as may hereafter be established, on the 22d of February, 1864, to cast their votes for the election of State officers herein named, viz.: Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, Superintendent of Public Instruction, and Auditor of Public Accounts—who shall when elected, for the time being, and until others are appointed by competent authority, constitute the civil Government of the State, under the Constitution and laws of Louisiana, except so much of the said Constitution and laws as recognize, regulate, or relate to slavery, which, being inconsistent with the present condition of public affairs, and plainly inapplicable to any class of persons now existing within its limits, must be suspended, and they are therefore and hereby declared to be inoperative and void. This proceeding is not intended to ignore the right of property existing prior to the rebellion, nor to preclude the claim for compensation of loyal citizens for losses sustained by enlistment or other authorized acts of Government.

II. The oath of allegiance prescribed by the President's proclamation, with the condition affixed to the elective franchise, by the Constitution of Louisiana, will constitute the qualification of voters in this election. Officers elected by them will be duly installed in their offices on the 4th day of March, 1864.

III. The registration of voters, effected under the direction of the Military Governor and the several Union Associations, not inconsistent with the proclamation or other orders of the President, are confirmed and approved.

IV. In order that the organic law of the State may be made to conform to the will of the people, and harmonize with the spirit of the age, as well as to maintain and preserve the ancient landmarks of civil and religious liberty, an election of delegates to a convention for the revision of the Constitution, will be held on the first Monday of April, 1864. The basis of representation, the number of delegates and the details of election will be announced in subsequent orders.

V. Arrangements will be made for the early election of members of Congress for the State.

VI. The fundamental law of the State is martial law. It is competent and just for the Government to surrender to the people, at the earliest possible moment, so much of military power as may be consistent with the success of military operations; to prepare the way, by prompt and wise measures, for the full restoration of the State to the Union and its power to the people; to restore their ancient and unsurpassed prosperity; to enlarge the scope of agricultural and commercial industry, and to extend and confirm the dominion of rational liberty. It is not within human power to accomplish these results without some sacrifice of individual prejudices and interests. Problems of State, too complicate for the human mind, have been solved by

the national cannon. In great civil convulsions, the agony of strife enters the souls of the innocent as well as the guilty. The Government is subject to the law of necessity, and must consult the condition of things, rather than the preferences of men, and if so be that its purposes are just and its measures wise, it has the right to demand that questions of personal interest and opinion shall be subordinate to the public good. When the national existence is at stake, and the liberties of the people in peril, faction is treason.

The methods herein proposed submit the whole question of government directly to the people—first, by the election of executive officers, faithful to the Union, to be followed by a loyal representation in both Houses of Congress; and then by a convention which will confirm the action of the people, and recognize the principles of freedom in the organic law. This is the wish of the President. The anniversary of Washington's birth-day is a fit day for the commencement of so grand a work. The immortal father of his country was never guided by a more just and benignant spirit than that of his successor in office, the President of the United States. In the hour of our trial let us heed his admonitions!

Louisiana, in the opening of her history, sealed the integrity of the Union by conferring upon its Government the Valley of the Mississippi. In the war for independence upon the sea, she crowned a glorious struggle against the first maritime power of the world, by a victory unsurpassed in the annals of war. Let her people now announce to the world the coming restoration of the Union, in which the ages that follow us have a deeper interest than our own, by the organization of a free Government, and her fame will be immortal! N. P. BANKS, M. G. C.

The Free State General Committee and their friends insisted that the general stepped in and determined the constitutional question adversely to them (radicals), by declaring the Constitution of the State in force. They further insisted that he declared martial law, which was nothing but his will, to be superior to the Constitution, which implied that he could amend the Constitution wherein he pleased; and that the laws, with regard to slavery, though untouched by the President, were declared inoperative by the general; and that all these assumptions of power were of the most dangerous character to the liberties of the people, and to republican government. The committee, however, determined to participate in the election, for the sake of the power the Governor would have in the convention election, but protested against it. Mr. Michael Hahn was nominated for Governor by those who favored the proclamation of General Banks, and Mr. Benjamin F. Flanders was nominated by the free State men. Mr. Hahn was elected by a large majority of the votes cast. The friends of the Free State General Committee said: "The result of the election is merely the registration of a military edict, and is worthy of no respect from the representatives and executive of the nation." The friends of the Free State General Committee insisted that by this election no State Government was created. They said: 1. "It is not such in accordance with the President's proclamation. That proclamation declares that whenever, in certain States named, not less than one tenth of the voters, in 1860, each having taken the oath aforesaid, and being a qualified voter by the election law of the State existing immediately before the so-called act of secession, and excluding all others, shall reëstablish a State Government, etc., such shall be recognized as the true Government of the State," etc.

They further said:

Have the military proclamation of the commanding general and the election held under it on the 22d of February, in the meaning of the President, "reëstablished a State Government?" Clearly not. The commanding general's proclamation recognizes the old Constitution of Louisiana of 1852, as being in existence, and orders an election under it, in which the votes of the people have nothing to do with reëstablishing Government; the reëstablishment having been made beforehand for them by the general proclaiming the old Constitution as existing.

2. Nor is the result of the election, and the seven officers chosen, a State Government. The people have elected a Governor, a Lieut.-Governor, and five officers of the executive department. This is not a State Government, for by the Constitution of Louisiana, which the commanding general declared in force, as well as by all other State Constitutions, the Government consists of three Departments: Executive, Legislative, and Judicial. The reason why an election for members of the Legislature was not ordered is plain, although not avowed; there is not within the Union lines, where a real election could be held, a sufficient number of parishes to elect a majority of the whole number of members constituting the Senate and House of Representatives, and less than a majority is, by the Constitution, not a quorum to do business; so that under this pretended State Government, no officer elected can be legally paid, for that can only be done by an appropriation made according to law.

The same Constitution provides that the judges of the Supreme and District Courts, as well as justice of the peace, shall be elected by the people; the judges now in office have been simply appointed by General Shepley; and should Mr. Hahn, under pretence of being civil Governor, undertake to appoint judges, the act would be a mere usurpation without the shadow of right.

No State Government, then, is reëstablished by this election.

But still further, the proclamation of the President has not been complied with, as to the persons who voted.

The Constitution of Louisiana, of 1852, art. 12, says: "No soldier, seaman, or marine in the army or navy of the United States"——"shall be entitled to vote at any election in this State."

The commanding general issued an order permitting soldiers recruited in Louisiana, and having the other qualifications, to vote. How many votes of this kind were polled, we are not able to say; that many did, and many sailors and others disqualified, also voted, is notorious.

Again, the act of the Louisiana Legislature, of March 20th, 1856, provides for the appointment in New Orleans, of a register of voters, and that no man shall vote who is not registered, and that the office of registration shall be closed three days before the election, and no one registered on those three days. Now, prior to the late election, the register having closed his office according to law, orders were at once given to two other officers, the recorders of the city, who have no such powers or functions by law, to register voters, which they did night and day, and such persons as they registered were allowed to vote.

The commanding general, in his proclamation of the 11th of January, says that he will order the election of members of a Constitutional Convention, to be chosen on the first Monday of April, and that he will, by a subsequent order, fix the basis of representation, the number of delegates, and the details of the election. This will put the whole matter under military

control, and the experience of the last election shows that only such a Convention can be had as the overshadowing influence of the military authority will permit. Under an election thus ordered, and a Constitution thus established, a republican form of government cannot be formed. It is simply a fraud to call it the reëstablishment of a State Government. In these circumstances, the only course left to the truly loyal citizens of Louisiana is, to protest against the recognition of this pretended Government, and to appeal to the calm judgment of the nation to procure such action from Congress as will forbid military commanders to usurp the powers which belong to Congress alone, or to the loyal people of Louisiana.

The further details of this subject belong to the record of 1864. (*See* CONGRESS, U. S., for the admission of members from Louisiana.)

Outside of the lines of the Union army and its posts, the enemy had a general control of the State during the year, and the Confederate Government was recognized. At the usual time in November, it was reported that an election for State officers was held, at which Henry W. Allen was chosen Governor without opposition, and B. W. Pearce Lieut.-Governor. The representatives to the Congress at Richmond were also elected by a general ticket, and not by districts.

The Emancipation Proclamation of President Lincoln was declared by him not to extend in its operation to the parishes of St. Bernard, Plaquemines, Jefferson, St. John, St. Charles, St. James, Ascension, Assumption, Terre Bonne, Lafourche, Ste. Marie, St. Martin, and New Orleans, including the city of New Orleans. The slaves held in these parishes did not become freedmen when the Union army occupied that portion of the State. Only one point of difference marked their position thus far during the war as compared with it during the twenty previous years. An act of Congress forbade the forcible return of the slave to his master by any military force of the United States. This was the only change in the fortunes of the slaves. As these excepted parishes were held by a Federal military force, it followed that the slaves were at liberty to go whithersoever they pleased outside of the plantations. Consequently thousands, and tens of thousands of them became hangers on to the camps, and filled New Orleans with a pauper population. The welfare of whites and blacks soon required some decisive steps for the amelioration of the evil. On the plantations many of the owners remained. They, under the advice, and with the coöperation of Gen. Banks, endeavored to come to terms with the negroes as to their future relations with each other. Each planter made such terms with the employed as he found convenient or possible. Rules were also adopted on some plantations relative to the labor. These rules provided that the negroes should labor the usual number of hours, and receive about their usual supply of food; but beside this they were to have wages averaging from three to ten dollars a month—one half of it at the end of each month, the balance at the end of the year. Various punishments were prescribed for bad conduct, and rewards for good conduct, such as would appeal, it was hoped, to the sensibilities, instincts, and interests of the negro. The punishments and fines prescribed under this system of free labor were as follows:

The punishments on the place will be: First, fines; second, the stocks; and lastly, expulsion from the place.

The penalty for the first offence will be a fine of one dollar; second, three dollars; third, five dollars; and fourth, expulsion.

No hand will leave the place without written license.

If a hand leave the place, or is expelled, his back wages will be forfeited to the hospital funds, out of which the physician and medicines must be paid.

Each hand will be responsible for the loss or careless damage of tools, stock, or any other property.

Stealing will be punished by a fine of twice the value of the property stolen, one half to go to the hospital fund.

By this method large numbers were induced to return to the plantations. The wages which they received were low, because the able-bodied were generally taken into the army, and because the crop generally raised being sugar, it was more uncertain than cotton. At the close of the year, the system of labor adopted was declared to be a "decided success." A large number of the negroes were enlisted, forming a corps d'Afrique, and many were also employed by the Government on plantations worked by its orders.

A more complete view of the system of labor adopted by Gen. Banks will be obtained from the rules prescribed for its regulation during the year 1864, with the experience and results of the year 1863 before him. The following were the rules prescribed:

General Orders, No. 23.

HEADQUARTERS, DEPARTMENT OF THE GULF,
NEW ORLEANS, *February* 3*d*, 1864.

The following general regulations are published for the information and government of all interested in the subject of compensated plantation labor, public or private, during the present year, and in continuation of the system established January 30th, 1863:

I. The enlistment of soldiers from plantations under cultivation in this Department, having been suspended by order of the Government, will not be resumed except upon direction of the same high authority.

II. The Provost Marshal General is instructed to provide for the division of parishes into police and school districts, and to organize from invalid soldiers, a competent police for the preservation of order.

III. Provisions will be made for the establishment of a sufficient number of schools, one at least for each of the police and school districts, for the instruction of colored children under twelve years of age, which, when established, will be placed under the direction of the Superintendent of Public Education.

IV. Soldiers will not be allowed to visit plantations without the written consent of the commanding officer of the regiment or post to which they are attached, and never with arms, except when on duty, accompanied by an officer.

V. Plantation hands will not be allowed to pass from one place to another, except under such regulations as may be established by the provost marshal of the parish.

VI. Flogging and other cruel or unusual punishments are interdicted.

VII. Planters will be required, as early as practicable after the publication of these regulations, to make

a roll of persons employed upon their estates, and to transmit the same to the provost marshal of the parish. In the employment of hands, the unity of families will be secured as far as possible.

VIII. All questions between the employer and the employed, until other tribunals are established, will be decided by the provost marshal of the parish.

IX. Sick and disabled persons will be provided for upon the plantations to which they belong, except such as may be received in establishments provided for them by the Government, of which one will be established at Algiers, and one at Baton Rouge.

X. The unauthorized purchase of clothing, or other property, from laborers, will be punished by fine and imprisonment. The sale of whisky, or other intoxicating drinks, to them, or to other persons, except under regulations established by the provost marshal general, will be followed by the severest punishment.

XI. The possession of arms, or concealed, or dangerous weapons, without authority, will be punished by fine and imprisonment.

XII. Laborers shall render to their employer, between daylight and dark, ten hours in summer, and nine hours in winter, of respectful, honest, faithful labor, and receive therefor, in addition to just treatment, healthy rations, comfortable clothing, quarters, fuel, medical attendance, and instruction for children, wages per month as follows, payment of one half of which, at least, shall be reserved until the end of the year:

For first class hands.....	$8 00	per month.
For second class hands.....	6 00	"
For third class hands.....	5 00	"
For fourth class hands.....	3 00	"

Engineers and foremen, when faithful in the discharge of their duties, will be paid $2 per month extra. This schedule of wages may be commuted, by consent of both parties, at the rate of one fourteenth part of the net proceeds of the crop, to be determined and paid at the end of the year. Wages will be deducted in case of sickness, and rations, also, when sickness is feigned. Indolence, insolence, disobedience of orders, and crime, will be suppressed by forfeiture of pay, and such punishments as are provided for similar offences by army regulations. Sunday work will be avoided when practicable, but when necessary, will be considered as extra labor, and paid at the rates specified herein.

XIII. Laborers will be permitted to choose their employers, but when the agreement is made, they will be held to their engagement for the year, under the protection of the Government. In cases of attempted imposition, by feigning sickness, or stubborn refusal of duty, they will be turned over to the provost marshal of the parish, for labor upon the public work, without pay.

XIV. Laborers will be permitted to cultivate land on private account, as herein specified, as follows:

1st and 2d class hands, with families, one acre each.

1st and 2d class hands, without families, one half acre each.

2d and 3d class hands, with families, one half acre each.

2d and 3d class hands, without families, one quarter acre each.

To be increased for good conduct at the discretion of the employer. The encouragement of independent industry will strengthen all the advantages which capital derives from labor, and enable the laborer to take care of himself and prepare for the time when he can render so much labor for so much money, which is the great end to be attained. No exemption will be made in this apportionment, except upon imperative reasons, and it is desirable that for good conduct the quantity be increased until faithful hands can be allowed to cultivate extensive tracts, returning to the owner an equivalent of product for rent of soil.

XV. To protect the laborer from possible imposition, no commutation of his supplies will be allowed, except in clothing, which may be commuted at the rate of $3 per month for first class hands, and in similar proportion for other classes. The crops will stand pledged, wherever found, for the wages of labor.

XVI. It is advised as far as practicable, that employers provide for the current wants of their hands, by perquisites for extra labor, or by appropriation of land for share cultivation; to discourage monthly payments so far as it can be done without discontent, and to reserve till the full harvest the yearly wages.

XVII. A Free Labor Bank will be established for the safe deposit of all accumulations of wages and other savings; and in order to avoid a possible wrong to depositors, by official defalcation, authority will be asked to connect the Bank with the Treasury of the United States in this Department.

XVIII. The transportation of negro families to other countries will not be approved. All propositions for this privilege have been declined, and applications have been made to other departments for surplus negro families for service in this department.

XIX. The last year's experience shows that the planter and the negro comprehend the revolution. The overseer, having little interest in the capital, and less sympathy with labor, dislikes the trouble of thinking and discredits the notion that anything new has occurred. He is a relic of the past, and adheres to its customs. His stubborn refusal to comprehend the condition of things occasioned most of the embarrassments of the past year. Where such incomprehension is chronic, reduced wages, diminished rations, and the mild punishments imposed by the army and navy, will do good.

XX. These regulations are based upon the assumption that labor is a public duty, and idleness and vagrancy a crime. No civil or military officer of the Government is exempt from the operation of this universal rule. Every enlightened community has enforced it upon all classes of people by the severest penalties. It is especially necessary in agricultural pursuits. That portion of the people identified with the cultivation of the soil, however changed in condition, by the revolution through which we are passing, is not relieved from the necessity of toil, which is the condition of existence with all the children of God. The revolution has altered its tenure, but not its law. This universal law of labor will be enforced upon just terms, by the Government, under whose protection the laborer rests secure in his rights. Indolence, disorder and crime, will be suppressed. Having exercised the highest right in the choice and place of employment, he must be held to the fulfilment of his engagements until released therefrom by the Government. The several provost marshals are hereby invested with plenary powers upon all matters connected with labor, subject to the approval of the provost marshal general, and the commanding officer of the department. The most faithful and discreet officers will be selected for this duty, and the largest force consistent with the public service detailed for their assistance.

XXI. Employers, and especially overseers, are notified that undue influence used to move the marshal from his just balance between the parties representing labor and capital, will result in an immediate change of officers, and thus defeat that regular and stable system upon which the interests of all parties depend.

XXII. Successful industry is especially necessary at the present time, when large public debts and onerous taxes are imposed to maintain and protect the liberties of the people and the integrity of the Union. All officers, civil or military, and all classes of citizens who assist in extending the profits of labor, and increasing the product of the soil, upon which, in the end, all national prosperity and power depend, will render to the Government a service as great as that derived from the terrible sacrifices of battle. It is upon such consideration only that the planter is entitled to favor. The Government has accorded to him, in a period of anarchy, a release from the disorders resulting mainly from insensate and mad resistance to sensible reforms which can never be rejected without revolution, and the criminal surrender of his interests and

power to crazy politicians, who thought by metaphysical abstractions to circumvent the laws of God. It has restored to him, in improved rather than impaired condition, his due privileges, at a moment when, by his own acts, the very soil was washed from beneath his feet.

XXIII. A more majestic and wise clemency human history does not exhibit. The liberal and just conditions that attend it, cannot be disregarded. It protects labor by enforcing the performance of its duty, and it will assist capital by compelling just contributions to the demands of the Government. Those who profess allegiance to other governments, will be required, as the condition of residence in this State, to acquiesce, without reservation, in the demands presented by Government as a basis of permanent peace. The non-cultivation of the soil without just reason, will be followed by temporary forfeiture to those who will secure its improvement. Those who have exercised, or are entitled to the rights of citizens of the United States, will be required to participate in the measures necessary for the reëstablishment of civil government. War can never cease except as civil governments crush out contest, and secure the supremacy of moral over physical power. The yellow harvest must wave over the crimson field of blood, and the representatives of the people displace the agents of purely military power.

XXIV. It is therefore a solemn duty resting upon all persons, to assist in the earliest possible restoration of civil government. Let them participate in the measures suggested for this purpose. Opinion is free and candidates are numerous. Open hostility cannot be permitted. Indifference will be treated as crime, and faction as treason. Men who refuse to defend their country with the ballot box or cartridge box, have no just claim to the benefits of liberty regulated by law. All people not exempt by the law of nations, who seek the protection of the Government, are called upon to take the oath of allegiance in such form as may be prescribed, sacrificing to the public good, and the restoration of public peace, whatever scruples may be suggested by incidental considerations. The oath of allegiance, administered and received in good faith, is the test of unconditional fealty to the Government, and all its measures, and cannot be materially strengthened or impaired by the language in which it is clothed.

XXV. The amnesty offered for the past, is conditioned upon an unreserved loyalty for the future, and this condition will be enforced with an iron hand. Whoever is indifferent or hostile, must choose between the liberty which foreign lands afford, the poverty of the rebel States, and the innumerable and inappreciable blessings which our Government confers upon its people.

May God preserve the Union of the States!

By order of Major-Gen. BANKS.

GEO. B. DRAKE, A. A. General.

For the military operations in Louisiana, *see* ARMY OPERATIONS. For the regulations as to trade, *see* COMMERCIAL REGULATIONS.

LUTHERAN CHURCH. The Lutheran Church is, next to the Church of England, the most numerous among the denominations, which, at the beginning of the sixteenth century, repudiated the authority of the Pope and the Roman Catholic Church. It is still the predominant church in Sweden, Norway, and Denmark, in Hanover, Saxe, and a number of other German States, while in Prussia and several minor States of Germany it has been united with the Reformed Church into the United Evangelical Church. It has also a numerous membership in Russia, Holland, France, and the United States. The Lutheran Almanac for 1864 gives the following statistical view of the Lutheran Church in the United States:

SYNODS CONNECTED WITH THE GENERAL SYNOD.

Synods.	Churches.	Communicants.
New York Ministerium	55	12,000
Hartwick Synod	33	4,027
Synod of New Jersey	11	1,395
Synod of Pennsylvania	280	50,149
Synod of East Pennsylvania	114	12,599
Synod of West Pennsylvania	89	11,385
Synod of Central Pennsylvania	104	1,229
Alleghany Synod	116	7,410
Pittsburg Synod	115	8,900
Synod of Maryland	36	6,484
Melanchthon Synod (Maryland)	36	2,714
*Synod of Virginia	61	3,200
*Synod of Western Virginia	37	2,039
*Synod of North Carolina	38	4,200
*Synod of South Carolina	54	9,859
*Synod of Texas	23	2,800
Synod of Kentucky	19	822
English Synod of Ohio	32	2,480
East Ohio Synod	79	3,989
Wittenberg Synod	45	2,669
Miami Synod of Ohio	51	4,027
Synod of Northern Indiana	83	2,524
Olive Branch Synod (Indiana)	23	968
Synod of Illinois	43	3,550
Synod of Northern Illinois	75	5,297
Synod of Southern Illinois	23	1,153
Synod of Iowa	43	1,279
Total	1,718	169,148

† SYNODS NOT CONNECTED WITH THE GENERAL SYNOD.

Synods.	Churches.	Communicants.
Joint Synod of Ohio	241	34,340
Joint Synod of Missouri	160	25,000
Tennessee Synod	85	5,800
Holston Synod of Tennessee	18	1,200
Synod of Indiana	15	2,000
Synod of Wisconsin	70	8,500
German Synod of Iowa	50	5,000
Synod of Minnesota	12	1,500
Buffalo Synod	35	5,000
Michigan Synod	20	1,800
Franckean Synod (N. Y.)	31	3,100
Mississippi Synod	11	2,000
Scandinavian Augustana Synod	67	5,597
Total	815	100,837

Grand total, 2,533 congregations, and 269,985 communicants.

One of the Synods of the second class, the Franckean Synod, has resolved to apply for admission to the General Synod, at the session of the latter body in 1864.

The number of ministers in the Synods connected with the General Synod was 904; in the other Synods, 514. Total, 1,418.

There are 6 theological seminaries, 7 colleges, 15 academies, and 9 female seminaries in connection with the General Synod, and 8 institutions not connected with the General Synod. The church has five organs published in the English language (exclusive of one in South Carolina), 11 in German, 2 in Swedish, and 3 in Norwegian.

Three of the synods, which were formerly in connection with the General Synod—those of

* Not represented at the last Convention of the General Synod.

† The statistics in the German *Lutherische Kalender* for 1864 are somewhat different. The *Kalender* gives the names of forty-two Synods, beside the above forty, the Norwegian Synod in Wisconsin, Iowa, and other States, with 2,000 members, and the Canada Synod, with 1,500 members. The totals of the *Kalender* are 1,530 ministers, 2,812 churches, 294,721 communicants.

Virginia, North and South Carolina—effected last year an independent organization, by constituting themselves as the "General Synod of the Lutheran Church in the Confederate States." The first General Synod was held at Concord, North Carolina, in May, 1863. One of the delegates from Virginia, gives the following account of the proceedings:

We adopted without a dissenting voice, after a few slight amendments, a constitution. The vote, after the discussion upon it, was taken in solemn silence by our rising to our feet, and when it appeared that every delegate was standing, we united in thanksgiving with the president, on bended knees, to Almighty God, and the General Synod of the Confederate States was a fixed institution.

After this transition from a convention into a synod, much important business was transacted. In accordance with a plan suggested and urged upon the delegates in a series of five articles, published last winter in the "Southern Lutheran," we have adopted a "Book of Worship." Committees were appointed a year ago upon the liturgy, hymn-book, catechism, government, and discipline, &c., &c. These committees were faithful to their duty, and came to Concord well prepared to report. All their reports were accepted and adopted, with some amendments, and referred to a committee composed of the chairman, or acting chairman, of these various committees, to prepare for and superintend the publication of them in one volume—to be called "The Book of Worship." In it are contained the following items:

1st. Order of morning service, and order of evening service, with four general prayers, the use of which is optional with the minister, that is, the use of the forms of general prayer is optional—the use of the introductory service is not optional, but must be followed as prescribed in the book.

2d. Service for festival days, days of humiliation, fasting, &c.

3d. Gospels and epistles, and lessons for the passion week, published in full.

4th. Family prayers for each morning and evening of the week.

5th. Forms for the performance of ministerial acts—baptism, confirmation, &c., &c., one of each.

6th. Apostles', Nicene, and Athanasian Creeds.

7th. Augsburg Confession, without note or comment.

8th. Luther's Smaller Catechism—literal translation, without any additions, alterations, or explanations.

9th. Form of government and discipline.

10th. Constitutions of General Synod.

11th. Collection of hymns—about 450—containing the best of all accessible collections.

The General Synod is not merely an advisory body, but is clothed with power enough to enforce obedience to its enactments. In all cases of fundamental doctrine, forms of worship, and church discipline, it is the highest court of appeal.

Some features of this new constitution were regarded by a large party of the Lutherans in the United States as a considerable improvement upon the constitution of the old General Synod. Thus the "Lutheran," of Philadelphia, one of the leading organs of the church, remarked: "The seceding States may, and we fervently trust and believe, will, be brought back to their allegiance, but it by no means follows that the Lutheran synods of the South will merge themselves again in our General Synod. The movement we chronicle may be of immense importance in the future. It will be seen that this new General Synod has not been blind to some of the bitter lessons experience has been teaching us, and if our church in the South is to have a separate existence, the theory on which it has started, and the practical steps it has taken, are sagaciously adapted to their ends."

A special hymnbook for the "Lutheran Churches of the Confederate States," containing about 450 hymns, was compiled by Rev. Mr. Roedel, of Wytheville, Wythe county, Va., and adopted by the District Synods. A Liturgy was prepared by Dr. Bitte, of Salem, Va., and Rev. Mr. Rude, of Columbus, S. C. Catechism, Confession, Liturgy, and Hymns, are to be bound together, and form a Book of Worship. The weekly organ of the Church, the "Southern Lutheran," was removed from Charleston, at the beginning of the attack, in the spring of 1863, and edited by Rev. Mr. Rude, of Columbus, S. C.

The synod of Virginia, which convened in Salem church, Augusta county, Va., on Oct. 22d, 1863, and which was attended by a delegate from the synod of Western Virginia, passed the following resolutions with regard to the formation of the General Synod of the Southern Church of the Confederate States:

1. *Resolved*, That the General Synod thus formed, meets with our approbation, in so far as we have been definitely certified through our delegates concerning its structure, and the adoption of the Augsburg Confession, and the three chief, ancient creeds, as its doctrinal basis. But as we have received no official statement of its transactions for examination, we deem it expedient and proper to sustain only a qualified connection with it, as a synod, until we shall be prepared by further information to take intelligent action thereupon.

2. *Resolved*, That we fully approve of the stand taken by our delegates in earnestly contending for "our most holy faith" in that convention.

Except in the States of Virginia, North and South Carolina, the Lutherans of the slaveholding States, mostly natives of Germany, remained loyal to the Federal Government. It was reported from Texas, that up to December 13th, 1863, all the ministers of the Texas Lutheran synod were at their posts, and that none of them had been pressed into the rebel service. Many of their members had been dragged from their homes under the conscription law, and as many as possibly could, escaped into Mexico, with the loss of everything. In numerous instances, those who tried to evade it by concealment, were hunted down by dogs and summarily hung. From a letter of Rev. W. T. Strobel (formerly of Texas, but now of Danville, N. Y.) to the "Kirchenbote," it appears that the ministers succeeded in getting letters to Germany, *via* Mexico, giving the friends there the particulars of their trying situation. The Rev. Pastor Bonenberger, of the German Lutheran Church in Galveston, was the only minister remaining in that city. The church and Congregational school were, however, well attended, but the cost of living was so enormous that he could remain at his post only by "boarding round" among his people. It was also mentioned that the synod

met as usual in April, 1862, but that the brethren living in the western counties of the State were for the most part unable to attend.

In the northwestern part of the United States there are two Scandinavian Synods; the one is called the Norwegian Lutheran Synod, and has a seminary in Decorah; the other is called the Augustana Synod, consisting for the most part of Swedish and a few Norwegian congregations, and with a seminary at Paxon, whither it has been removed from Chicago. Formerly these synods stood aloof from each other, but of late both have put forth efforts to come to a better understanding. On the 17th of June, pastors of both synods held a Conference at Chicago. It was agreed to hold another Conference next year, and it is hoped that a friendly correspondence will be established between the two bodies.

The Lutheran Churches in Germany are profoundly agitated by the demand of the laity for an introduction of a representative constitution, and, in particular, the representation of the laity at the Church Assemblies. In the kingdom of Hanover, the Government, after a long resistance, yielded to the demand of the people, and submitted the draft of a new church constitution to a preparatory synod (Vorsynode). The election of delegates to this synod showed that, in Hanover, as well as in most other countries of Germany, there is little harmony between the majority of the clergy and the majority of the laity. The delegates of clergy to the synod were mostly High Churchmen, those of the laity, decided Liberals. The synod was opened on October 6th, and closed its labors on December 14th. Both parties, in the progress of the proceedings, deemed it necessary to make mutual concessions, and, at length, adopted a new church constitution with entire unanimity. According to this constitution, the Church will have hereafter a National Synod, to consist, beside a few members, appointed by the king, of 29 clerical and 29 lay delegates. In the Grand Duchy of Hesse Darmstadt, the Chamber of Representatives adopted also the draft of a new constitution for the Protestant Church, which provides for the introduction of presbyteries and synods.

Among the Lutheran missions in foreign countries, that of the Evangelical Lutheran Missionary Society among the Tamils of East India has been thus far the most successful. According to the last annual report of 1863, the Lutheran congregations among the Tamils number 5,488 souls, an increase over the preceding year of 300 souls. 1,296 children are educated in 55 schools. Several new churches are in course of construction. The number of missionaries is 17, and 170 natives have been educated in the seminaries of the mission as assistants.

LYNDHURST, John Singleton Copley, Lord, a British statesman and jurist, born in Boston, Mass., May 21st, 1772, died October 12th, 1863. He was the son of the eminent portrait and historical painter, John Singleton Copley, by whom he was taken to England about a year before the outbreak of the American Revolution. He was educated at Trinity College, Cambridge, where, in 1796, he took his degree of B. A. as Second Wrangler and Senior Smith's prizeman; and having soon after been appointed a Fellow of his College and "Travelling Bachelor," he was enabled for the first and only time in his life to revisit his native country. In 1797, he was called to the bar, and for many years subsequent travelled the midland circuit, rising by very slow degrees to professional eminence. In 1819, having then obtained the leadership of his circuit, he first brought himself into public notice by the able manner in which he conducted the defence of Watson and Thistlewood, indicted for high treason. Though previously a liberal in politics, he so favorably impressed the tory leaders by his talents on this occasion, that he was soon employed by them in behalf of the Government in several important state trials, and in 1818 was appointed chief justice of the county palatine of Chester. Thenceforth until his death he remained for the most part a member of the party from which he had received his earliest promotion.

Having entered parliament in 1818, he was appointed solicitor-general in the Liverpool administration in the succeeding year, and knighted, and in 1820 he took a leading part in the proceedings against Queen Caroline, avoiding, by the moderation and skill which he displayed, the censure so freely bestowed upon most of the parties to the trial. In 1824 he succeeded to the attorney-generalship. At the general election in 1826, he was returned one of the members for the University of Cambridge, in conjunction with Lord Palmerston, and a few months later he accepted the mastership of the Rolls. During the early debates on Roman Catholic emancipation, in the spring of 1827, he showed himself a strenuous opponent of the measure; but to the surprise of the public he soon after entered the liberal cabinet of Canning as chancellor, Lord Eldon retiring, and was raised to the peerage as Baron Lyndhurst, April 27th, 1827. After the death of Canning, in August, he retained the office during the short-lived administration of Viscount Goderich, and that of the Duke of Wellington which succeeded, retiring with his colleagues, upon the triumph of the whigs, in November, 1830. Previous to this he had given his full support to Roman Catholic emancipation, declaring that he felt no apprehension for the safety of the Church.

Shortly after retiring from the chancellorship, he was appointed Chief Baron of the Court of Exchequer, the duties of which office he discharged until 1834. Having practised chiefly at the common law bar, he did not establish for himself as chancellor so high a judicial character as was anticipated; but in the more congenial field of the exchequer he earned a repu-

tation as a judge second to that of no man of his time, and the business of the court was soon enormously increased, while its decisions were considered of greater weight than those of the King's Bench itself. Though prevented by official duties from participating largely in parliamentary proceedings, he was one of the most strenuous opponents of the reform bill, and upon the resignation of Earl Gray, in 1832, endeavored unsuccessfully to form a new conservative ministry in conjunction with the Duke of Wellington. He held the Great Seal again during the brief administration of Sir Robert Peel, in 1834, and after retiring from office, devoted himself for several years chiefly to the interests of his party, becoming one of the most effective leaders of the tory opposition in the Upper House.

His speeches at this time were characterized by power, brilliancy, bitterness, and sarcasm, particularly his annual review of each session, and were considered to have exercised a great influence in reanimating and consolidating the conservative party. In 1841, Sir Robert Peel formed his second ministry, and Lord Lyndhurst for the third time accepted the Great Seal, which he retained until 1846, when he declared himself "at the close of his public, almost of his natural life." He however occasionally took a prominent part in the proceedings of the House of Lords, supported the Derby ministry of 1852, advocated the war with Russia, and denounced the policy adopted by Lord Clarendon in concluding the peace of 1856 as a practical capitulation on the part of England. Until the infirmities of age overcame him, his speeches, remarkable for their elegant and severely simple style, and delivered with a voice of singular sweetness and power, were listened to with unabated interest; and to the day of his death he continued one of the most trusted advisers of the crown, and is understood to have greatly influenced, if not entirely guided by his opinions the conduct of the leaders of the party in power.

In personal appearance Lord Lyndhurst was remarkably handsome, and although past 90 years of age, his vigorous and graceful carriage caused him to be considered by strangers a much younger man. He was twice married, his second wife, to whom he was united at the age of 65, being a young Jewish lady of remarkable beauty. His offspring by both marriages being daughters, his title expires with him.

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MADAGASCAR, an island of the Indian Ocean lying east of Mozambique in Eastern Africa, and separated from it by the Mozambique channel. It is about 816 miles long and 288 at its greatest width. Its area is about 200,000 square miles, and its population is estimated at 4,700,000. *Hiera-Be* "the great land," is the name given to it by the natives, in contradistinction to the smaller islands which surround it. Its great mineral wealth in the precious metals and coal, its fertile soil, its magnificent forests, the extent of its silk culture, and its admirable ports have made it for many years an island of great interest to European powers, and that interest is now enhanced by its proximity to the Oriental possessions of Great Britain and France, and its position on the lines of communication with the East by way of the Red Sea. Its inhabitants are composed of two different races, the dominant one being Malay or Malagash as they call themselves, and the larger but subject race are African, though with long hair, and approaching more nearly to the Kaffir than to the Negro. There are numerous subdivisions or tribes of both races, and in the southeast a small tribe who call themselves Anta-Smours seem to be of Arab origin. The largest and most enterprising of the Malay tribes are the Hovas, occupying originally Ank-Hova, a territory in the centre of the island, but who have of late years attained to the supreme power over the whole island. They do not number more than 350,000 or 400,000. Their capital is called Tananarivo, or "the thousand villages," being made up of a considerable number of small villages surrounding within a distance of seven or eight miles the central one of Émirne, in which is the palace of the monarch of the Hovas. The population of Tananarivo is estimated at 75,000. At various times for more than two hundred years France has maintained a claim to the possession of Madagascar, though it is difficult to ascertain exactly the grounds upon which she has based it. The principle of international law is well established that the "rights of a nation to a foreign territory must depend either upon discovery, conquest, or treaties of cession." The French did not discover the island, for it was discovered by the Portuguese; they did not conquer it, though they often attempted to do so, but were defeated and driven from it with heavy losses, and from 1786 till 1861 they have had no other than merely nominal settlements on the island, and those only at Tamatuve, or if for a short time four or five individuals were permitted to reside at Tananarivo, they were expelled with ignominy more than once for plots against the Government. They could claim no treaty of cession for their only treaty had been one with the King of the Hovas, of amity and commerce, and in acknowledging Radama II. as King of Madagascar, they had emphatically relinquished any claims which they might previously have made to sovereignty over the island.

The domination of the Hova dynasty is recent, dating back only to the first years of the

present century, when Audrian Ampouiéne, a chief of one of the Hova tribes, united all the Hovas under his sway and commenced the conquest of the tribes bordering on Ank-Hova or "the country of the Hovas." He had succeeded in bringing two of the more prominent of these tribes into subjection, when he died in 1810, and was succeeded by his son Radama I., who inherited his father's talents and ambition, and proceeded to carry out his measures for reducing the adjacent tribes to subjection.

In 1814, Vice-Admiral Sir Robert Farquhar was governor-general of the Mauritius, an able and far-seeing officer. The movements of Radama I. had come to his knowledge, and believing the time a favorable one to advance the condition of Madagascar, to improve its Government, open its ports to commerce, and break up its connection with the slave trade, he put himself in communication with the Hova chief, concluded a commercial treaty with him, undertook the education of his two younger brothers, and arranged subsequently a further treaty, by which Radama I. agreed to abolish the slave trade, and received in return a recognition of his claims as King of Madagascar, a small pension, and the aid of English officers to discipline his troops. Sir Robert Farquhar was absent from the Mauritius for two years, but on his return in 1820 he carried out with due diligence the measures agreed upon with Radama I. Schools were established throughout the kingdom; missionaries of the London Missionary Society established schools and printing presses and churches there, and the king having decreed complete religious toleration, affairs moved on prosperously. In 1828 Radama died, poisoned it was said by his chief queen, Ranavalana, who, with her paramour, Audrian Mihaza, was exasperated at the decadence of idolatry, and the custom of the ordeal of poison, by which the Hovas had for many generations been in the habit of disposing of those who had incurred their displeasure. The queen succeeded to Radama I., and immediately nullified as many of his acts as she could, and put an end to the schools and the labors of the missionaries, as well as to the commercial intercourse which had hitherto existed between the country and Great Britain. Cruel and despotic in her character, sensual and superstitious in her disposition, Ranavalana hesitated at no barbarity which should consolidate her power, terrify her enemies, or gratify her revenge. In her reign of thirty-three years more than 250,000 persons were said to have perished by the hands of the executioner or by the *tanguin* or ordeal of poison. Her persecution of the Christian converts was relentless, and she had evidently fully determined to drive Christianity from the island. This savage queen had one son, named Rakoto, not by Radama I., but by her paramour, Audrian Mihaza, to whom, notwithstanding the ferocity of her disposition, she was tenderly attached. He was amiable and gentle in temper, but lacked resolution and vigor of character. He had received what little education he had from foreign missionaries, Catholic and Protestant, and was kindly disposed toward them, protecting them and their converts so far as possible, but unfortunately he had early imbibed habits of intoxication, which were encouraged by the young men who had been brought up with him. Emissaries of France, meantime, and especially Jesuit emissaries, were seeking, in the feigned character of physicians, an introduction into the island, and endeavoring to gain a controlling influence over the weak and amiable young prince, who, it was understood, was to succeed to the throne on his mother's demise. A M. Laborde was the first of these, himself an adventurer, who in his turn introduces another adventurer shrewder and sharper than himself, though not with an entirely stainless reputation. This last, a M. Lambert, who, though of French origin, and professing to be a representative of France, had been for some years a merchant at the Mauritius, succeeded in ingratiating himself into the favor of the prince, and procured from him his signature to a proposition to the French Government to establish a protectorate over Madagascar, and a promise to acknowledge the French emperor as his suzerain; asking only aid to dethone his mother and rule in her stead. Armed with this document, Lambert left Madagascar in 1854, first placing the two Jesuits, professedly physicians, in charge of his royal protegé, and hastened to France. The French Government, before entertaining the proposition, sent Lambert to the British Government with it, and Lord Clarendon, then foreign secretary, promptly refused to coöperate in any such measure. Lambert returned to Madagascar in 1855, and having obtained from the prince, in an unconscious moment, a grant of privileges of mining, timber, lands, and agricultural products, which in reality made him almost the sole proprietor of the island, he once more returned to Europe to make provision for the organization of a company to avail themselves of these privileges in an event which he proposed bringing about. He then repaired again to Madagascar with ample presents for the queen, as well as for the prince and princess, and in concert with the Jesuits, and some other Frenchmen on the island, the adventurous traveller, Madame Ida Pfeiffer, and the friends of the young prince, though probably not the prince himself, concerted a scheme for the assassination of Ranavalana. The conspiracy was revealed before the time for its consummation, and the queen, sending back the presents, banished the Frenchmen from the island; first detaining them for nearly nine weeks in the marsh and jungle, whose miasma is almost certain death to Europeans, and put the native conspirators to death.

At length, in 1861, the queen died, not by violence, but in her bed, and though Ramboas-

asalama, the really legitimate heir, and the known exponent of the late queen's policy, sought to murder the young prince, Rakoto, the voice of the people was so strongly in favor of the latter, that he was, with but slight opposition, proclaimed king, under the title of Radama II. His first measures were such as to win general approval. He did not put his rival to death, as custom among the Hovas would have justified him in doing, but contented himself with banishing him to his estates. He proclaimed toleration of all religions, and the free admission of foreigners into the kingdom; made treaties of commerce with England and France; encouraged schools, and prohibited the *tanguin*, and seemed destined to renew and improve the golden days of the reign of Radama I. But his best friends saw with pain that his intemperate habits were fast enslaving him, and that under their baneful influence he was developing a disposition to cruelty and superstition, which had not hitherto been supposed to belong to his character. The adventurer Lambert was still a boon companion, and had been created by him Duke of Imerana, and he had gathered around him a bodyguard of young debauchees, mostly his early associates, who were named *mena-maso* or "red eyes," from the pretence that excessive watchfulness in the king's interests had inflamed their visual organs. These young men were from the southern portion of the island, and were a different race from the old counsellors of Radama I., and thus the jealousy of caste was added to the prejudice to which their depraved conduct gave rise. Early in the year a strange epidemic, akin to the tarantulism of the middle ages, the convulsionary excitement in France, or the jerks of Sweden and Lapmark, a few years since, broke out in the capital and the adjacent provinces. The persons affected leaped, danced, howled, saw visions, and heard voices from the invisible world; they brought to the king messages from his mother and from the late king, and announced to him that if he did not stop the praying, some great calamity would befall him. Radama II., though at first incredulous, soon gave heed to these professed revelations, collected the convulsed persons at his palace, sought to communicate with the dead through them, and demanded that they should receive idolatrous honors as they passed through the streets. Under the dictation of these fanatics, and the *mena-maso*, the king now began to entertain the idea of arresting the progress of Christianity, by assaulting a number of the Christians and the leading statesmen who were opposed to him on political grounds. On the 7th of May he announced to his ministers that he was about to issue a decree, that if any person or persons wished to fight with fire-arms, swords, or spears, they should not be prevented, and that if any one were killed the murderer should not be punished. This was something more than the recognition of duelling; it was a declaration of civil war, with a promise of immunity to all who took part in it. The object of this strange decree was to protect the perpetrators of the intended assassinations from punishment. The ministers, after a day's deliberation, came to the palace and besought him, on their knees, in the name of the people, not to issue the decree, but he insisted on doing so. Finding all remonstrance vain, they withdrew, and the foreigners having left the capital, the officers and chief men met at the prime minister's to concert measures for compelling the king to change his purpose and give up the *mena-maso* to punishment, for it was universally believed that this was one of their projects. A list of thirty-three of these dissolute young men was drawn up; ten of them were seized and executed, and most of the remainder made their escape to the stone house, a portion of the king's palace. The officers sent envoys to the king demanding the revocation of the decree and the surrender of these favorites. Seven times they presented these demands, and seven times were refused; at last, terrified at the gathering storm, he yielded in part, consenting to surrender his favorites on condition that their lives should be spared, and that their only punishment should be perpetual imprisonment; but the concession came too late. The *mena-maso* were seized and marched away to be executed the next day, and the next morning the king was strangled by the conspirators. The throne was offered to the queen with a written constitution, by which she was to be bound in ruling the nation. If she consented to accept this, she would be their ruler; if she declined it, it would be offered to another, and her fate could hardly be doubtful. After receiving some explanations she gave in her adherence to the new form of government, and took the oath to observe the constitution. The nobles then said: "We also bind ourselves by this agreement: if we break it we shall be guilty of treason, and if you break it we shall do as we have done now." The constitution was then signed by the queen, and by the prime minister as the representative of the nation, and Rabodo I. was proclaimed Queen of Madagascar.

Rabodo is a niece of the late queen Ranavalana, and it is said was, like her aunt, in favor of persecuting the Christians. She is represented as a woman of great energy of character, and though she pleaded earnestly for the preservation of the life of the king, and to prevent bloodshed, she had not been on good terms with him for some years. Another wife, a slave, was his favorite, but he had threatened to kill her if she became a Christian.

The constitution thus summarily adopted as the organic law of the nation, is a singular document, but evinces a more extended knowledge of constitutional governments than most of the Hova nobles could well be supposed to have possessed. One of its first articles is that "her majesty shall not drink intoxicating

liquors," a wise provision, when it is remembered that Radama I., Ranavalana, and Radama II. were all given to this besotting vice. It also abolishes the use of the tanguin. Other provisions are the following:

"The word of the sovereign alone is not to be law, but the nobles and heads of the people, with the sovereign, are to make the laws.

"Pefect liberty and protection are guaranteed to all foreigners who are obedient to the laws of the country.

"Friendly relations are to be maintained with all other nations.

"Duties are to be levied, but commerce and civilization are to be encouraged.

"Protection, and liberty to worship, teach, and promote the extension of Christianity, are secured to the native Christians, and the same protection and liberty are guaranteed to those who are not Christians.

"Domestic slavery is not abolished, but masters are at liberty to give freedom to their slaves, or to sell them to others.

"No person is to be put to death for any offence, by the word of the sovereign alone; and no one is to be sentenced to death till twelve men have declared such person to be guilty of the crime to which the law awards the punishment of death."

During his short reign, and in the early portion of it, Radama II. made treaties of friendship and commerce with Great Britain and France, and both nations, on the ratification of the treaties, sent magnificent presents (the Emperor and Empress of France crowns for the royal pair, and the Queen of England a Bible), to be presented on the day of the coronation, which took place September 23d, 1862. These treaties are alike in their provisions, and are intended to encourage commercial relations between the respective countries. They have been acknowledged by the new Government. The adventurer Lambert, however, mindful of his own interests, had taken advantage of the besotted condition of the king to induce him to recognize and confirm the grant he had made to him in 1855, before coming to the throne. No monarch in his senses would ever have made such a grant to a foreigner, or even to one of his own subjects. The following are some of the items of this grant:

CHAP. I. We authorize J. Lambert to form a company, having for its object the working of the mines of Madagascar, the forests, and the lands situated on the coasts and in the interior. The said company shall have the right of making roads, canals, building yards, establishments of public utility, of coining money with the king's effigy; in a word, it shall do all that it may deem calculated to promote the good of the country.

CHAP. II. *Art.* 1. We grant and concede to the company the exclusive privilege of working all the mines in Madagascar, including those already known, and those which may hereafter be discovered.

Art. 2. We grant and concede equally to the said company, as well for itself as for those whom it may admit to take part in it, the privilege of choosing, on all the coasts and in the interior of the country, any unoccupied lands to be put into cultivation. In consequence the company shall become proprietor of the lands which it shall have chosen, as soon as it shall give us notice of having taken possession of them.

Art. 3. The company shall not pay any duties upon the ore produced, nor upon the profits made upon it.

Art. 4. The produce of the working of the mines of Madagascar, and upon cultivation, shall enjoy the privilege of free exportation without duty. Its [the company's] property shall not be liable to be burdened with imposts. What shall be brought in for the company shall pay no duty.

Art. 5. We relinquish to this company all the mines of Soatsimanampiovana, so as to put them into condition for the immediate employment of laborers. We also give to the company the house at Soanierana to establish there the headquarters of its administration.

The company, for its part, engages to assist to the best of its power the king's projects for the amelioration and civilization of the country; and on the 12th of September, 1862, Lambert added a clause, in which he promised to give to Radama II., and his successors, ten per cent. on the net profits.

The company was formed at Paris, and was authorized by an imperial decree, dated May 2d, 1863. The arrangements of the company for choosing lands are admirably comprehensive. They are to choose: 1. All such as from vicinity to the ports are likely to become centres of population. 2. Those situated along the course of navigable rivers. 3. The unoccupied land nearest to the Hovate ports and to the actual existing centres of population 4. The fertile lands in the most healthy localities. 5 and 6, in the neighborhood of forests, and where gum and caoutchouc are procurable. 7. Lands suitable for pasturage and rice. 8. Wherever it may be presumed that there are metallic and mineral riches.

Ten days after the authorization of this company, Radama II. was strangled, and the new Government, while acknowledging and confirming the commercial treaties, at once repudiated these grants. Indeed the Constitution adopted at the accession of Rabodo, or as the natives style her, Rasoahéry Meujaka (the beautiful and strong sovereign), closes with this article: "Rasoahéry succeeds directly to Ranavalana. Radama II. is as if he had never existed; his body is deprived of sepulture." Thus directly does it disavow all his acts and decrees, except such as may be reënacted by the reigning sovereign. The French Government are unwilling to relinquish the grant which Lambert secured from the late king. In the October number of the *Revue des Deux Mondes* an article appeared, entitled "*La France et Madagascar*," written by M. Henri Galos, avowedly deriving its facts from administrative sources, and evidently inspired by the French Government. This article, after stating the French claims, urges the propriety of inciting the coast tribes of Madagascar, now subject to the Hovas, the Sakalavas, Betsinsoracas, and Betonimenes, to rise against the dominant race, and to afford them French assistance, that the Hova Government being overthrown there may be a better opportunity for France to claim from the conquering party

the fulfilment of the claims now made in virtue of this grant. The moral obliquity of such a course, which would throw the country back into the barbarism from which it is but just emerging, to satisfy the greed of a trading company, and compel the confirmation of an unjust grant, seems not to have occurred to the writer; but on a question where the moral sympathies of all Christendom would be opposed to her, France cannot afford to ignore the ethical bearings of her action.

MAGNESIUM. H. Sainte-Claire Deville and H. Caron describe (*Ann. de Chim. et de Physique*, lxvii. 340) their most recent and improved method of obtaining this metal in absolute purity, with an account of its properties in that condition. The pure metal has a density of 1.75, is very ductile, and when burnished affords plates of a slightly bluish or violet tint, and of great lustre. The surface tarnishes in the air, but not more rapidly than that of zinc, and the oxidation is never very deep. The metal fuses at about the fusing-point of zinc; a little above this it burns with an intensely brilliant flame. The preparation of the pure metal magnesium, as in the case of pure aluminium, is growing into importance in connection with the arts and with commerce; and it has been suggested that the former metal may at no distant day become extensively used as a substitute for silver.

MAINE. The political campaign in this State commenced on July 1st, when a convention of the Republican party, numbering nearly 1,300 delegates, from 300 towns, assembled at Bangor, to nominate candidates for Governor and other State officers. The call for the convention was made by the Republican State Committee, but embraced all persons in favor of sustaining the administration in its efforts to subdue the rebellion. On the second ballot Samuel Cony was nominated as candidate for Governor; and subsequently a series of resolutions were adopted declaring, in substance: First—That it is the solemn duty of all loyal men to take a firm stand in favor of the national administration in conducting the war. Second—That the convention would "unite as one man in sustaining the civil and military policy and measures of the Government, without qualification or reservation." Third—That those assemblages of northern citizens who had protested against the arrest of persons engaged in discouraging enlistments, "while they have expressed no execrations against the foe now invading the free States," were not to be trusted as counsellors in the present crisis of the country; and Fourth—That Vice-President Hamlin and the two Senators in Congress be requested to repair immediately to Washington and urge upon the President "the importance and necessity of placing along the coast a sufficient naval and military force to protect the commerce of the country from the piratical depredations of the rebels." Mr. Cony, who had in the previous year been a prominent member of the party known as the "War Democrats," and had canvassed the State in favor of the election of Jameson, the candidate of that party, accepted the nomination and the platform of principles established by the convention, and during the succeeding canvass the Republicans and the War Democrats, by whom he was supported, formed an organization under the name of the Union party.

On August 6th, the Democratic party met in convention at Portland, about 900 members being present, and organized by the choice of Samuel Jaycox, of Fairfield, a former Whig, as president. The prominent candidate for Governor was Bion Bradbury, who had been selected in the same capacity the previous year, and as doubts existed in the minds of several delegates as to the views which he held respecting the conduct of the war and the policy of the administration, a letter from him on the political position was read to the convention. The following extracts indicate the purport of this communication:

> The convention has most important duties to perform. It assembles amid the unspeakable horrors of a bloody and desperate civil war. The country is oscillating between despotism and anarchy. The long continuance of the war has stirred the deep passions of men. The voice of reason is almost drowned in the terrific storm that rages around us, and madness rules the hour. The times and the occasion demand calm deliberation and the exercise of the highest wisdom and the noblest patriotism. All mere party views sink into insignificance, and the intensely absorbing question arises, what can be done to save the country from impending ruin? It seems to me that the hope of restoring the Government rests in the united action of all conservative men, in resisting the fanatical spirit of radicalism largely pervading the land, which now controls, with its revolutionary doctrines, and pernicious influence, the counsels of the present national administration, and in substituting in its stead an enlarged patriotism and a liberal statesmanship which look alone to the conservation of the Constitution and the restoration of the Union with all the rights of the States unimpaired.

After recapitulating what he considered the arbitrary and unjust acts of the administration, he continued:

> Are the people of Maine ready to concede the claim set up by the national administration to that despotic power which could deprive them of their dearest rights and most sacred privileges—of all those noble guarantees affecting life, liberty and property, which are secured to them by the grand old Constitution established by their fathers, as the embodiment of the great principles upon which rests the base of the mighty fabric of the Government? I believe the people will never acquiesce in such doctrine. * * * *
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> But opposition to the present war policy and war measures of the administration is not opposition to the Government. The administration is not the Government. Those in authority are but the agents of the people to carry on the Government under the Constitution. They may exceed or pervert their constitutional powers—they may destroy the Constitution itself. Under such circumstances, to oppose the administration is to support the Government.
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> To uphold the Government, to maintain the Constitution, to restore the Union as it was—is the first duty of every citizen. To fail in the duty is to be false to ourselves, to posterity and to the great cause of constitutional liberty, and it is equally a duty to protest

against a policy calculated to prolong the war and subvert the Constitution.

This letter proving satisfactory to the convention, Mr. Bradbury was nominated by a large majority. A series of resolutions was also adopted. The first three announced the devotion of the Democracy to the Constitution and the Union. The next announced that in the opinion of the convention the war was conducted by the present administration "not for the restoration of the Union, but for the abolition of slavery and the destruction of the Union." The next declared that the "people are the only lawful sovereign in this country;" that public functionaries are but the servants of the people, and, as such, responsible to them, and that there is a manifest difference between the Government and the administration of the Government, the latter being merely the agents of the people, subject to their approval or condemnation. The next was in the following terms:

Resolved, That whenever the people of the seceded States or any one or more of such States, shall express their desire to return to the Union, to be represented in the Congress of the United States, and to resume their obligations to the Constitution and the Union, the Democratic party will hail their return with joy, and will freely welcome them back under the protecting folds of the national flag, "with all the dignity, equality and rights of the several States unimpaired;" and we condemn and denounce the new and startling doctrine, now for the first time avowed by the organs of the Republican party, that the extinction of slavery in such States should be made a condition of their restoration to the Union, as a violation of the public pledges of the party, and as a wicked attempt to overthrow the Constitution, revolutionize the Government, prolong the war indefinitely, and finally to establish a military despotism on the ruins of our republican Government.

The next two resolutions protested against interference in elections and martial law, to which succeeded the following:

Resolved, That we unite with the Democracy of the other States, in denouncing the arrest and mock trial by court-martial, and banishment of Clement L. Vallandigham, a citizen of Ohio, for no other reason than words addressed to a public meeting, in criticism of the course of the administration, and in condemnation of a certain military order, as a high-handed outrage upon the rights of the citizen under the Constitution of his own State and that of the United States.

Resolved, That the conscription law, in the opinion of this Convention, is an unnecessary, unwise, unequal and oppressive law—deemed by many to override the Constitution and the rights of the States, and to be destructive of the liberties of the people. While the Democratic party counsel obedience to the laws and respect for the constituted authorities, and deprecate all illegal and violent resistance to the execution of any law, however unjust and oppressive, we believe that common justice requires that the burdens arising under this act shall be assumed and equalized by the State, and we appeal to the administration to suspend the enforcement of this law, until the courts of competent jurisdiction shall have decided that it is a constitutional enactment.

The two concluding resolutions were complimentary to the army, and to Gov. Seymour of New York, who was thanked for his "able stand taken and maintained in defence of the citizen and State as against the encroachments of centralized power."

The following additional resolution was also adopted:

Resolved, That the convention cordially approves every effort of towns to enable, by bounties, its conscript citizens to go to the war, or to obtain a substitute, or to pay to the Government the $300 which it asks in lieu of a substitute, because the conscript law is in force and not yet judicially decreed unconstitutional; and we recommend every town to elect to the next legislature representatives who will support a law to legalize, or to have adopted by the State all such bounties and aid furnished by towns to the conscripts.

The election was held September 14th, with the following result:

Samuel Cony, Union	67,916
Bion Bradbury, Democrat	50,366
Majority for Cony	17,550

The total vote was 118,282, being larger by 30,643 than the vote of 1862. The legislature elected at the same time consisted of, Senate: Union 30, Democrat 1; House of Representatives: Union 120, Democrats 31.

During 1863 ten regiments of Maine volunteers were mustered out of the service of the United States, the terms of their enlistments having expired, and at the close of the year there remained in active service sixteen regiments and one battalion of infantry, one regiment and one company of cavalry, one regiment of heavy and six batteries of light artillery, and one company of sharpshooters. At the same date two veteran regiments of infantry, recruited under the authority of a general order from the War Department, a second regiment and an additional company of cavalry, and a battery of light artillery were nearly ready for the field. A considerable number of men also went into regiments in the field, making between four and five thousand enlisted under the October call of the President for 300,000 men. In addition to the Government bounty of $402 for veteran recruits, and $302 for new recruits, the State, in October, offered a bounty of $100 to all recruits entering incomplete organizations then in the State, and $55 to recruits entering regiments or corps in the field, and, as in 1862, numerous cities and towns paid extra bounties to recruits enlisted within their limits, anticipating legislative grants for legal authority in such cases. These latter bounties were considerably larger than in the previous year, and under the stimulus to recruiting thereby afforded it was hoped that the quota of Maine would be filled without resorting to a draft. As in former years, considerable numbers of the seafaring population entered the naval service, for whom the State has not yet received credit in the apportionment of her several quotas.

The draft ordered by the President proceeded, during the summer months, in a peaceable and orderly manner, and the number of men held for service, or accepted as substitutes, was

about 2,000. Various towns having voted in public meeting sums sufficient to pay the commutations of such of their citizens as might be drafted, Gov. Coburn, in view of the complications and embarrassments which might result from these proceedings, asked the opinion of the justices of the Supreme Court upon the legal questions involved in the following interrogatories:

1. Has a city or town any legal right to pledge its credit to raise money for the purpose of paying the commutations of such of its citizens as may be drafted into the service of the United States under the law aforesaid?

2. Has a city or town any legal right to raise money by taxation to provide commutations for such of its citizens as may be thus drafted?

The Court held that Congress had full power, under the Constitution, "to command all the resources of the nation, the lives of its citizens, to prevent, by any and all proper means, that fearful anarchy which would be so imminent if its dissolution should become an accomplished fact;" that the liability to serve, procure a substitute, or pay the commutation fee, as created by the Enrolment Act of March 3d, was of a purely personal nature; and that the question really amounted to this: "Whether a town can legally raise money gratuitously to discharge the pecuniary obligations of its citizens, or to procure their exemption from military or other service." Such a power, they decided, was not conferred upon the municipal corporations of the State. They concluded their opinion as follows:

Were a town to raise money to be distributed to favored individuals, the tax assessed for such a purpose could not for a moment be upheld. Still less can it be when the obvious and inevitable tendency of it would be to defeat the object for which the act of Congress before referred to was passed. That was an act to raise soldiers, not to raise money. Its preliminary and special purpose was to suppress insurrection by means of an armed force, to be raised in pursuance of its provisions. If one town may assess taxes to pay the commutation money of those who may be drafted, so may all, and the Government would be left without a soldier for its protection, and the nation surrendered into the power of those who are warring for its overthrow. By such a course the wealth and taxable property of the community would be diverted from the defence of the Government, and the resources of the State would be turned to its destruction, by depriving it of the means necessary for its preservation.

We therefore answer each of the interrogatories in the negative.

At the outbreak of the rebellion, the bonded State debt amounted to $699,000. On January 1st, 1863, this had been increased by expenses incidental to the war to $1,472,000, and during 1863 there was added a further war debt of $950,000, making the total debt of the State, on January 1st, 1864, $2,422,000. This increase was caused by the payment of bounties to soldiers and the aid advanced, in 1862, to their families. To provide for the payment of the interest on the public debt, and, in some part, for the other extraordinary charges of the Government, the Legislature of 1863 increased the State tax of that year by the addition of a mill on the dollar of valuation, to the tax of the previous year. In addition to the money expended on account of volunteers, directly by the State, which constitutes a claim against the General Government, there had been expended, at the commencement of the present year, by cities, towns, and plantations in the State, upward of $4,000,000, chiefly for bounties, to which sum large additions have since been made.

The following table represents the condition of the sixty-nine banks of Maine on December 1st, 1863.

LIABILITIES.	
Capital Stock	$8,008,000.00
Circulation	6,019,156.00
Deposits	6,421,005.30
Due to Banks	118,020.42
Profits	759,859.02
Total	$21,326,040.74

RESOURCES.	
Notes and Bills Discounted } Loan	$11,408,348.60
United States Securities. } Loan	3,575,261.16
Real Estate	245,846.00
Due from Banks	4,370,562.06
Bills of other Banks and Checks	1,047,979.44
Specie	678,043,48
Total	$21,326,040.74

In 1862 the Legislature passed an act exempting the State banks, for the space of one year, from the severe penalties imposed by their charters in the event of their suspending specie payments. In 1863 this act was renewed, and in consequence of the imposition by Congress of a tax upon the circulation and deposits of the local banks, the Legislature remitted one half of the State tax imposed upon the banks by their charters.

By a resolution adopted, March 25th, the Legislature accepted, in behalf of Maine, the grant of land guaranteed by act of Congress, July, 1862, to each State, for the purpose of establishing an Agricultural College. A board of thirteen regents was also created, with authority to receive scrip for the land, to locate the same, to examine localities for the proposed college, and to examine and report upon similar institutions in other States.

The comparatively defenceless condition of the Maine seaboard was, from the outset of the war, a subject of much solicitude to her citizens, and, in conformity with resolutions adopted by the State Legislature, and the urgent solicitations of Governor Coburn, the General Government expended, during the year, large sums upon the permanent fortifications in the harbor of Portland, at the mouth of the Kennebec river, and in the narrows of the Penobscot, beside constructing earthworks at Rockland, Belfast, and Eastport, at each of which places two batteries of five guns each were mounted, and single batteries of five guns each at Castine and Machiasport. The northeastern frontier of the State is entirely unprotected, and the only means of defence yet suggest-

ed is the construction of a railroad connecting it with the seaboard, by which an army with supplies and munitions could be speedily concentrated. The excitement on the subject of coast defences was heightened during the summer by the daring exploit of the crew of the rebel privateer "Archer," who, on the night of June 29th, surprised and captured the U. S. revenue cutter "Caleb Cushing," in the harbor of Portland, and carried her to sea. She was pursued by two steamers manned by armed volunteers, overhauled a short distance from the city, and blown up by her crew who escaped in boats, but were speedily captured.

The crops of the State were considerably injured by the drought which prevailed so extensively over the United States, in 1863, the hay crop, one of the chief staples, being much below the average. The demands of the war also caused such a scarcity of laborers that, in many parts of the State, it was a common thing to see women working in the fields.

MARTIAL LAW. A deeply interesting case involving the existence and power of martial law in the sections of the country in which the civil courts were exercising their jurisdiction, arose in the State of Indiana, and on appeal was decided by the Supreme Court.

June 8th, Maj. G. Collins Lyon, chief provost marshal of the District of Indiana and Michigan, issued an order to Capt. Wilcox, provost marshal at Indianapolis, requiring him to issue an order prohibiting the sale of liquor, by any one, to enlisted men. Captain Wilcox thereupon issued the following notice:

"OFFICE OF PROVOST MARSHAL,
INDIANAPOLIS, *June 8th*, 1863.

"All persons engaged in the traffic and sale of spirituous and intoxicating liquors within this city are notified that they are strictly prohibited, from and after this date, from selling the same to any enlisted soldier. A violation of this order, by any person whomsoever, will be visited with severe punishment.

"By order of FRANK WILCOX,
"Captain, and Provost Marshal."

Joseph Griffin was arrested and imprisoned by Capt. Wilcox for an alleged violation of the foregoing military order and notice. After his release he commenced this suit in the Marion Common Pleas, against the captain for false imprisonment. Griffin was licensed to retail to everybody except minors, intoxicated persons, &c., both by the State and Federal Government.

Capt. Wilcox answered the complaint of Griffin by justifying his arrest and imprisonment under the order and notice above set out; and the court held the justification sufficient and a bar to Griffin's suit for damages.

Griffin appealed from the judgment of the Common Pleas to the Supreme Court of the State; the opinion of the Court was read by Perkins, J. After stating the facts of the case, he says:

Legal authority is a justification to a person in making an arrest. Authority appearing on its face to be illegal, is not a justification, and will be no protection for making an arrest.

This case, it may be remarked, does not involve the question of the right, in any person, or body of men, to suspend the writ of *habeas corpus*. Griffin did not apply for that writ in order to effect his discharge from imprisonment. He submitted to that, and then sued for damages for the imprisonment. And, it may be here observed, that the suspension of the writ of *habeas corpus* does not legalize a wrongful arrest and imprisonment; it only deprives the party thus arrested of the means of procuring his liberty, but does not exempt the person making the illegal arrest from liability to damages, in a civil suit, for such arrest nor from punishment in a criminal prosecution.

The real question, lying at the bottom of this case, involves the war power of the President of the United States, that is, his power to act upon martial law without its having been first declared by the sovereign power of the State. If the military could legally arrest and punish Griffin for selling a glass of liquor to a soldier, they could legally arrest and punish him for expressing what they might assume to style a disloyal opinion. If they could not legally punish him for the one, they could not for the other. Could they do either? is the question.

Griffin was not arrested and imprisoned under the civil law of this State, nor of the United States, for he had violated no such law. There is no act of Congress, nor of the State Legislature, prohibiting the sale of liquor to an enlisted soldier. The only law in this State containing such prohibition, when Griffin made his sale to a soldier, was that enacted by the military order of Major Lyon. Griffin was arrested, then, by military authority. Could he be legally arrested, for the cause alleged for his arrest, by that authority, in the place, and at the time it was so made?

Griffin was not connected with the military or public service, was not a spy from the enemy, and was not within military lines. He was a citizen of the State, pursuing, lawfully, his lawful avocation, in the civil walks of life. Had he been a soldier, in the service, he would have been subject to the well-defined code of military law, which requires obedience by soldiers to the orders of their officers, and subjects them to punishment, by such officers, in prescribed modes, for disobedience to these orders. In this case had Major Lyon addressed his order to the soldiers subject to his command, forbidding them to drink intoxicating liquor, or to leave the lines to go where it could be obtained, and the soldiers, subject to his jurisdiction, had disobeyed his order, he might, perhaps, though the point is not now before us for decision, have caused them to be punished by military law. Military men, in the service, are subject to the code of military law, enacted for their government, and to be enforced, in prescribed modes, by military officers. So, legislative bodies administer the *lex parliamentaria*, the law governing legislatures. It is a special law for such bodies. But, as a general proposition, the citizen, in the civil walks of life, is not subject to military orders, nor to the *lex parliamentaria*, nor to punishment by military or parliamentary law. He is governed by the law of the land, administered in the courts of justice. He may, sometimes, be subject to martial law, executed by military officers, as the agents of the king, president, or governor, as the case may be. When the citizen is governed by the military power, he is not governed by the soldier's code of military law, but he is said to be governed by martial law; and this law is perfectly distinct and entirely different from military law to which soldiers are subject. When the military commander, as the agent of the king, president, or governor, governs the citizens, he does not rule them by the code of military law, enacted for the soldiers, as has been said, and for disobedience to which they are punished, but he governs the citizens by arbitrary will. See the "Articles of War," for the government of soldiers, enacted by Congress, in Brightly's Dig., p. 73. We may further illustrate the distinction between governing and punishing those subject to

the military code by military tribunals, and governing the citizen by martial law, which is, in fact, no law, but arbitrary will, by referring to Sections 30 and 38 of the act of Congress of March 3d, 1863.

Such is military law. What is called martial law, is applied to the citizen, by subjecting him to the government of the military in certain exigencies. "Martial law is the law of war, that depends on the just but arbitrary power and pleasure of the king, for, though he doth not make any laws but by the common consent in parliament, yet in time of war, by reason of the necessity of it, to guard against dangers that often arise, he useth absolute power; so that his word is law. However opposed to other authorities, this expresses what is distinctly meant, both in England and in this country, by martial law." —New Am. Cyclop., tit. Martial Law. The question now arises, when and where can the citizen be subjected to martial law? He cannot, certainly, without an act of Congress be subjected to that law except upon necessity—occasioned by force, actually existing or immediately threatened, at the time and place where martial law is exercised. Whether, by act of Congress, martial law could be declared throughout the United States, we need not inquire. See De Hart, Mil. L., p. 17.

Martial law is the law of force, and is employed under two general conditions:

1. In a part, or the whole, of a foreign country, when, being at war with such country, our army may invade it, and expel the governing power from a part or the whole of it.

2. When force may expel the civil authority from a part or the whole of our own territory; or, perhaps it may be said, martial law is exercised in our country, the military being on the spot to execute it, where no civil authority exists. But where the civil authority exists, the Constitution is imperative that it shall be paramount to the military. The right to govern by martial law does not grow out of the mere fact that we have an army; for we have that at all times, in peace as well as in war. The right to govern Indianapolis by martial law does not arise upon the mere fact that soldiers are stationed in the city, or are often marched through it; for soldiers are stationed at different points, and marched from place to place in the country at all times, in peace as well as in war. Yet, in ordinary times, surely the officers commanding them do not claim to govern the citizens, not connected with the army, by martial law.

The right, in the military officer, to govern by martial law, as we have said, arises upon the fact of existing, or immediately impending force, at a given place and time, against legal authority, which the civil authority is incompetent to overcome; and it is exercised precisely upon the principle on which self-defence justifies the use of force by individuals. Robbers and burglars, and in some cases, rioters may be resisted and even slain, in self-defence, by private individuals. That is, there are cases where force must be resisted by force, instead of waiting for the civil authorities. This is the doctrine of Rutherforth, in his Institutes of Natural Law. See Book 1, chap. 19; Book 2, chap. 9. This is the doctrine expressed by the maxim, "*inter arma silent leges.*"

"When the courts of justice be open, and the judges and ministers of the same may by law protect men from wrong and violence, and distribute justice to all, it is said to be time of peace. So when by invasion, insurrection, rebellion or such like, the peaceable course of justice is disturbed and stopped, so as the courts be as it were shut up, *et silent inter arma leges*, then it is said to be time of war."—Coke upon Littleton, as quoted in Law. Wheat. Int. Law, p. 525.

There is another maxim sometimes quoted in connection with the above from Cicero, which deserves a moment's notice: *Salus populi suprema lex*—the good of the individual must yield to that of the public. This maxim, also, is acted upon only locally and temporarily. Broom says of it: "Hence there are many cases in which individuals sustain an injury for which the law gives no action; as when private houses are pulled down, or bulwarks raised on private property, for the preservation and defence of the kingdom against the king's enemies. The civil law writers indeed say, that those who suffer have a right to resort to the public for satisfaction, but no one ever thought that the common law gave an action against the individual who pulled down the house or raised the bulwark, and the reason is that a man may justify committing the private injury for the public good, as for instance, the pulling down of a house, if necessary, in order to arrest the progress of a fire." —Broom's Maxims, p. 1. See the subject of this maxim well discussed in 2 Kent, 338, *et seq.*

These two maxims, and their application, illustrate and define martial law, under absolute governments; and, for the purposes of the case at bar, we shall concede the right to exercise that law, as thus defined and applied under our Government, limited, as all its departments are, by a constitution. It is the law of force, applied to govern persons and places whence the civil law is expelled; its officers rendered unable to execute it, by forcible resistance. This right, thus temporarily and locally to exercise martial law, in case of necessity, is the war power of the Governor of a State and of the President of the United States, and it is all the war power that either possesses by virtue of which he can assume to govern independently of the civil law; and this war power each executive usually exerts through his subordinate military officers.

This may be further illustrated by examples.

During the administration of Governor Wright, as the Executive of this State, it was alleged that a rebellion existed in Clay county—that the officers of the civil law were overpowered by force. Governor Wright, as commander-in-chief of the military power of the State, sent a military force to the county, the commander of which, as the representative of the Executive, would, if necessary, govern that locality by the war power, till the civil law could resume its sway; but because there was forcible resistance to law in Clay county, did that fact authorize Governor Wright to overthrow the civil authorities in the whole State, and assume unlimited arbitrary power, to be exercised through military officers?

During the administration of Washington, as President of the United States, a rebellion occurred in Western Pennsylvania, on account of the excise law; the civil power was overcome in that portion of the State. General Washington sent thither a military force, and, within the limits of the territory from which the rebels had expelled the civil power, and for just the time necessary to restore the ascendency of that power, Washington, by his generals, might have found it necessary to govern by the war power. So Washington understood this question, and he instructed his officers accordingly. See Irving's Life of Washington, vol. 5, ch. 25.

Rhode Island presents a different example, but strictly within the same principle; an example where the rebellion was not local, but throughout the entire State, and called into exercise the war power of a Governor of the State. Rhode Island was governed upon a royal charter granted by King Charles the Second. The people petitioned for a convention to form a new and more democratic constitution. The legislature, year after year, denied the petition. The people finally took the subject into their own hands, called a convention, formed a new constitution, and were proceeding, a great majority of the people engaging in the undertaking, in 1842, to overthrow, entirely to extinguish the old government, and put the new one into operation in its place. Force was resorted to on both sides. The contest was not local, but extended to every foot of territory in the State. The legislature of the old government passed an act authorizing the Governor of that government to en-

force martial law; he thereupon announced it by proclamation, and then exercised it to the extent of forcible resistance to the old government, which was throughout the whole State. New Am. Cyclop., tit. Dorr; Burke and Causin's Reports to House Rep. in Congress in 1844; Luther v. Borden, 7 How. (U. S.) Rep. 1. The charter Governor, King, also called on the President of the United States for aid to put down the rebellion; the President tendered it, and the people of Rhode Island were crushed by military power.

The right, then, of the President to temporarily govern localities, through his military officers, he derives solely from the fact that he is the commander-in-chief of the army, and is to see that the laws are executed; and he can exercise it to just the extent that, and no further than, by the laws of war, a commanding general in the army of the United States could do it. Where the laws are, or may be, executed without the interference of the President, by his military, he has no right thus to interfere.

The President does not derive his war power from his oath to support, protect, and defend the Constitution. That simply obliges him to obey the Constitution himself, and to use the power which that instrument confers upon him, and none else, to cause others to obey it. He does not derive his war power from the right to suspend the writ of *habeas corpus*. We do not think he possesses that right, under the Constitution. We think that is an act of legislative power which can only be performed by Congress; and, even when rightly suspended, it does not justify an exercise of the war power beyond the necessities of the case, but simply takes away the means of obtaining liberty when illegally deprived of it. Simply because the *habeas corpus* is suspended, is it right to destroy every man's liberty and property? The right, in a case of emergency, to exercise the war power, temporarily and locally, supposing that power to exist at all, under the Constitution, does not depend upon the fact of the *habeas corpus* being suspended, or not suspended.

The war power of the President, then, may be stated thus: He has a right to govern, through his military officers, by martial law when and where the civil power of the United States is suspended by force. In all other times and places the civil excludes martial law—excludes government by the war power. Where force prevails, martial law may be exercised. But in all parts of the country where the courts are open and the civil power is not expelled by force, the Constitution and laws rule, the President is but President, and no citizen, not connected with the army, can be punished by the military power of the United States, nor is he amenable to military orders. If, in such parts of the country, men commit crimes defined by law, they must be punished according to the Constitution and the law in the civil courts. If, in such parts of the country, men have not perpetrated acts constituting, in law, crimes, their arrest, trial, and punishment by military courts is but a mode of applying Lynch law; is, in short, mob violence.

Having ascertained the principle by which the legality of cases of military arrest and punishment is to be tested, we are now prepared to proceed to the application of the principle to the case at bar.

The existing rebellion in the United States, vast as is its extent, is not general, but local. It is confined to the Southern States. It is a sectional rebellion. The theatre of force where the civil tribunals are closed is sectional, bounded by geographic lines. It is limited to the slave States. This has been unanimously decided by the Supreme Court of the United States in the Prize cases. 2 Black's Rep., p. 635.

No one of the Northern States, constituting as they together do, a decided majority of all the States, desires to overthrow the Constitution of the United States, or to withdraw from under its operation; nor do any considerable portion, perhaps not any, of the people of such States manifest any desire to resist the legal execution of the Constitution and laws. Resistance to illegal arrests and mob violence is not necessarily resistance to the Government. The courts, in all the Northern States, are and have been open. But the Southern States are attempting, by violence, to sever the Union, and the Government of the United States and the people of the Northern States are attempting, as they assert, to prevent the severance of the Union of these heretofore united States. Such is the object, on both sides, of the war, not to maintain or overthrow the old legal Government of the United States, but, on one side, to continue the existence of, and on the other to sever, the territorial unity of the nation. And the opposition to the Administration (not the Government), in the quiet, law-abiding States of the North, is not forcible, but a peaceful difference, and conflict of opinion and argument as to the cause of the rebellion, and the measures which should be pursued as best calculated to restore territorial unity, under the government of our fathers, with the least destruction of property, the least sacrifice of life and constitutional liberty, and in the shortest possible time. And the question now is, does such peaceful conflict of opinion and argument justify the Administration in subjecting those who differ with it to the military power? For the case at bar, though perhaps not of that description in its facts, yet rests entirely upon the principle, as we remarked at the outset, of governing by martial law; as it would not be pretended that the military could make such arrest of the citizen as that involved in this case, in time of peace. We have found no legal principle that will justify such a course. We know of no precedent for such an exercise of the war power as that above propounded, viz.: of subjecting opponents, simply in political opinions, to martial law for expressing those opinions; for such opinions are not force, nor is the expressing of them force, nor is it a crime by any law of the land.

We feel constrained, then, to come to the conclusion that the war power of the President is limited to the simple right of exercising martial law, simply as a military chief, locally and temporarily, where actual or immediately impending force renders it a military necessity. No other doctrine can be reconciled with the Constitution of the United States, or is compatible with the liberties of the people.

The next question that arises is, how is the existence of the fact that the civil power is superseded by illegal, forcible resistance, to be ascertained? Is it a fact to be proved on the trial, or decided by the Court upon judicial knowledge? If the former, there is no averment in the answer of the existence of such fact, and it was bad for that reason. If the latter, we are able to state, with a feeling of complete assurance, that there has at no time been any forcible resistance on the part of the people to the civil power, in the city of Indianapolis, which the officers of the law were not easily able to overcome, when disposed to do their duty. The courts have at all times been open, and there are a sufficiency of them here, including those of the City, State, and United States, to meet the public necessities. And, extending our observation from the city to all parts of our commonwealth, we are proud and happy in being able to say, in honor of the people and State of Indiana, that all the citizens of the State, with scarcely an exception, if indeed there is one, are, and always have been, eminently true and patriotic, and remarkably patient. Judge Leavitt, in the Vallandigham case, we regret to say, assuming to speak by judicial knowledge, but beyond question upon false and slanderous information, of the people of this State, charges that a portion of them are affected with the rankest disloyalty. Our judicial knowledge is thorough to the contrary. The people of Indiana are all for the Constitution, the Union as formed by it, and the laws enacted pursuant to it. No one is opposed to the Government (using that word in its proper

sense, and not as meaning the Administration), but only where opposition is expressed to any proceeding, to acts believed to be illegal and tyrannical, as perpetrated by individuals. The people of the State, in the language of an illustrious statesman now no more, are for LIBERTY and UNION, *one* and *inseparable, now and forever*. They are, as we said above, and again repeat, devoted to the *Constitution*, the *Union*, and the *laws*, and with one accord, unite in the invocation—*Sunto perpetuæ*.

The judgment below is reversed with costs.

MARYLAND. The most important events in the general history of Maryland during the year relate to the invasion of the State by the enemy, the progress made toward an emancipation of the slaves, and the civil and military administration of affairs. The object of the enemy at the time of the invasion was generally supposed to be the capture of Baltimore and Harrisburg, with such other advantages as might follow from this success. This impression was created at Baltimore by southern statements of the design of the campaign. The idea was there foreshadowed and enforced that it was not good policy on the part of Gen. Lee to begin "by alarming greatly the hostile populations and give them warning to run off their herds and flocks, so as to leave the country waste before him;" but that with the Federal commander "once well cleared out of his path, he can throw the whole Confederate army into Pennsylvania, wide-winged, far-stretching, in one vast, combined movement, enveloping Washington on the one side, Harrisburg on the other, and so forward! forward! till our red battle flag reflects itself in the Delaware." For details of the movements of the armies *see* ARMY OPERATIONS.

Considerable excitement was created in Baltimore on the evening of June 29th, by a report that a body of the enemy's cavalry had appeared at Westminster, and had attacked a body of Delaware cavalry and driven them within seven miles of the city. At eleven o'clock at night the signal agreed upon by Gen. Schenck was made by the fire bells to call the citizens to arms for the defence of the barricades. The signal corps stationed on the different roads had fired rockets, announcing the approach of a hostile cavalry force on the Reisterstown road. Through some parts of the city the cry "To arms! To arms!" was shouted, and men with muskets in their hands were seen running to and fro and rapidly assembling at the points of rendezvous. In half an hour several thousands were in arms, and the headquarters of Gen. Schenck were surrounded with bristling bayonets. Quiet was soon restored in the city, and considerable enthusiasm, but no panic, prevailed. The number of the citizens collected at the barricades was between five and seven thousand. All the military in the city were called out and kept under arms all night. No force of the enemy appeared. The mistake arose from the announcement of the movements near Westminster. On the next day the following order declaring martial law was issued by Gen. Schenck:

HEADQUARTERS MIDDLE DEPARTMENT,
8TH ARMY CORPS,
BALTIMORE, *June 30th*, 1863.

The immediate presence of a Rebel army within this Department, and in the State of Maryland, requires, as a military necessity, a resort to all the proper and usual means of defence and security. This security is to be provided against known hostilities and opposition to the lawful and National Government from every quarter and in every form.

Traitors and disaffected persons within must be restrained and made to contribute to the common safety, while the enemy in front is to be met and punished for this bold invasion. Martial Law is therefore declared, and hereby established in the city and county of Baltimore, and in all the counties of the Western Shore of Maryland.

The Commanding General gives assurance that this suspension of the civil Government within the limits defined shall not extend beyond the necessities of the occasion.

All the civil courts, tribunals and political functionaries, of State, county or city authority, are to continue in the discharge of their duties as in times of peace; only in no way interfering with the exercise of the predominant power assumed and asserted by the military authority.

All peaceful citizens are requested to remain quietly at their homes, and in the pursuit of their ordinary vocations, except as they may be possibly subject to calls for personal services, or other necessary requisitions for military purposes or uses hereafter.

All seditious language or mischievous practices tending to the encouragement of rebellion are especially prohibited, and will be promptly made the subject of observation and treatment.

Traitorous and dangerous persons must expect to be dealt with as the public safety may seem to require. "To save the country is paramount to all other considerations."

When the occasion for this proclamation passes by, no one will be more rejoiced than the Commanding General, that he can revoke his order and return to the normal condition of a country at peace, and a Government sustained by a united and loyal people.

ROBERT C. SCHENCK,
Major-General Commanding.

At his request, also, two gunboats were placed by Com. Dornin near the end of Broadway, and one at the bridge on the western side, in positions to bear upon the city and its approaches.

At the same time Morrisville was visited by the cavalry of the enemy; also Sandy Spring, Laurel, and other places. Horses, cattle and forage were taken, but no persons were impressed into their army. No returns have been made of the loss of the citizens of the State in consequence of this invasion. The destruction on the Baltimore and Ohio railroad embraced a range of eighty miles between Harper's Ferry and Cumberland. Twelve large bridges were either burned or blown up; eight first-class water stations were destroyed, and most of the valuable machinery and fixtures removed; more than thirty miles in length of the best kind of telegraph wire were taken away, and a thousand supporting poles were cut down; over seven miles in length of heavy new iron railway track, which had been used only five months, were torn up from its bed of stone ballast, and eighteen thousand of the largest oak and chestnut crossties on which the rails were laid—rails and ties were burned together, and thus the iron rendered unfit for use. The road

was soon, however, again repaired. Notwithstanding the repeated destructions of large portions of this road by the enemy, during its last fiscal year it paid into the State Treasury two dividends of three per cent. each on the stock in the main stem of the road, and two other dividends of four and a half per cent. each, on the stock in the Washington branch. On account of capitation tax of passengers over the latter branch, it also paid a sum which made its aggregate payments into the State Treasury $310,512.51, showing it to be one of the most remunerative of the State's investments.

The State assumed the payment of the National Tax of August 5th, 1861, and borrowed $173,587 to aid in this payment. It was not needed for the purpose, and the whole was returned to the creditors with interest, a few months afterward.

The condition of the State Treasury at the close of 1863, is thus reported by the Governor: "The receipts and disbursements for three years reduced to the receipts and disbursements on ordinary account, present the following results:

RECEIPTS.

Receipts for 1861	$960,813.08
Receipts for 1862	1,449,976.12
Receipts for 1863	1,437,075.39

DISBURSEMENTS.

Disbursements for 1861	$1,046,356.41
Disbursements for 1862	1,120,550.37
Disbursements for 1863	953,681.91

"The gratifying result of all the Treasury operations is that at the end of the fiscal year 1863 —with no new debt contracted—with more than $100,000 of the old extinguished, and upward of $371,000 paid the General Government—there is a balance on hand of more than a million of dollars, exclusive of the cash to the credit of the Sinking and the School Funds."

"By adverting to the tables which accompany the Comptroller's Report, it appears that whilst the apparent debt of the State on the 30th of September last, was $14,793,742.51, yet, under the system pursued of annually investing the accruing interest of the Sinking Fund in the bonds of the State, that fund is at present the holder of upward of half that portion of said debt, for which the State is required to provide interest; for deducting from the above amount of apparent debt the sum of $3,269,321.11, the interest on which is provided by the Baltimore and Ohio Railroad Company, and the whole debt of the State on which she is in fact required to pay interest, is reduced to the sum of $11,524,421.40: and of this there was held by the Sinking Fund, on the 30th of September last, the sum of $5,649,656.83, and on other bonds to the amount of $144,423.39 have been purchased on account of that fund since that day, making the present amount held by the Sinking Fund, $5,794,080.22, or more than a moiety of the interest bearing debt of the State."

The condition of the Treasury was considered to be so prosperous, that the Governor refrained from recommending the total repeal of all direct tax laws, only through a consideration of the demands which might arise in consequence of the existing war. A restriction of the rate of taxation, however, he recommended.

There is no uniform school system in the State. In some counties commissioners are elected by the people; in others they are appointed by the Orphans' Court, in others by the county commissioners, and in others still, the courts or the Commissioners perform the duties. Little uniformity exists also in the mode of taxation for this object.

An enrolment of the State militia made in 1862, gave the number between eighteen and forty-five years of age, as 95,442 citizens. After deducting all exemptions for physical disability and other causes, recognized in the State law, there remained 57,558 men subject to military duty. The force sent into the service of the United States and raised for home defence, was fifteen regiments and two companies of infantry; two regiments and two battalions of cavalry, and five companies of light artillery.

There are no institutions for the deaf mutes and blind in the State. Such youthful persons are educated by the State in the institutions of Pennsylvania. The penitentiary of the State pays a fair profit by hiring the services of its inmates to contractors at a fixed rate.

The value of merchandise exported to foreign countries from Baltimore during 1863, was $8,054,012. The imports during the same time was $4,078,139; of this amount the value of articles free of duty, was $118,738; do. paying duty, $3,959,401.

A part of Maryland is in the middle military department which embraces New Jersey, Pennsylvania, Delaware, Western Virginia, the eastern shore of Maryland and Virginia, and the counties of Cecil, Hanford, Baltimore and Anne Arundel, Md. With headquarters at Baltimore, Gen. Robert C. Schenck was in command until near the close of the year. The difficulties which occurred at Baltimore in 1861, and the well-known sympathy of a considerable portion of the citizens of Maryland at that time with the South, and the importance of the State to the Federal Government, and its location between Washington, the capital, and the northern free labor States, have caused an important military force to be retained within the State. It has been constantly an object with the commanding general to prevent any "aid and assistance" being given to the enemy, by persons in his department. Some examples will illustrate the strictness of the military vigilance in Baltimore. On June 29th two persons, Elmone and Walters, were arrested on a charge of being disloyal and uttering treasonable sentiments. They took the oath of allegiance and were set at liberty. At the same time one Anchor, arrested for "treasonable practices," was examined and paroled.

On the 27th information was communicated to Col. Fish, provost-marshal, in relation to the conduct of Mrs. Julia Sterrett, wife of Capt. Isaac S. Sterrett, late of the United States navy, but now in the rebel service, which induced him to order her arrest. Accordingly, about 4 o'clock in the afternoon, Lieut. Marcus Stirling, of the 1st County Cavalry, proceeded to the family residence, No. 115 North Charles street, and stated the object of his visit, whereupon the door was suddenly closed and entrance refused. The lieutenant then called his guard, which previously had not appeared, and was soon inside. He told Mrs. Sterrett that he had orders to take her into custody, and that she must prepare forthwith to go south. Several persons present remonstrated against the proceedings, and called for the officer to show the authority by which he acted, but he declined complying with their request. But a few minutes elapsed before Mrs. Sterrett appeared, when she was attended to a carriage and driven to the wharf of the Fortress Monroe steamer, and shortly afterward was on her way South. During the proceedings a crowd of four or five hundred persons assembled, and as soon as the lady made her appearance there was a disposition manifested to prevent her departure, but the cavalry in attendance soon cleared the way.

July 7th.—L. Crowther, a British subject, was yesterday before the military authorities, but the nature of the charge did not appear upon the records.

John Brashears was yesterday arrested upon the charge of being disloyal to the Government. Held for an examination.

Frank Airey was arrested on the charge of interfering with the enrolment, and remanded to be examined.

William Muller, an alleged refugee from the South, was arrested, and released upon his parole of honor.

William T. Cronin was yesterday arrested by the officers upon the charge of being disloyal. Took the oath and was released.

Mrs. Elizabeth Cronin was also arrested, charged with attempting to resist the enrolment, but was soon afteward released.

John McCaull, arrested upon the charge of violating the orders of Gen. Schenck, served his term of forty-eight hours' close imprisonment, and was released yesterday.

John Montevre was arrested upon the charge of being disloyal, but took the oath, and is now permitted to keep his soda fountains in operation.

July 11th.—Mrs. E. N. Toy, who keeps the large boarding house corner of Charles and Centre streets, was summoned before the Board of Enrolment, of the Second District, charged with not giving proper information to the enrolling officers with respect to the male boarders of the house. She subsequently furnished the information and was released by the board after being admonished.

John W. McCafferty, J. Casey Barry, and Patrick Lannan were arrested by enrolling officers on the same charge, and were also released on giving correct information, and after being lectured.

Wm. T. Cronin and his wife, residing at Perrymansville, Hartford county, were brought to this city yesterday on the charge of resisting the draft, and taken before Provost-Marshal Cathcart and Commissioner Haverstick. The board, under the circumstances of the case, released the accused after admonishing them of the consequences of a resistance to the law.

The restaurant known as West White House, corner of Baltimore and Greene streets, kept by S. J. Schaffer, was closed yesterday by order of Col. Fish, the proprietor having violated the order of Gen. Schenck in keeping open after the prescribed hour. Schaffer was arrested, but took the oath and was discharged.

Peter Dible, proprietor of a confectionary store on the corner of Baltimore and Schroeder streets, was yesterday arrested upon the charge of being a rebel and keeping his store open after the prescribed hour. He took the oath of allegiance and was released.

July 13th.—John Bosley was arrested by the detectives upon the charge of having powder in his possession. He took the oath of allegiance and was released.

Michael Burke and James Gallagher were arrested upon the charge of abusing the Ethiopians who labor on the fortifications. He was held for further examination.

July 14th.—Thomas Bevan was arrested by Government detectives upon the charge of rendering assistance to rebel soldiers who were wounded, and expressing sentiments of a treasonable character. He took the oath of allegiance, and was set at liberty. Terence McCann was taken into custody upon the charge of receiving letters from the rebel prisoners, and in other respects sympathizing with aiders and abetters of the rebellion. Held for further examination.

Mary O'Keefe and Bridget Jennings were yesterday arrested by the officers upon the charge of giving aid and comfort to rebel prisoners, supplying them with whiskey, &c. Paroled and discharged.

T. J. Huddleston was also arrested upon the charge of having been a soldier in the rebel army and since paroled. He was ordered to be sent across the lines by way of Fortress Monroe. Edward Byrne was taken into custody charged with expressing treasonable language in one of the city hotels. Examined and ordered to be sent across the lines by the Fortress Monroe route.

July 15th.—Patrick Kelly and Richard Johnson were yesterday arrested at Havre de Grace and brought to this city by the military authorities, upon the charge of ferrying deserters across the Susquehanna river. Held for further examination.

Thomas Nash and Laura C. Durdeny were yesterday arrested by a Government detective, upon the charge of giving aid to rebel soldiers. They took the oath of allegiance and were discharged.

Joseph Burrowitch, arrested a few days ago upon the charge of attempting to obtain a pass under false pretences, was yesterday discharged after taking the oath of allegiance.

Terence McCann, arrested on the charge of receiving rebel letters for the purpose of delivery, took the oath and was released.

July 16th.—George W. Joice was arrested by the military authorities upon the charge of expressing treasonable sentiments. He took the oath of allegiance and was discharged. John Berry was also arrested upon a similar charge and held for further examination. George Dean, charged with being a refugee from the South, was examined, took the oath and was discharged. William Bagnal and Robert Bagnal were arrested upon the charge of being refugees from the South. They were proven to be British subjects, and were released upon their parole of honor. James Logue applied for a pass to leave the city, but upon refusing to take the oath of allegiance was held for a further examination.

Edward Leary was arrested yesterday by Policeman Frazier, charged with using seditious language, and was sent before Col. Fish.

Eliza Fleming, charged with aiding and sympathizing with, and Catharine Fendley, charged with throwing bread into the cars to, the rebel prisoners on Canal street last evening, were arrested by Policemen Lamden and Kentzler, and taken before Col. Fish, provost-marshal.

July 17th.—Albert Lee was yesterday arrested by the military authorities upon the charge of being a rebel, and refusing to take the oath. Held for further examination. Julius Maychow, G. H. T. Merger, John Willey, and Charles Heldricks were yesterday at the military headquarters, and acknowledged they were refugees from the South. They were examined and sent north, with the understanding that they are not to return until the war is over, and if they do they are to be treated as spies. Catharine Finley, Thomas Nash, and James Logue were yesterday arrested by the officers, upon the charge of aiding rebel prisoners in their passage through the city. They all took the oath and were released.

July 18th.—Mary Staunton was yesterday arrested

by the military detectives upon the charge of aiding the rebels—took the oath of allegiance and was discharged. Sarah Start was also taken into custody, charged with being disloyal—took the oath and was released. John Lee, upon the charge of being a disloyal man, was arrested—took the oath and was released.

R. W. Newman, who was arrested a few days ago by one of the pickets, at the suburbs of the city, upon the charge of disloyalty, yesterday underwent an examination before Capt. French—took the oath of allegiance and was released.

An inexperienced youth, named Hans W. Reed, was arrested at a late hour on Thursday night, upon the charge of hissing national airs at the Front street Theatre. He claimed to be a British subject, and Col. Fish discharged him with the understanding that his father would control his future conduct.

July 20th.—Colin Mackenzie, arrested a few weeks since upon the charge of recruiting for the South, and for disloyalty generally. Case decided and sent south by way of Fortress Monroe.

William J. Stewart, arrested about one month ago, charged with expressing disloyal sentiments. Sentenced to go south by way of Fortress Monroe.

Richard Johnson, James Church, Dennis Charles Driscoll, George W. Howe, James W. Goodis, Nicholas Owen, William Larkin and John S. Dallam, arrested upon charges of disloyalty and expressing treasonable sentiments, took the oath and were released.

Mrs. Amelia Mariner, arrested upon the charge of aiding rebel prisoners and expressing treasonable sentiments, took the oath and was released. Lucy Smith and Stevenson Hiss, arrested upon the charge of cheering for Jeff. Davis, took the oath and were released. A. J. Shriver, a refugee from the South, took the oath and was paroled.

A few days ago information was given Major-Gen. Schenck, to the effect that a number of slaves belonging to the rebels had been imprisoned for a considerable period in the slave prison of Messrs. B. M. & W. L. Campbell, No. 282 West Pratt street. After due consideration he concluded to discharge and confiscate them; and a member of his staff was ordered to authorize Col. Birney, now engaged in the raising of a negro regiment, to proceed to the place and make a suitable disposition of all therein confined. Yesterday morning Col. Birney, accompanied by a small guard, proceeded to the place and informed one of the proprietors of the object of his visit.

He then went through the entire establishment and had all the negroes assembled before him. A number of able-bodied men were found belonging to that old and notorious rebel George H. Stewart, formerly a major-general of militia. All these were enlisted in the negro regiment now forming, whilst other slaves belonging to other rebels were set at liberty. A number of persons who heard of the proceedings assembled in front of the building and seemed highly gratified with the proceedings.

July 21st.—Patrick McCarthy, John Kamoragh and D. F. Mahan were arrested on the charge of expressing treasonable language. They were all held for an examination. Thomas O'Leary was brought from the city jail, where he had been some time upon a similar charge. Samuel B. Wilson was brought in as a refugee from the South, and Henry Kemp and Wm. H. Ward, arrested upon the charge of disloyalty. They took the oath of allegiance and were discharged.

July 22d.—The following cases are recorded on the military police docket of yesterday, at the Gilmer House: Frank McIntire was arrested by the military detectives upon the charge of resisting an enrolling officer; Joseph Beehler was arrested upon the charge of making false representations concerning the position and resources of the enemy; S. Hamilton Davis, arrested on the charge of being a rebel spy; John Krim, arrested upon the charge of being a desperate rebel and with having been in the rebel army. All held for a further examination. Henry Forner, Moses Hitson, Jacob Ensor, and George Lowers were arrested upon the charge of being blockade runners. Held for a further examination. George Chery, arrested upon the charge of disloyalty, readily took the oath of allegiance and was discharged. Patrick Collins was arrested upon the charge of having Government clothing in his possession, and awaits an examination. Lawrence Sands, arrested upon the charge of expressing treasonable language, and Patrick O'Hearn, upon a similar charge, took the oath and were set at liberty.

July 27th.—Owen P. Connolly was arrested and taken to the eastern district station by citizen George R. Lawton, on a charge of wishing that Jeff. Davis would give the Union army ——. He was held for an examination before the provost-marshal.

July 28th.—Michael Foley, arrested about four weeks ago upon the charge of expressing disloyal sentiments, yesterday took the oath of allegiance and was discharged. James Lloyd, Wm. E. Miller, Andrew Hunter, and Henry Mankin were also arrested upon the charge of disloyalty, but were set at liberty after taking the oath.

John Mather, arrested upon the charge of selling liquor to soldiers, remains in custody until a further examination. Joseph Dunker and John G. Biddy, arrested upon the charge of disloyalty and the expression of treasonable sentiments; held for an examination. John Campbell, upon the charge of charging too much hack hire to Federal officers; held for an examination.

July 29th.—David Ross was arrested upon the charge of swearing that he despised soldiers' clothes and all who wore them. Richard R. Lynch, arrested upon the charge of abusing Federal soldiers; held for a further examination. Joseph Dunkell, arrested for using treasonable language, and John Campbell, charged with charging too much hack hire in the case of Federal officers. Both were discharged. There was no proof in the case of Campbell.

July 30th.—William G. Whittingham, and F. M. Hancock, who were arrested upon the charge of expressing treasonable sentiments, yesterday underwent an examination before Capt. French, and were discharged after taking the oath of allegiance. Rev. Peyton Harrison was also arrested upon a similar charge, and held for a further examination. William D. Caldwell and Martha A. Caldwell were arrested upon the charge of being disloyal to the Federal Government. They took the oath of allegiance and were set at liberty. Thomas Davis and Thomas Wicket, arrested yesterday upon the charge of being refugees from the South, were conveyed to the Gilmer House, and now await a further examination. Thomas M. Clark and Adelia Clinton were also arrested upon the charge of disloyalty, but took the oath and were released.

During the month of July arrests were made of 361 persons on various charges by the military authorities. Of the number 317 took the oath and were released, 5 were sent to Fort McHenry, 3 to Washington for the action of the authorities there, 11 to the North, 6 across the lines, and the remaining 19 were held for a further examination.

Aug. 1st.—Shortly after the breaking out of the rebellion a young man named William D. Brown, well known in South Baltimore as a shipbuilder, left here, went south, and enlisting in the rebel army, received a captain's commission. In the recent battle near Gettysburg he received a mortal wound, and was buried by the Federal soldiers. At the instance of his mother, the remains were exhumed and brought to this city and deposited in the public vault of the cemetery. As it was designed to have the body buried in the lot of the family, Mr. Charles R. Coleman, cashier of the Mechanics' Bank, and a relative of the deceased, called on General Schenck, and was assured that no interference would be made provided that the proceedings were conducted without display.

Accordingly, the relatives and friends of the deceased assembled at the cemetery (public notice having been given in the newspapers), and attended the interment, the Rev. Henry Slicer officiating. As soon as the exercises terminated several military officers

appeared and arrested eighteen of the party. They were conducted in carriages to the headquarters of General Tyler, in the Gilmer House, and there remained until about nine o'clock, when Col. Cheseborough, of the staff of Gen. Schenck, appeared and released the whole party upon their promise to appear at Gen. Schenck's headquarters this morning at nine o'clock.

There were many persons at the funeral, including a number of ladies, but the latter were not arrested. Of the parties arrested it should be stated that at least three fourths are unconditional Union men, and developed their love of country even on the 19th of April.

Sept. 12th.—Early yesterday morning the attention of Major-Gen. Schenck was called to the publication in the "Baltimore Republican and Argus" of a piece of poetry called the "Southern Cross." This production, which breathed a strong Southern spirit, had been previously published here, in musical sheets, and suppressed, but, notwithstanding, the proprietors of the "Argus" permitted it to reappear in their paper. An order was addressed without delay to Captain French of the provost-marshal's guard (Col. Fish being sick) to proceed forthwith and arrest the publishers and editor, viz.: Beale H. Richardson, Frank A. Richardson, proprietors; and Stephen J. Joice, principal editor. The two last mentioned were arrested about half past one o'clock at the publication office, corner of Baltimore and Gay streets, and the senior partner at his residence, Saratoga street. They were conveyed under guard to the quarters of Colonel Fish, corner of Eutaw and Camden streets, with strict orders not to be allowed to communicate with any person whatever. Also to send them under guard beyond the Federal lines south, by way of the Baltimore and Ohio Railroad, with the understanding that they shall not return during the war. The wording of the order precluded them from receiving a change of clothing, an interview with the members of their families, or assistance of any kind, and at the hour specified they were rapidly on their way to Dixie.

[Since the first edition of this volume, Mrs. Joice writes: "My husband had no opportunity of obtaining either a change of clothing or a dollar of money to supply his wants in a strange country; and at no time was he allowed to see a member of his family before being hurried away; his wife and children were entirely ignorant of his arrest and banishment until after he was on his way from home." Neither did Mrs. Richardson see her husband or give him clothes or money]. Mr. Beale H. Richardson is about sixty years of age, has published the "Republican and Argus" for a period of about twenty years. His son, Frank Richardson, succeeded to the chief proprietorship of the paper about four years since; and Mr. Joice has been editing the paper about the same length of time.

Arrests were also made for similar causes in several counties of the State.

On the 27th of June General Schenck caused the following order to be issued:

Special Order.

HEADQUARTERS, MIDDLE DEPARTMENT,
EIGHTH ARMY CORPS,
BALTIMORE, *June 27th*, 1863.

There is an association existing in the city of Baltimore known as the "Maryland Club." The meetings of this body, and of those who frequent its rooms, or are entertained by its members, take place at a building on the corner of Franklin and Charles streets. Departing from the original character and purposes of its institution, this club has for a long time past degenerated into a resort for those who are disaffected toward the Government, hostile to its legally constituted authorities, and who give countenance, encouragement, and aid to the unnatural and causeless rebellion by which our institutions and national integrity are sought to be overthrown. So dangerous and mischievous an association cannot be permitted longer to maintain this attitude in a loyal community. The "Maryland Club" is therefore suspended, and its house of meeting taken possession of and closed.

In the execution of the order the names of all persons found in the building, and of all who belong to the association, and of all who habitually frequent it, will be taken, and an inventory will be made of the property and records of the papers of the association, and the same held subject to future orders.

By command of Major-General SCHENCK.
DONN PIATT,
Lieut.-Col. and Chief of Staff.

The building occupied by the club was located on the corner of Franklin and Cathedral streets, and their interior arrangements were said to compare favorably with any similar association in the country. General Schenck, in sending one of his staff to take possession of the building, announced his reasons therefor. The principal one was, that it had degenerated into a political club, whose members were opposed to the Federal Government. A few members were present when the military entered, on Sunday morning. They soon retired. Col. Piatt gave orders that nothing should be injured or removed, and an inventory be taken of the furniture, library, wines, and other stores. A short time afterward the Alston Association Club and the Germania club houses were closed by orders of General Schenck. The object of the former was principally for the promotion of the fine arts, whilst that of the latter looked to the improvement of both mind and body, in reading choice works of science, literature and art, in billiards and other healthful games. The following statement was made by the leading press of the city:

There are many loyal men who belong to these two clubs, whose standing in society is certainly unquestionable, and some of these complain of the execution of an order which deprives them of all the benefits they formerly enjoyed, simply because there are some amongst them who are unfavorable to the present administration. Some members of the Germania have had an interview with Col. Piatt, chief of the general's staff, and have offered to produce their constitution, papers, and lists of members for examination, but they are assured that if all the members will take an oath of allegiance their fine building shall be reopened, and thus the matter stands. The fact is that General Schenck's duties, especially within the past two weeks, have been so onerous, requiring almost constant labor, that he cannot be expected to give such matters a thorough investigation at present. Let the members exercise patience, cultivate a spirit of contentment, and it may be, ere long, that their difficulties and inconveniences will terminate.

On the 2d of July, Gen. Schenck issued a proclamation prohibiting the citizens of Baltimore city and county from keeping arms in their possession unless enrolled as volunteer companies for the defence of their homes. The execution of the order was intrusted to Gen. E. B. Tyler, assisted by the provost-marshal and chief of police. At ten o'clock, Marshal Vannostrand appeared at headquarters, when the 51st Massachusetts volunteers, Col. Sprague, were placed at his disposal. The subsequent proceedings were thus described by the same authority above quoted:

These men acted in concert with the police, and being formed into parties of three and four, were soon

diligently engaged in searching the houses, particularly those occupied by suspected parties. Furniture wagons were provided the parties, and as soon as arms of almost every description were discovered in the dwellings, they were placed therein. In many instances the residences of citizens known to be loyal to the Government were not searched, but from others were gathered muskets, carbines, rifles, revolvers of all kinds, sabres, bayonets, swords, bird and ducking guns, in considerable quantities. Some of the owners took the precaution to attach their names to the weapons taken, in order that they may recover them at no distant day. In some instances parties refused to permit the search, when they were arrested and held for a further examination.

On the 3d of July, Gen. Schenck issued the following proclamation:

HEADQUARTERS, MIDDLE DEPARTMENT,
EIGHTH ARMY CORPS,
BALTIMORE, *July 3d*, 1863.

To-morrow is the anniversary of our National Independence. It will be celebrated here and elsewhere throughout the land, with various forms of public observance. One single and appropriate demonstration all can make. Let every man on that day show his colors. I request and recommend, therefore, that every house and place of business of every loyal citizen of Baltimore shall have displayed upon it to-morrow, from ten o'clock A. M. to six P. M., the American flag. Let this be done, the ensign being large or small, according to the means and opportunities of each person, and the city will be clothed with the glorious and honored emblem of our nationality. If there be any spot where it does not appear, its absence there will only prove that patriotic hearts do not beat beneath that roof. ROBERT C. SCHENCK,
Major-General Commanding.

Some resistance was made to the enrolling officers under the acts of Congress providing for a draft or conscription. In Harford county, in July, the barn of an enrolling officer and another citizen were burned. An assessment was immediately ordered by Gen. Schenck of three thousand dollars, upon "persons known to be disaffected to the loyal Government of the country and encouragers of rebellion, and who reside within six miles from the points where the barns were burnt." Fourteen hundred dollars were assessed in like manner to pay for the destruction of buildings in Anne Arundel county.

The enlistment of colored men for the army occasioned much excitement in the State. The white male population of Maryland in 1860, was 256,839; the free colored male 39,746, and the male slaves, 44,313. Col. Birney was authorized by the Secretary of War, in July, to enlist the free negroes into the service. It was decided by the War Department to credit colored troops to the State, the same as any other troops. The enlistment occasioned the absconding of slaves in large numbers, and led to the discussion of various questions. By those who were non-slaveholders it was urged, that to take away from the State the hearty, strong, and able free blacks who did the manual labor on the farms of the seven comparatively free counties of the State and in the city of Baltimore, would leave those sections of the State without labor, or else compel them, the most loyal sections of the State, to hire slave labor. They said: "It is well known that free white labor will not enter the State to supply the place of the free colored laborer while slavery continues to exist here. This at once gives a new value to the institution which no loyal man desires should be permanent, and which it has been both hoped and conceded the war would destroy, and which, likewise, the Administration has taught us to believe it was its policy to rid us of forever."

It was also urged that the course pursued by Col. Birney of enlisting none but free persons, would double the value of slave property, and indirectly put money into the hands of those hostile to the Government. To avoid such a result, they urged that slaves should bear their proportion of the public burden, and should be enlisted equally with the free persons of color. The views of the expediency of such enlistments brought up the question of its legality. The affirmative was argued in the public press by Judge Hugh L. Bond, and the negative by Governor Bradford. The views of the Government were doubtless expressed in the following letter of Judge Advocate General Holt:

JUDGE ADVOCATE GENERAL'S OFFICE,
August 26th, 1863.

Hon. E. M. Stanton, Secretary of War:

Sir—I have read and carefully considered the letter of the Hon. Hugh L. Bond, addressed to yourself under date of the 15th inst., and mainly concur in his views, which are certainly presented with much force.

The right of the Government to employ for the suppression of the rebellion persons of African descent held to service or labor under the local law, rests firmly on two distinct grounds: First, as PROPERTY: Both our organic law, and the usages of our institutions under it, recognize fully the authority of the Government to seize and apply to public use private property, on making compensation therefor. What the use may be to which it is to be applied does not enter into the question of the right to make the seizure, which is untrammelled in its exercise save by the single condition mentioned.

Secondly, as PERSONS: While those of African descent held to service or labor in several of the States, occupy under the laws of such States the status of property, they occupy also under the Federal Government the status of "persons." They are referred to *eo nomine* in the Constitution of the United States, and it is not as property but as "persons" that they are represented on the floor of Congress, and thus form a prominent constituent element alike in the organization and in the practical administration of the Government.

The obligation of all persons—irrespective of creed or color—to bear arms, if physically capable of doing so, in defence of the Government under which they live, and by which they are protected, is one that is universally acknowledged and enforced. Corresponding to this obligation is the duty resting on those charged with the administration of the Government, to employ such persons in the military service whenever the public safety may demand it. Congress recognized both this obligation on the one hand and this duty on the other, when, by the 12th section of the act of 17th July, 1862, it was enacted that "the President be and he is hereby authorized to receive into the service of the United States, for the purpose of constructing intrenchments, or performing camp service, or any other labor, or any military or naval service, for which they may be found competent, persons of African descent, and such persons shall be enrolled and organized under such regulations, not inconsistent with the Constitution and laws, as the President may prescribe."

The terms of this act are without restriction, and no

distinction is made, or was intended to be made, between persons of African descent held to service or labor, and those not so held.

The President is empowered to receive them all into the military service and to assign them such duty as they may be found competent to perform. The tenacious and brilliant valor displayed by troops of this race, at Port Hudson, Milliken's Bend and Fort Wagner, has sufficiently demonstrated to the President and to the country the character of the service of which they are capable. In the interpretation given to the Enrollment Act, free persons of African descent are treated as "citizens of the United States," in the sense of the law, and are everywhere being drafted into the military service.

In reference to the other class of persons of this race —those held to service or labor—the 12th section of the act of 17th July is still in full force, and the President may in his discretion receive them into the army and assign them such field of duty as he may deem them prepared to occupy. In view of the loyalty of this race, and of the obstinate courage which they have shown themselves to possess, they certainly constitute at this crisis in our history a most powerful and reliable arm of the public defence. Whether this arm shall now be exerted is not a question of power or right, but purely of policy, to be determined by the estimate which may be entertained of the conflict in which we are engaged, and of the necessity that presses to bring this waste of blood and treasure to a close. A man precipitated into a struggle for his life, on land or sea, instinctively and almost necessarily puts forth every energy with which he is endowed, and eagerly seizes upon every source of strength within his grasp; and a nation battling for existence, that does not do the same, may well be regarded as neither wise nor obedient to that great law of self-preservation, from which are derived our most urgent and solemn duties. That there exists a prejudice against the employment of soldiers of African descent, is undeniable; it is, however, rapidly giving way and never had any foundation in reason or loyalty. It originated with and has been diligently nurtured by those in sympathy with the rebellion, and its utterance at this moment is necessarily in the interests of treason.

Should the President feel that the public interests require that he shall exert the power with which he is clothed by the 12th section of the act of 17th July, his action should be in subordination to the constitutional principle which exacts that compensation shall be made for private property devoted to the public uses. A just compensation to loyal claimants to the service or labor of persons of African descent enlisted in our army, would accord with the uniform practice of the Government and with the genius of our institutions.

Soldiers of this class, after having perilled their lives in defence of the Republic, could not be reënslaved without a national dishonor revolting and unendurable for all who are themselves worthy to be free. The compensation made, therefore, should be such as entirely to exhaust the interest of the claimants: so that when soldiers of this class lay down their arms at the close of the war they may at once enter into the enjoyment of that freedom symbolized by the flag which they have followed and defended.

Very respectfully, your obedient servant,
J. HOLT, Judge Advocate General.

These views were subsequently adopted in the action of the Government as appears by the following order of the Secretary of War:

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
BUREAU FOR THE ORGANIZATION OF COLORED TROOPS.
WASHINGTON, *October*, 1863.

In accordance with orders from the President of the United States, the following recruiting stations have been established for colored troops in the State of Maryland: Baltimore; Havre de Grace, Hartford county; Broad Creek, Cecil county; Chestertown, Kent county; Queenstown, Queen Anne's county; Kent Island Landing, Kent county; Oxford, Talbot county; Slaughter's Creek, Dorchester county; Princess Ann Wharf, Somerset county; Forrest Wharf; St. Mary's county; Leonardtown, St. Mary's county; Benedict, Charles county; Lower Marlboro, Calvert county; Monocacy, Frederick county; Hagerstown, Washington county; Annapolis, Anne Arundel county; Ellicott's Mills, Howard county; Cherrystone Creek, Northampton county, Va.; Chesconessex Creek, Accomac county.

All claims by alleged owners of slaves who may be enlisted will be laid before the board appointed by the President, and consisting of Hugh E. Bond, Thomas Timmons, and L. E. Straughn. The board will hold its session at Baltimore, Md.

Rolls and recruiting lists will be furnished the board for public information, and on demand exhibited to any person claiming that his or her slave had been enlisted.

Claims must be presented within ten days after the filing of the said rolls. No claims will be received or entertained from any person who is or has been engaged in rebellion against the Government of the United States, or who in any way has given aid or shall give aid or comfort to the enemies of the Government; and all claimants shall file with their claims an oath of allegiance to the Government of the United States.

Col. Wm. Birney, 2d United States colored troops, recruiting and mustering officer for the State of Maryland, will furnish official copies of all muster-in rolls for the information and guidance of the above board.

Any citizen of Maryland who shall offer his or her slave for enlistment into the military service shall, if such slave be accepted, receive from the recruiting officer a certificate thereof, with a descriptive list of such slave, and become entitled to compensation for the service or labor of said slave not to exceed the sum of three hundred dollars, upon filing with the above board a valid deed of manumission and release, and making satisfactory proof of title; and any slave so enlisting shall be forever thereafter free.

All enlistments will be made in accordance with the provisions of General Order No. 329, current series, War Department.

By order of the Secretary of War:
C. W. FOSTER, Assistant Adj't-Gen'l Volunteers.

Such was the disposition of the slaves to cross the lines and enter the service in the counties bordering on the city of Washington, that patrols were established by the owners to arrest them. Thus most of them were stopped before they reached their destination. It was distinctly asserted by the press in September that in twelve months, with or without slave enlistments, there would not be a slave in Maryland who desired to be free except the aged and infirm.

But another and still more important question came under discussion during the latter part of the year. It related to the emancipation of the slaves. The development of the views on this subject is shown in the movements of the political organizations. On the 23d of May, 1861, a Union State convention was convened at Baltimore which defined the position of the Union men of Maryland, and provided for the appointment of a State Central Committee; under the auspices of this committee a State convention was assembled, officers nominated, and the State election held in November of that year. In the progress of events Union Leagues were organized throughout the State, which were represented by the Grand League of the State of Maryland. In the spring of 1863, the Union men desired a

conference and organization, "that they might be able more effectually to sustain the National Administration in its great struggles." In response to resolutions of a mass meeting in Cumberland on April 30th, the Grand League issued a call for a State convention to assemble in Baltimore on June 16th. The call was addressed to "all persons who support the whole policy of the Government in suppressing the rebellion." Meantime a meeting of Conservative Union men representing about half of the counties of the State was held in Baltimore on May 14th, which resulted in a meeting of the State Central Committee above mentioned, by whom a State convention was called to meet on June 23d. The convention called for June 16th met and adopted the following resolutions:

Resolved, That the unconditional Union men of Maryland ought to vote for no candidate for Congress who does not avow himself in favor of giving a hearty support to the whole policy of the Administration, and pledge himself to enter and abide by the Administration caucus for Speaker of the House of Representatives.

Resolved, That the unconditional Union men of Maryland ought to nominate and vote for no candidate for the General Assembly who does not pledge himself to call a constitutional convention, to assemble at the earliest practicable period.

Resolved, That the policy of emancipation ought to be inaugurated in Maryland.

They made no nominations but appointed a committee of conference and adjourned to the 23d. The only general officers to be chosen at the election in November were a comptroller and commissioner of the Land Office. Members of Congress from districts were also to be chosen. On the 23d both conventions assembled. They were designated, for distinction sake, as the Union League Convention, and the State Central Committee Convention. The Committee of Conference of the former proposed to a like committee appointed by the latter, that both conventions should adjourn *sine die*, after uniting in a call for a third convention to meet at a future day for the purpose of making nominations. The latter committee declined the proposition, and as the former made its adoption an alternative, both committees separated.

The convention called by the State Committee then adopted the following, with other resolutions:

The State of Maryland, faithful as ever to the principles of national unity and independence which actuated our forefathers; firm in its reliance on the Government they founded, and undisturbed in its trust by the two years of war which have deluged our fields with blood, sends these her delegates from every quarter of her territory to renew her solemn pledge to the world in behalf of that Constitutional Government of the United States, which for more than three quarters of a century compelled the respect of mankind and secured the liberty, happiness, and prosperity of all its people.

In testimony whereof, it is by this convention

Resolved, 1st, That we consider it our proud privilege to republish our faith, and to set forth our determination in the face of those enemies of our common country who now stand in hostile array on the soil of Maryland eager to drag her into the vortex of national ruin.

Resolved, 2d, That it is the paramount duty of every citizen to proclaim his unwavering support of the Union of these States as the only safeguard against domestic anarchy and foreign interference; that in the Union and Constitution may be found the quiet, peaceful remedy for every political ill that can befall a just and law-abiding people; and that we should now and forever discountenance every effort, from whatever quarter, to sever the bonds that have so long held us together in harmony as a nation.

Resolved, 3d, That her unquestionable duty is to stand by the constitutional authorities of our country in the firm, unflinching prosecution of a war wickedly forced on us; to rebuke with cordial alacrity every effort to create disunion by the formation of parties or factions opposed to the Government or injurious to the Constitution; and with patriotic zeal, to cast aside all personal predilections; all differences upon subordinate measures of State policy, so that by unity of purpose and unity of action the Union itself shall be redeemed and perpetuated.

Resolved, 4th, That as the sword alone is tendered to us by the enemies of the Union, we have no alternative but the acceptance of that sad arbitrament; that rebellion is not to be conquered by politics; that this convention ignores all issues, local or national, but those of war, until treason shall succumb before an offended people.

A resolution was also adopted declaring that the Legislature, at its next session, should make provision for submitting to the people the question of the call for a constitutional convention. They nominated S. S. Maffit for comptroller, and Wm. L. W. Seabrook for commissioner, and adjourned. The convention called by the Grand League after the failure of the Committee of Conference to agree, nominated H. H. Goldsborough for comptroller, and Wm. L. W. Seabrook, above mentioned, for commissioner. The following resolutions, offered by a member, were unanimously adopted, and the convention adjourned:

Resolved, That the Union men of Maryland are unconditionally such, and in favor of the most vigorous measures for the suppression of the rebellion, and the restoration of the National authority throughout the Republic.

Resolved, That there is no such thing in times of rebellion as supporting the National Government without supporting the Administration of the National Government; that the administration of the National Government is confined by the Constitution to the President, assisted in their several spheres of duty by the administrative departments; and that therefore, while the freedom of speech and of the press should not be arbitrarily infringed, therefore the measures of the President, and the general policy of his administration, should, under the present trying circumstances of the country, be sustained by all true patriots in a spirit of generous confidence, and not thwarted by captious criticism or factious opposition.

The division of the Union men of the State now became complete. One party was designated as Union men and the other as Unconditional Union men; and emancipation became one of the most important subjects of discussion in the political canvass. On the 11th of September the State Central Committee issued an address to the people of the State, in which they

say that it is evident, in their opinion, that a party entertaining more ultra views than they would deem it prudent or advisable to sanction—demanding peremptory emancipation, without regard to constitutional rights, or even the reasonable convenience of those who have been heretofore, and are now, connected with the institution of slavery in Maryland, have indicated a purpose to make this the paramount and leading issue in the approaching canvass, at the imminent risk of disturbing the harmony of the Union party. They further say:

Whatever shape this movement may assume, it may well be doubted by conservative men, whether the aggravation of feeling it is certain to produce, may not have the effect of retarding rather than facilitating the object proposed to be accomplished. The only regular and constitutional mode of dealing with a subject like this, is by direct appeal to the people in the modes which they have chosen to indicate. Any effort to precipitate a more speedy settlement of the question, unless by common consent, is hardly likely to receive the countenance of any large portion of our citizens, whether for or against the institution of slavery in Maryland. This committee cannot understand in what manner immediate emancipation is proposed to be brought about, unless by the interposition of a power beyond the Constitution and laws of the State. The minority as well as the majority have rights, and they will claim to be heard in the final settlement of this question. We can approach the subject but in one way.

When a State Convention is called to assemble, it will be time enough to bring up an agitation looking to the fullest interchange of opinion, before the final adoption of any plan, by the only recognized body to which all such subjects of right belong. That time has not yet come. The people have already become dissatisfied with the radical views of many who have taken sides in this issue, and it is believed that they have never been more united than in their purpose to rebuke the ultra spirit which has shown itself. This committee will be slow to believe, that in a State, loyal as Maryland is known to be, the power of this Government will be used in forcing an issue which cannot fail to throw a damper upon the efforts of Union men. Slavery, it is said, has been the head and front of this rebellion. It is no doubt true that both North and South it has been a fruitful source of agitation for years past. But it is no excuse for violence and a disregard of constitutional law that such has been the working of our political system. The evil of slavery attaches equally to those who formed our Federal Constitution, as to the Border States men of the present day, who are innocently connected with it.

The Union men of the State of Maryland, represented by this Committee, belong to all parties, and they have made common cause in this great conflict fur the life of the Republic. Emancipationists and slaveholders stand shoulder to shoulder in support of the Government. There are those who believe that the State of Maryland should avail herself of an early occasion to adopt some principle of gradual and compensated emancipation; and there are those again who believe that during the existence of this rebellion, and while the State is virtually under military control—a large section being still held under martial law—it is advisable in order to secure all shades of opinion in a common effort to restore the Union, to ignore all side issues, and move in solid phalanx, with one object and one purpose to engage their attention.

There is still another class who, convinced by every day's experience of the ruinous effects of this war upon the Border States, believe that those who cling most to the idea of immediate emancipation, must be unreasonable indeed, if they could desire a more rapid change than that which is now going on, and has left the institution of slavery within our limits already scarcely worth the trouble of contending for. Upon one point, however, there is entire accord, and that is, that the safety and integrity of this Union rises above every other issue, whether public or private; and the authorities of the Government, whether slavery is recognized or not, must be sustained in putting down this rebellion.

On the 16th of September the Unconditional Union State Committee, appointed by the convention which assembled on June 16th, issued an address to the people of the State, in which they say:

We disavow all measures for the violent abrogation of slavery in our midst. We claim that in the exercise of our prerogatives as American citizens we owe it to ourselves to discuss fairly, and finally to dispose of, this evil; and we hereby solemnly declare it to be our conviction that the dignity, the honor, and the prosperity of our people alike demand that we should legally and constitutionally abolish the institution at the earliest period compatible with the best interests of the State, and the permanent welfare, stability, and unity of the nation.

Since "the people know that the substance (of slavery) is already gone, and that only the skeleton has been left," we are of the opinion that the sooner the skeleton is removed the better it will be for the true interests of the State and the nation; at the same time we are fully persuaded that this can only be accomplished by at once bringing the people face to face with it in the election of such men only as are willing to discharge their whole constitutional duty by accepting their full measure of responsibility in calling a Constitutional Convention at the earliest moment practicable.

We are admonished by the refusal of the last Union Legislature to provide for taking the sense of the people in respect to a Convention, that it will not do to take for granted, because a candidate is heartily in favor of suppressing the rebellion, therefore he will favor the earliest removal of its producing cause, or give to the people the opportunity so to declare.

That men who seek to legislate in this crisis need first to emancipate themselves from the influence of the great disturbing interest is, we think, abundantly attested by the fact that the "Convention Bill" which passed the House of Delegates last year, and which was defeated in the Senate on the very last night of the session, contained a clause that the Convention therein provided for should "not alter or abolish the relation of master and slave, as it now exists in the State."

In presenting the nominees of the Unconditional Union party for the suffrages of the people of Maryland we desire to have no concealment of our views or their own. We believe a manly, frank course is the best, and that true men will despise hypocrisy and subterfuge in this hour of the nation's peril, and recognize hostility to the Government, conceal itself under whatever garment of loyalty it may, or call itself by what title it may choose.

Fellow-citizens, the men we present to you are in favor of supporting the Administration in every effort to put down the rebellion, and in every measure which it has thought necessary for the permanent peace of the country when the rebellion shall have been subdued.

We believe that the only way to put down the rebellion is to put it down by force of arms, and for this purpose we are willing to vote every dollar necessary, and to give every available man, black or white.

We do not think ourselves at all superior to our ancestors of Revolutionary memory, who fought side

by side with colored troops, nor to Andrew Jackson, who commanded and complimented the colored militia who fought with him at New Orleans. We believe it is the bounden duty of the President to use all force and every weapon which God has put within his grasp, and the laws of the United States have authorized him to wield, in defence of the nation.

Traitors have no choice as to the weapons which are to be used in their destruction, and loyal men only ask that they be speedy and sure.

Nevertheless, while we yield the right of the Government to summon to the field every person capable of bearing arms, we hold that it is right, and shall invoke the assistance of the Government to recompense loyal masters who are thus deprived of services to which they are entitled by the laws of the State.

The committee then proceed to discuss the entire question of emancipation as it relates to the welfare of Maryland.

The contest for State officers was between these two divisions of the Union party. In the Fifth Congressional District was a party opposed to the measures of the Administration, of such strength as to elect their candidate for Congress. Their views on the questions at issue in the State election are thus expressed by one of the county conventions in the district:

Resolved, That as Union men, we are not only opposed to emancipation in this State, but even to all agitation of the question at this time as premature and unwise, and likely to cause division where there should be union, and permanent discords where there should be abiding harmony.

Resolved, That we support the Union for the sake of the Constitution, and are opposed to the exercise by the General Government of all unauthorized powers, deeming it of little consequence if the Constitution is to be sacrificed, whether it is effected by usurpation or rebellion.

Resolved, That our devotion for the Union increases with its perils; and regarding it as the palladium of our liberties, the ark of true republicanism, and the hope and asylum of the oppressed of all nations, we yield it our heartfelt allegiance, and will ever support it by legal and constitutional means.

The day of election was Tuesday, the 3d of November. As the time approached the following correspondence took place, and was published:

OFFICE OF UNION STATE CENTRAL COMMITTEE,
BALTIMORE, *October 26th*, 1863.

To the President:

SIR: A suspicion having taken possession of the minds of many loyal Union voters of the State of Maryland, that the election about to take place on the 3d of November will be attended with undue interference on the part of persons claiming to represent the wishes of the Government, I am induced, by what I know to be the desire of a large number of our people, and in furtherance of applications daily made to me, to ask most respectfully that you would place me, as chairman of the Union State Central Committee, in possession of your views upon this subject, in order that they may be communicated to loyal voters throughout this State.

I will beg you to believe, Mr. President, that it is with no doubt or distrust on my part, as to what will be your response to this letter, that I ask this favor at your hands; but simply to satisfy a large class of persons who believe that an expression of opinion on your part would not be without its benefit to the people of the State in promoting what we all desire, a fair expression of the public voice.

I am, with great respect, your obedient servant,
THOMAS SWANN,
Chairman of the Union State Central Committee.

EXECUTIVE MANSION,
WASHINGTON, *October 27th*, 1863.

Hon. Thomas Swann:

DEAR SIR: Your letter, a copy of which is on the other half of this sheet, is received. I trust there is no just ground for the suspicion you mention; and I am somewhat mortified that there could be a doubt of my views upon this point of your inquiry. I wish all loyal qualified voters in Maryland and elsewhere to have the undisturbed privilege of voting at elections; and neither my authority nor my name can be properly used to the contrary.

Your obedient servant, A. LINCOLN.

On the 31st of October, Governor Bradford addressed the following letter to President Lincoln:

EXECUTIVE OFFICE,
ANNAPOLIS, *October 31st*, 1863.

To his Excellency President Lincoln:

SIR: Rumors are to-day current, and they reach me in such a shape that I am bound to believe them, that detachments of soldiers are to be despatched on Monday next to several of the counties of the State, with a view of being present at their polls on Tuesday next, the day of our State election. These troops are not residents of the State, and consequently are not sent for the purpose of voting, and as there is no reason, in my opinion, to apprehend any riotous or violent proceedings at this election, the inference is unavoidable that these military detachments, if sent, are expected to exert some control or influence in that election. I am also informed that orders are to be issued from this Military Department, on Monday, presenting certain restrictions or qualifications on the right of suffrage—of what precise character I am not apprised—which the Judges of Election will be expected to observe. From my knowledge of your sentiments on these subjects, as expressed to Hon. R. Johnson, in my presence, on the twenty-second instant, as also disclosed in your letter of instructions to Gen. Schofield, since published, in reference to the Missouri election, I cannot but think that the orders above referred to are without your personal knowledge; and I take the liberty of calling the subject to your attention, and invoking your interposition to countermand them. I cannot but feel that to suffer any military interference in the matter of our elections, or to prescribe any test of oath to voters when all the candidates in the State—with the exception, perhaps, of two or three in one Congressional District—are all loyal men, would be justly obnoxious to the public sentiment of the State. There are other reasons why such proceedings would appear as an offensive discrimination against our State. Our citizens are aware that highly important elections have recently taken place in other States, without, as it is believed, any such interference by the Government authorities; and if votes by hundreds of thousands have been allowed to be cast there without objection, and with no limit upon the elective franchise other than the State laws prescribe, and where one, at least, of the candidates so supported was considered so hostile to the Government that for months past he has been banished from the country, certainly any such interference as between the loyal men now candidates in this State would, under such comparisons, be more justly objectionable, and finds nothing in the present condition of things here to justify it. I rely, therefore, upon your Excellency for such an order as will prevent it.

I have the honor to be, with great respect,
Your Excellency's obedient servant,
A. W. BRADFORD.

To this letter the President, on the 2d of November, made the following reply:

WAR DEPARTMENT, WASHINGTON, *November 2d*, 1863.

To his Excellency A. W. Bradford,
Governor of Maryland:

SIR: Yours of the 31st ult. was received yesterday about noon, and since then I have been giving most

earnest attention to the subject matter of it. At my call Gen. Schenck has attended, and he assures me it is almost certain that violence will be used at some of the voting places on election day, unless prevented by his provost guards. He says that at some of those places the Union voters will not attend at all or run a ticket unless they have some assurance of protection. This makes the Missouri case of my action, in regard to which you express your approval.

The remaining point of your letter is a protest against any person offering to vote being put to any test not found in the laws of Maryland. This brings us to a difference between Missouri and Maryland, with the same reason in both States. Missouri has, by law, provided a test for the voter with reference to the present rebellion, while Maryland has not. For example, General Trimble, captured fighting us at Gettysburg, is, without recanting his treason, a legal voter by the laws of Maryland. Even General Schenck's order admits him to vote, if he recants upon oath. I think that is cheap enough. My order in Missouri, which you approve, and Gen. Schenck's order here, reach precisely the same end. Each assures the right of voting to all loyal men, and whether a man is loyal each allows that man to fix by his own oath. Your suggestion that nearly all the candidates are loyal I do not think quite meets the case. In this struggle for the nation's life, I cannot so confidently rely on those whose election may have depended upon disloyal votes. Such men, when elected, may prove true, but such votes are given them in the expectation that they will prove false. Nor do I think that to keep the peace at the polls, and to prevent the persistently disloyal from voting, constitutes just cause of offence to Maryland. I think she has her own example for it. If I mistake not, it is precisely what Gen. Dix did when your Excellency was elected Governor. I revoke the first of the three propositions in Gen. Schenck's General Order No. 53, not that it is wrong in principle, but because the military being, of necessity, exclusive judges as to who shall be arrested, the provision is liable to abuse. For the revoked part I substitute the following:

That all Provost Marshals and other military officers do prevent all disturbance and violence at or about the polls, whether offered by such persons as above described, or by any other person or persons whatsoever.

The other two propositions of the order I allow to stand. Gen. Schenck is fully determined, and has my strict order besides, that all loyal men may vote, and vote for whom they please.

Your obedient servant,
A. LINCOLN, President of the United States.

The order of Gen. Schenck above mentioned was dated Oct. 27th, but first published in Baltimore in the evening "American" Nov. 2d, and is as follows:

HEADQUARTERS MIDDLE DEPARTMENT,
EIGHTH ARMY CORPS,
BALTIMORE, MD., *October 27th*, 1863.

It is known that there are many evil-disposed persons now at large in the State of Maryland, who have been engaged in rebellion against the lawful Government, or have given aid and comfort or encouragement to others so engaged, or who do not recognize their allegiance to the United States, and who may avail themselves of the indulgence of the authority which tolerates their presence to embarrass the approaching election, or, through it, to foist enemies of the United States into power. It is therefore ordered:

I. That all provost marshals and other military officers do prevent all disturbances and violence at or about the polls, whether offered by such persons as above described or by any other person whomsoever.

II. That all provost marshals and other military officers commanding in Maryland shall support the Judges of Election on the 4th of November, 1863, in requiring an oath of allegiance to the United States, as the test of citizenship of any one whose vote may be challenged on the ground that he is not loyal, or does not admit his allegiance to the United States, which oath shall be in the following form and terms:

I do solemnly swear that I will support, protect, and defend the Constitution and Government of the United States against all enemies, whether domestic or foreign; that I hereby pledge my allegiance, faith, and loyalty to the same, any ordinance, resolution, or law of any State Convention or Legislature to the contrary notwithstanding; that I will at all times yield a hearty and willing obedience to the said Constitution and Government, and will not, either directly or indirectly, do any act in hostility to the same, either by taking up arms against them, or aiding, abetting, or countenancing those in arms against them; that, without permission from the lawful authority, I will have no communication, direct or indirect, with the States in insurrection against the United States, or with either of them, or with any person or persons within said insurrectionary States; and that I will in all things deport myself as a good and loyal citizen of the United States. This I do in good faith, with full determination, pledge, and purpose to keep this my sworn obligation, and without any mental reservation or evasion whatsoever.

III. Provost marshals and other military officers are directed to report to these headquarters any judge of an election who shall refuse his aid in carrying out this order, or who, on challenge of a vote being made on the ground of disloyalty or hostility to the Government, shall refuse to require the oath of allegiance from such voter.

By order of Major-Gen. SCHENCK.
W. H. CHESEBROUGH, Lieut.-Col. and A. A. G.

On the same afternoon the Governor issued the following proclamation, instructing the Judges of Election to obey the election laws:

PROCLAMATION BY THE GOVERNOR.

STATE OF MARYLAND, EXECUTIVE DEPARTMENT,
ANNAPOLIS, *November 2d*, 1863.

To the Citizens of the State,
and more especially the Judges of Election:

A military order issued from the Headquarters of the "Middle Department," bearing date the 27th ult., printed and circulated, as it is said, through the State, though never yet published here, and designed to operate on the approaching election, has just been brought to my attention, and is of such a character, and issued under such circumstances, as to demand notice at my hands.

This order reciting "that there are many evil-disposed persons now at large in the State of Maryland, who have been engaged in rebellion against the lawful Government, or have given aid and comfort or encouragement to others so engaged, or who do not recognize their allegiance to the United States, and who may avail themselves of the indulgence of the authority which tolerates their presence to embarrass the approaching election, or through it to foist enemies of the United States into power," proceeds among other things to direct "all provost marshals and other military officers, to arrest all such persons found at or hanging about, or approaching any poll or place of election, on the 4th of November, 1863, and report such arrest to these headquarters."

This extraordinary order has not only been issued without any notice to, or consultation with the constituted authorities of the State, but at a time and under circumstances when the condition of the State, and the character of the candidates, are such as to preclude the idea that the result of that election can in any way endanger either the safety of the Government, or the peace of the community.

It is a well-known fact that, with perhaps one single exception, there is not a Congressional candidate in the State whose loyalty is even of a question-

able character, and in not a county of the State outside of the same Congressional District is there, I believe, a candidate for the Legislature or any State office, whose loyalty is not equally undoubted. In the face of this well-known condition of things, the several classes of persons above enumerated are not only to be arrested at, but "approaching any poll or place of election." And who is to judge whether voters thus on their way to the place of voting have given "aid, comfort, or encouragement" to persons engaged in the rebellion, or that they "do not recognize their allegiance to the United States," and may avail themselves of their presence at the polls "to foist enemies of the United States into power"? As I have already said, in a very large majority of the counties of the State there are not to be found among the candidates any such "enemies of the United States;" but the provost marshals—created for a very different purpose—and the other military officials who are thus ordered to arrest approaching voters, are necessarily made by the order the sole and exclusive judges of who fall within the prescribed category—an extent of arbitrary discretion, under any circumstances, the most odious, and more especially offensive and dangerous in view of the known fact that two at least of the five provost marshals of the State are themselves candidates for important offices, and sundry of their deputies for others.

The military order, therefore, is not only without justification when looking to the character of the candidates before the people, and rendered still more obnoxious by the means appointed for its execution, but is equally offensive to the sensibilities of the people themselves, and the authorities of the State, looking to the repeated proofs they have furnished of an unalterable devotion to the Government. For more than two years past there has never been a time when, if every traitor and every treasonable sympathizer in the State had voted, they could have controlled, whoever might have been their candidates, a single department of the State, or jeopardized the success of the General Government. No State in the Union has been, or is now, actuated by more heartfelt or unwavering loyalty than Maryland—a loyalty intensified and purified by the ordeal through which it has passed; and yet looking to what has lately transpired elsewhere, and to the terms and character of this military order, one would think that in Maryland and nowhere else is the Government endangered by the "many evil-disposed persons that are now at large."

Within less than a month the most important elections have taken place in two of the largest States of the Union; in each of them candidates were before the people, charged by the particular friends of the Government with being hostile to its interests, and whose election was deprecated as fraught with the most dangerous consequences to its success. One of the most prominent of these candidates was considered so dangerously inimical to the triumph of the National cause that he has been for months past banished from the country, and yet hundreds of thousands of voters were allowed to approach the polls, and to attempt "to foist" such men into power, and no provost marshals, or other military officers, were ordered to arrest them on the way, or so far as we have ever heard, even test their allegiance by any oath.

With these facts before us, it is difficult to believe that the suggestion, that the enemies of the United States may be foisted into power at our coming election, was the consideration that prompted this order; but whatever may have been that motive, I feel it to be my duty to solemnly protest against such an intervention with the privileges of the ballot box, and so offensive a discrimination against the rights of a loyal State.

I avail myself of the occasion to call to the particular attention of the Judges of Election, the fact that they are on the day of election clothed with all the authority of Conservators of the peace, and may summon to their aid any of the executive officers of the county, and the whole power of the county itself, to preserve order at the polls and secure the constitutional rights of the voters.

It is also made their "special duty" to give information to the State's Attorney for the county, of all infractions of the State laws on the subject of elections; and by these laws it is forbidden to any "commissioned or non-commissioned officers, having command of any soldier or soldiers quartered or posted in any district of any county of the State, to muster or embody any of said troops, or march any recruiting party within the view of any place of election during the time of holding said election."

I need not, I am sure, remind them of the terms of the oath they are required to take before entering upon their duties, and according to which they swear "to permit all persons to vote who shall offer to poll at the election, &c., who in their judgment shall, according to the directions contained in the constitution and laws, be entitled to poll at the same election, and not to permit any person to poll at the same election who is not in (their) judgment qualified to vote as aforesaid."

It is the judgment of the Judges of Election alone, founded upon the provisions of the constitution and the laws of the State, that must determine the right to vote of any person offering himself for that purpose. I trust and believe that they will form that judgment, and discharge their duty, as their conscientious convictions of its requirements, under the solemn obligations they assume; shall dictate, undeterred by any order to provost marshals to report them to "Headquarters."

Whatever power the State possesses, shall be exerted to protect them for anything done in the proper execution of its laws.

Since writing the above, I have seen a copy of the President's letter to the chairman of the Union State Central Committee, bearing the same date with the order, and evidently showing that the order was unknown to him, that it would not have been approved by him if he had known it, and that it is therefore all the more reprehensible.

By the Governor: A. W. BRADFORD.

Wm. B. Hill, Secretary of State.

Baltimore, Monday Evening, *Nov. 2d*, 1863.

After the above was in print, at three o'clock this afternoon, I received from the President the following despatch:

I revoke the first of the three propositions in Gen. Schenck's General Order No. 53, not that it is wrong in principle, but because the military being of necessity exclusive judges as to who shall be arrested, the provision is liable to abuse. For the revoked part I substitute the following: "That all provost marshals and other military officers do prevent all disturbance and violence at or about the polls, whether offered by such persons as above described, or by any other person or persons whomsoever." The other two propositions I allow to stand. My letter at length will reach you tonight. A. LINCOLN.

Whilst this modification revokes the authority of the provost marshals and military officers to arrest the classes of persons enumerated in the preamble to the order "found at or hanging about or approaching any poll or place of election," it directs them to prevent all violence or disturbance about the polls, &c.

To meet such disturbances the Judges of Election, as I have already stated, are clothed with ample powers, and I had received no previous intimation that there was any reason to apprehend a disturbance of any kind at the polls on the day of election. In the absence of any military display there would certainly seem to be as little cause for such apprehensions as ever before existed. A preparation by the Government by military means to provide for such a contingency will be quite as likely to provoke as to subdue such a disposition. Not only so, but

the military thus required to prevent violence or disturbance about the polls must necessarily be empowered to arrest the parties they may charge with such disorder, and they are still left in effect "the exclusive judges as to who shall be arrested"—a power they may as readily abuse as any other.

I regret, therefore, that I can perceive no such change in the general principles of the order, as to induce me to change the foregoing proclamation.

A. W. BRADFORD.

This proclamation appeared in the daily "American" on Wednesday, Nov. 4th, the day after election, as the editor states:

The Governor's Proclamation was issued on Monday evening, instructing the judges of Election to obey the election laws of the State, and promising them the protection of the State in so doing. This Proclamation was sent to us by the Governor for publication in yesterday (Tuesday) morning's American. On Monday evening, after the Proclamation was in type, a written order reached us from General Schenck peremptorily forbidding its publication until further orders from him. We accordingly took the Governor's Proclamation out of our columns, regretting that such an order should have been issued.

The Proclamation of the Governor, however, appears in our columns this morning, with the sanction of Major-Gen. Schenck, and also a military order in reply to it from the Commanding General. This reply first appeared in our afternoon edition yesterday, before the order prohibiting the publication of the Governor's Proclamation was rescinded. This, we are informed, was not intended by Gen. Schenck, he having sent a verbal order to publish the Governor's Proclamation, with his reply, which was, through some misunderstanding, not communicated to us.

The military order of Gen. Schenck, above mentioned, in reply to Governor Bradford's Proclamation, was as follows:

HEADQUARTERS MIDDLE DEPARTMENT,
EIGHTH ARMY CORPS,
BALTIMORE, MD., *November 3d*, 1863.

A very extraordinary Proclamation was issued last evening by his Excellency, A. W. Bradford, Governor of Maryland, in relation to General Order No. 53, from these Headquarters. I will not presume, with my knowledge of Governor Bradford, that that Proclamation was designed to produce collision between the military power and citizens who are assembled at the polls to vote at the election tomorrow; but I cannot doubt that its obvious tendency is to invite and suggest such disturbance. When that Proclamation came to my knowledge, late last night, I felt it to be my duty to take measures for restricting, as far as possible, its circulation in those parts of the State to be most affected by it, until there could go out with it the letter of the President of the United States on the subject, written yesterday to Governor Bradford, a copy of which I have now obtained.

I will make for myself but one or two comments on the Proclamation.

The intimation of the Governor that my Order might have been prompted by some other consideration than patriotic purpose or official duty, is unworthy of reply, and unworthy of him. He knows, and the people of Maryland and of this Military Department know, how single and earnest and constant has been my aim to avoid all side influences, and to keep in view and act steadily upon the idea of maintaining the just authority of the National Government against disloyalty in all its forms, and for the general good only.

It was in this spirit that I issued the General Order in question. Its simple purpose is to prevent traitorous persons from controlling in any degree by their votes, or taking part in the coming election. The Order is not aimed at candidates, either individually or as a class, as the Governor would presume. Neither is it aimed at, nor can it by any interpretation, in any way interfere with the rights of loyal voters. It is only framed and intended to exclude from a voice in the election of those who are to administer the affairs, either of the National Government or of this loyal State, such individuals as are hostile to that Government of which Maryland is a part. Will any good citizen pretend that the exclusion of such persons is not a wise and wholesome protection due to those who adhere to and sustain the Constitution and lawful authority? And it is clearly not a hardship to be complained of by the individual challenged for such disqualification, when he is permitted to purge himself by his own oath of allegiance to the Government in the management of which he claims a share. Governor Bradford himself cannot appreciate more highly than I do the sterling loyalty of the great majority of the people of Maryland; but he must know, as I do, that there still remain at large, from forbearance of the Government authority, a very considerable number who are more or less actively engaged in aiding and encouraging Rebels in arms. Even in his Proclamation he admits the existence of such prevailing disloyalty in the counties of at least one of the Congressional districts. But my General Order was only put forth after the receipt, through all the last month, of a great number of letters, petitions, and appeals in person, from respectable and loyal citizens, particularly throughout the Southern part of the State, on both sides of the Bay, imploring the issuing of such an order. I have only failed in complying with their requests, by making its provisions less stringent than justness and fairness to loyal citizens seemed to them to demand.

I would add only, to show with what anxiety I have sought on this occasion to secure peace and good order at the polls, that officers intrusted with this duty have, in every instance, been furnished with written or printed instructions of which the following is one clause: "The officers and men are to be cautioned not to commit or permit any unlawful violence. They must not enter into political discussions, and are to remember that while protecting the polls from Rebel sympathizers, they are conservators of the peace, and are there to support the Judges of Election." Even Governor Bradford could scarcely object to this. I now repeat to the Provost Guards that instruction, and enjoin upon them, that while they enforce the observance of the General Order firmly and faithfully, as directed, they do it in every respect discreetly and temperately. I append copies of the President's letter and of the General Order as modified.

ROB'T C. SCHENCK,
Major General Commanding.

The official correspondence was closed with the following letter of Governor Bradford in reply to President Lincoln:

STATE OF MARYLAND, EXECUTIVE DEP'T,
ANNAPOLIS, *November 3d*, 1863.

His Excellency Abraham Lincoln,
President of the United States:

SIR: Your letter of the 2d instant, in reply to mine of 31st ultimo, reached me to-day after I had already read it in the Baltimore papers of this morning. Your Excellency has in this respect the advantage of me, though, following your example, I shall send a duplicate of this to the press, the probabilities are, looking to recent events, that the military authorities will not allow its publication.

When I wrote to you on Saturday last, I had not been able to procure a copy of the military order in reference to the election, and acted merely on the rumors of its character. When I saw it, as I did for the first time on Sunday, I found it even more objectionable than rumor had represented it; and

when I was shown on the same day a copy of your letter to Mr. Swann, in which you say you trust there is "no just grounds for the suspicion" he had expressed, and declaring that you felt "mortified that there could be a doubt upon this point of your (his) inquiry," which point was a suggestion by Mr. Swann "that the election about to take place will be attended with undue interference on the part of persons claiming to represent the wishes of the Government," I rested satisfied that I should receive from you a prompt countermand of the order in question.

If the sending out of one or more regiments of soldiers, distributing them among several of the counties to attend their places of election, in defiance of the known laws of the State prohibiting their presence; ordering military officers and provost marshals to arrest voters guilty, in the opinion of such officers, of certain offences; and menacing judges of election with the power of the military arm in case this military order was not respected, is not an "undue interference" with the freedom of elections, I confess myself unable to imagine what is.

The purport of your Excellency's remarks in your letter to me is confined chiefly to a justification of the exclusion of disloyal voters from the polls by means of the administration of an oath of allegiance. Without stopping to analyze the particular oath in question, it may be sufficient to say that this clause of the order is by far the least objectionable of the three. If any who were once citizens of the United States have been guilty of such conduct as justly disfranchises them, let them take the consequences. I, for one, have not interfered, and shall not interfere to prevent it. But I insist that the judges whom the State has provided are the exclusive judges of the question of such citizenship, and that they shall be allowed to exercise their own judgment upon that question; and I shall never cease to protest against any attempt of the military power, in a loyal State, to control that judgment, and especially against the use of any threats tending to coerce an observance by these judges of any law which such a power shall undertake to prescribe.

The first and third sections of the order are the most remarkable items of the arbitrary authority it assumes. The first places all persons supposed to have given "aid and comfort or encouragement" to persons engaged in the rebellion, and those who "do not recognize their allegiance to the United States," at the mercy of a military officer and provost marshal, and orders the latter to arrest them when "approaching the polls," &c.; and the third clause intimates to the judges of elections, in very unmistakable terms, the dangers they incur in case they disobey the military authority. These sworn officers of the law have a new law prescribed to them in this military order, and for disobedience of which they are to be reported to "these headquarters," and must, of course, take warning of the consequences that will ensue.

I am aware that your Excellency has so far modified the first of said sections as to substitute for it a direction to these provost marshals "to prevent all disturbance or violence about the polls," &c.; and that, in speaking of the terms of the original order, you admit that "these officers being of necessity the exclusive judges as to who shall be arrested, the provision is liable to abuse." But I submit, with deference, that whilst this modification may relieve that part of the order of some of the most immoderate of its powers, it still leaves these officers the exclusive judges of who are guilty of violence or disturbances, and, of course, of who are liable to arrest therefor, and leaves them, consequently, the same opportunity for a similar abuse of power, the probability of which you may the more readily estimate when I inform you that several of them are themselves candidates at the same election for some of our most important offices.

You refer several times in your letter to the Missouri case, and to my approval of your course therein, and seem to think that the two States are in the same condition and have been treated in like manner. Without pausing to compare their condition or their respective liability to violence at the polls, I propose to contrast the proceedings which have severally taken place in the two. You say, "My order in Missouri, which you approve, and Gen. Schenck's order here, reach precisely the same end." The only action of yours in reference to the Missouri case, of which I have expressed approval, or of which I have any knowledge, is, as mentioned in my letter to you, that "disclosed in your letter of instructions to Gen. Schofield," bearing date the 1st of October last; and whether the instructions contained in that letter and Gen. Schenck's order "reach the same end," as you suppose, or not, they certainly propose to reach it by very different means.

To estimate correctly this difference, we must compare the course respectively taken by the department commanders in the two States.

Gen. Schofield, in his order of the 28th of September, 1863, and to which I understand you to refer, when in your letter to him, above mentioned, you commence by saying, "under your recent order, which I have approved," &c., lays down the following as the military law for Missouri on the subject of elections:

"The right," says he, "of the people peaceably to assemble for all lawful purposes, and the right freely to express their will at the polls according to law, are essential to civil liberty. No interference with these rights, either by violence, threats, intimidation, or otherwise, will be tolerated."

Again, in the same order, he says:

"Any officer, soldier, or civilian, who shall attempt to intimidate any qualified voter in the exercise of his right to vote, or who shall attempt to prevent any qualified voter from going to the polls or voting, shall be punished by imprisonment or otherwise," &c.

If these provisions are compared with the first and third sections of Gen. Schenck's order, the contrast, rather than the similarity, will I think be striking.

In your same letter to Gen. Schofield you further say: "At elections, see that those and only those are allowed to vote who are entitled to do so by the laws of Missouri." Not only thus conceding to the State law the right to prescribe the qualifications of the voter, but enjoining upon the military commander to see that he be allowed to enjoy that right.

Though your Excellency refers to the difference in the qualification required of voters in the two States, I can hardly suppose, especially in view of the unqualified and emphatic terms in which you recognize the control of the State laws, that you mean to place that recognition upon the ground that you approve the laws of one State and not of the other; and besides, I think, we might be allowed some benefit of the consideration that in Missouri they have recently held a Constitutional Convention, which enabled them to remodel their laws on the subject of the elective franchise—an opportunity we have not yet enjoyed, and which is necessary for the purpose of such modification, though such necessity might possibly be dispensed with hereafter, in view of the new power which military commanders claim to exercise in the premises.

The conclusion of your Excellency's letter makes an allusion to past precedents in Maryland, and is evidently designed to make the point that I should be the last to complain of such an order, as it is, as you say, "precisely what Gen. Dix did" when I was elected Governor. If such was the case the proceeding at least does not seem to have been very effective in reducing the vote of the State, as I received fifteen thousand more votes than the highest candidate at the Presidential election the preceding year, and when a very large vote was polled in the State. But your Excellency will, I think, find that no such order as the present was ever issued by Gen. Dix.

It is, besides, of some importance to note the

difference in the condition of our State between that time and now. Her present condition requires no comment; but then, I beg leave to remind you, she was hovering upon the brink of secession. Her legislators had been arrested but a short time before, to prevent them passing an ordinance for that purpose; and at the election referred to there was an organized secession party, under the guise of a peace party, with a nominated ticket in every county, and believed to be then actuated with the determination to carry the State into rebellion.

Under these circumstances, what was the order issued by Gen. Dix? It was issued on the 1st November, 1861, and referring to the authority vested in him "to arrest all persons in rebellion against the United States," proceeded to direct the arrest of persons appearing at the polls "known to have been recently in Virginia bearing arms against the authority and forces of the United States, and who have returned to their former homes with the view of taking part in the election;" as also of "other individuals, lately residents of Maryland, who have been engaged in similar acts of hostility, or actively engaged in aiding and abetting those in arms."

The class of persons to be arrested, it will be observed, is much more distinctly marked by the order of General Schenck, and there is consequently much less margin for mistake or abuse of authority. Not only so, but the order does not seem to have applied to the proper residents of the State, but only to returning Rebels; and so far from being "precisely" what Gen. Schenck has now directed, it not only contains no expression which can by any implication be tortured into a menace of the judges of election, but prescribes no oath of allegiance or any other oath to be taken by any one.

I find no allusion in your Excellency's letter to the fact adverted to in mine, that no military intervention or test oath was ordered in either of the late important elections that have taken place in Pennsylvania and Ohio. If your Excellency cannot, as you say, confidently rely even upon loyal men "whose election may have depended upon disloyal votes," and therefore cannot recognize the force of my suggestion that nearly all our candidates are loyal, it is difficult to see what reliance you could have reposed in such a candidate as Mr. Vallandigham, and quite as difficult for us to understand why such a discrimination has been allowed against a State whose citizens claim to be, if not as numerous, at least as loyal as those of any other.

I have the honor to be, your obedient servant,
A. W. BRADFORD.

The principal issue at the election was stated by Mr. Henry Winter Davis in a speech delivered in Baltimore on the evening of Oct. 28th, thus:

Our great questions now are, not whether we shall maintain the Republic by force of arms. No man now calling himself a Union man dares to moot that question. It is not now a matter of opprobrium to say that we are for the Union unconditionally. That now is the cry and watchword. [Great applause.] The time has passed beyond those old landmarks. The Peace men have no candidate in Maryland. The traitors do not recognize the United States Government, and cannot cast a vote in Maryland. That the men of Maryland are resolved to abide by the Government of the United States, now no man doubts; for twice she has cast two-thirds of her whole vote in favor of unconditionally maintaining the Union. [Great applause.]

Those things are of the past. We march forward to the future. Having secured the permanent consolidation of Maryland with the United States, we now go on to secure the consolidation of Maryland in principle, feeling, and institution with our great free sisters of the North. We have opened resolutely the question of emancipation, and on the 4th of November twenty thousand majority will ratify in advance the opinion of the people of Maryland. [Applause.]

For Comptroller: Goldsborough, Unconditional Union, 36,360. For Maffit, Union, 15,984. Total vote, 52,344. Total vote in 1860, 92,502.

The Legislature elected was as follows:

	Senate.	House.	Total.
Union and Emancipation	10	47	57
Union pledged to a Convention	3	5	8
Union unpledged	6	4	10
Democrats	3	18	21
	22	74	96

For members of Congress the vote was as follows: 1st District, Cresswell, Unconditional Union, 6,742. Crisfield, Union, 5,482. 2d District, Webster, 7,736; no other candidate. 3d District, Davis, 6,200; no other candidate. 4th District, Thomas, 13,462; no other candidate. 5th District, Holland, Unconditional Union, 3,352; Calvert, Union, 2,237; Harris, Democrat, 4,939.

The political position of the members of Congress is thus stated in the New York "Tribune":

In four out of the five Congressional Districts the candidates of the Unconditional Union and Emancipation party are elected. The successful candidates have taken the solemn pledge to support the policy of the President, including his Emancipation Proclamation, and they will, therefore, reënforce the Union majority in Congress. The number of Congressmen hitherto elected is 185; of these, if we include the three members for Western Virginia, 94 are pledged to support the measures which the Administration has used, for the suppression of the rebellion. The Maryland election increases this number to, at least, 98, giving the Administration a majority of eleven.

Governor Bradford in his message to the Legislature on Jan. 7th, 1864, refers to the State election in November preceding. He mentions the order of Gen. Schenck, and says:

I, therefore, on Monday evening preceding the election, issued a Proclamation giving them (the Judges of Election) the assurance of the protection of the State to the extent of its ability. Before the following morning orders were sent to the Eastern Shore, directing its circulation to be suppressed, the public papers were forbidden to publish it, and an embargo laid on all the steamers in port trading with that part of the State, lest they might carry it. * * *

How far it accomplished the purpose claimed for it, or how far my anticipations of the consequences of the order and the abuses to which it would lead were realized, will appear by a brief reference to some of the transactions connected with its execution. These abuses commenced even before the opening of the polls. On the day preceding the election, the officer in command of the regiment which had been distributed among the counties of the Eastern Shore, and who had himself landed in Kent County, commenced his operations by arresting and sending across the bay some ten or more of the most estimable and distinguished of its citizens, including several of the most steadfast and uncompromising loyalists of the Shore. The jail of the county was entered, the jailer seized, imprisoned, and afterwards sent to Baltimore, and prisoners confined therein under indictment were set at liberty. The commanding officer referred to gave the first clue to the character of the disloyalty against which

he considered himself as particularly commissioned, by printing and publishing a proclamation in which, referring to the election to take place next day, he invited all the truly loyal to avail themselves of that opportunity and establish their loyalty "by giving a full and ardent support to the whole Government ticket upon the platform adopted by the Union League Convention," declaring that "none other is recognized by the Federal authorities as loyal or worthy of support of any one who desires the peace and restoration of the Union."

To secure the election of that ticket seemed to be the business to which he and his officers especially devoted themselves throughout the day of election. In the statements and certificates which have been forwarded to me from different counties in that Congressional District, I have been furnished, I presume, with an account of part only of the outrages to which their citizens were subjected. The "Government ticket" above referred to was in several, if not all of those counties, designated by its color; it was a yellow ticket, and armed with that, a voter could safely run the gauntlet of the sabres and carbines that guarded the entrance to the polls, and known sympathizers with the rebellion were, as certified to me, allowed to vote unquestioned, if they would vote that ticket, whilst loyal and respected citizens ready to take the oath, were turned back by the officer in charge without even allowing them to approach the polls.

In one district, as appears by certificate from the Judge, the military officer took his stand at the polls before they were opened, declaring that none but "the yellow ticket" should be voted, and excluded all others throughout the day. In another district a similar officer caused every ballot offered to be examined, and unless it was the favored one, the voter was required to take the oath and not otherwise; and in another again, after one vote only had been given, the polls were closed, the Judges all arrested and sent out of the county, and military occupation taken of the town.

But I will not detain you with a recapitulation of all the abuses that these statements disclose. I have caused copies of them to be transmitted to you, and they cannot fail to arrest your attention. They present a humiliating record, such as I had never supposed we should be called upon to read in any State, still less in a loyal one like this. Unless it be indeed a fallacy to suppose that any rights whatever remain to such a State, or that any line whatever marks the limit of Federal power, a bolder stride across that line that power never made even in a Rebel State than it did here on the third of last November.

A part of the army which a generous people had supplied for a very different purpose, was on that day engaged in stifling the freedom of election in a faithful State, intimidating its sworn officers, violating the constitutional rights of its loyal citizens, and obstructing the usual channels of communication between them and their Executive.

MASSACHUSETTS. The State Legislature convened at Boston, in January, 1863, and organized by the choice of Jonathan E. Field as president of the Senate, and Alexander E. Bullock as speaker of the House of Representatives, both persons being members of the Republican or Union party. John A. Andrew was again inaugurated Governor, having filled the office during the two previous years, and in his message delivered to both houses, announced that the receipts (ordinary) for the past year had amounted to $2,947,732.48, and the disbursements (ordinary) to $1,683,390.93; the receipts (extraordinary) to $7,830,269.77, and the disbursements (extraordinary) to $6,397,757.40. The resources of the State on January 1st, 1863, consisting of real estate, bonds, mortgages, railroad stocks, school funds, claims against the United States, etc., amounted to $18,011,010.05, and the liabilities, consisting of scrip issued on various accounts, to $11,129,578.71, leaving a surplus of resources of $6,881,431.71.

Financial statements to January 1st, 1864, show that, during the year 1863, the receipts of the State Treasury were $7,229,823.18, including a State tax of $2,392,344.00, and a bounty tax of $3,324,274.74; while the disbursements amounted to $6,728,597.70, of which $5,116,032.19 came under the head of State aid in enlistments and reimbursements of bounties paid by cities and towns, leaving a surplus of $501,224.48 in the hands of the treasurer.

The Legislature adjourned on April 29th, having passed about 350 bills. Among the expenditures provided for were, $1,000,000 for coast defences and $500,000 for the purchase of arms, beside about $5,500,000 for expenses connected with the war. The following resolutions reported by the Committee on Federal Relations were also adopted:

Resolved, That Massachusetts reaffirms her loyalty to the Constitution and to the Union of the United States of America, to the General Government, its officers and magistrate, and to all the laws, acts, and proclamations by which the Government aims to preserve the national authority; and pledges to the maintenance of the same all her moral and material resources.

Resolved, Since it is the main and vital object of our national organization "to promote the general welfare and secure the blessings of liberty to ourselves and our posterity," that she cordially recognizes the policy, the justice, and the necessity of the ultimate extinction of all those forms of tyranny and vassalage which have hitherto marred our national unity and power; and that she countenances, approves, and will ever maintain all lawful acts of the constituted authorities which recognize and contemplate this end.

Resolved, That she tenders to the President, and to the officers and men of our national forces, her profound thanks for their untiring efforts in the cause of our country, which, being one with the cause of universal freedom and humanity, is destined, under God, and through our unflinching loyalty, to be crowned with success.

The Democratic State Convention met at Worcester, on September 3d, to nominate candidates for State officers and four delegates to the National Convention to be held in 1864. The following nominations were made: Governor, Henry W. Paine; Lieutenant-Governor, Thomas T. Plunkett; Secretary of State, F. O. Prince; Treasurer, Nathan Clark; Attorney-General, Theodore H. Sweetster; delegates to the National Convention, Josiah G. Abbott, E. D. Beach, Isaac Davis, and James D. Thompson.

The following resolution, alleged to be substantially the same adopted by Congress at the extra session of 1861, was offered, but after some debate was laid on the table:

Resolved, That the present deplorable civil war has been forced upon the country by the disunionists of

the Southern States now in arms against the Constitutional Government and in arms around the Capitol; that in the present emergency the Democratic party, banishing all feelings of mere passion and resentment, will recollect only its duty to the whole country; that this war is not waged on their part in any spirit of oppression, or for any purpose of conquest or subjugation, or for the purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution, and to preserve the Union in all the dignity, equality, and rights of the several States unimpaired, and that, as soon as these objects are accomplished, the war ought to cease.

The regular resolutions subsequently adopted declare, that it is the duty of every citizen to sustain the National Government; that the democracy will meet armed rebellion with the sword, and "unconstitutional acts of Congress and startling usurpations of power by the executive" with the ballot; that the paramount objects of the democracy are, to restore the Union as it was, and to maintain the Federal Constitution; that the party are opposed to the doctrine of secession, to all interference on the part of the National Government, or its officers, with the local and domestic affairs of the several States; to all interference by the citizens of one State with the domestic affairs of any other State; to the assumption of any assumed powers by any department of the Government; to any and all efforts on the part of the Administration to continue the present deplorable civil war for the purposes of subjugation or emancipation; to the extension of martial law over States not in rebellion; to all interference by the military authorities with civil elections; to all the enemies of the Constitution and the Union, whether they be found in open rebellion at the South or insidiously at work at the North; that obedience to the Constitution is the only true test of loyalty to the Government, and any wilful omission to comply with, or departure from, its provisions by any department or officer of the Government, whether in time of war or in time of peace—under the plea of military necessity, moral duty, or any other modern name for treason or revolution, is fraught with as much danger to the Government and the rights and liberties of the people as is armed resistance to the laws, or open rebellion; that the proposition to reduce a State to the condition of a territory, under the pretence that by the rebellious acts of her citizens she has ceased to form an integral part of the Union, is calculated to excite abhorrence; that the attempt of the radicals to insist on their party platform as a condition of peace, is revolutionary in its character, and tends, not merely to prolong the war, but to produce anarchy and despotism.

That whenever any State in arms against the laws of the Government shall lay down its arms and submit to the laws and the constituted authorities, the people thereof will be entitled to resume and enjoy all the rights and privileges given by the laws and the Constitution to citizens of the several States.

That we have entire confidence in the patriotism of the people and in their determination, voluntarily, to maintain in sufficient force the army of the United States; we therefore look upon the conscription act, passed by the last Congress, as unwise and needless; we are opposed to its provisions as harsh, oppressive, and unequal in their operation, and contrary, as we believe, to the Constitution; but ever mindful that our Government cannot exist if individual opinion be substituted for judicial decisions, we feel compelled to obey and counsel obedience to the act, and all acts of Congress, until the competent judicial tribunals shall declare them to be unconstitutional or until they have been legally repealed.

That the thanks of every liberty-loving, law-abiding, and honest man throughout the land are due to the Hon. Horatio Seymour, Governor of the State of New York, who, amid all the storms of fanaticism and rage that have swept over our nation, has stood up as the firm and unflinching supporter of the Union, the Constitution, and the laws, and the rights of the States against Federal usurpations, and has so nobly vindicated and defended the majesty and dignity of the people and State of New York.

That the doctrine of secession, and the doctrines of its faithful ally of disunion, the Abolition party, have produced this deplorable civil war, are each entirely inconsistent with our frame of Government, tend inevitably to anarchy, and are alike destructive to the Union.

The remaining resolutions praised the soldiery and condemned the improvident management of the Administration; expressed sympathy for those who had lost relatives by the casualties of war; and urged a speedy peace on honorable terms.

The Republican Convention assembled at Worcester, on September 24th, and renominated, by acclamation, Gov. Andrew and his colleagues in office. A series of nine resolutions was also adopted. The first pledged the convention to "an unwavering and unconditional support of the National Government in its efforts to suppress the wicked rebellion against its authority." The second declared that, in a contest like the present "between slavery and liberty," Massachusetts had no apprehension that "any of the rights of the citizen would be lost, or any of the old landmarks of personal freedom destroyed." The third expressed the thanks of the convention to the soldiers and sailors of the nation. The fourth declared that the President's Emancipation Proclamation of January 1st, 1863, has the approbation of the people of Massachusetts, and is justified as a measure of military necessity, and as a measure of security for the future peace and tranquillity of the reunited nation, and as a guaranty to the world that the contest is for civilization and Christianity. The fifth deprecated the idea that a permanent peace can be obtained by negotiating with rebels. The three succeeding resolutions were in the following terms:

Resolved, That the secession of a State under our political system has no legality and no legal meaning whatever. It is but another name for rebellion; and rebels are not entitled to the privileges of the Union, while they are still liable to its obligations and duties. And, inasmuch as slavery was the sole cause of the revolt, and as while slavery exists there can be no permanent peace in the Union, it is the duty of Congress and the Executive to insist that the practical extinguishment of slavery throughout the rebel Confed-

eracy shall follow as fast as possible upon its legal and official death. Let the restored nation be made prosperous and glorious by a Union of Free States under a republican form of government, which is guaranteed to them by the Constitution, and with which experience has proved that the existence of slavery is wholly incompatible.

Resolved, That Massachusetts is for the prosecution of the war to the entire suppression of the revolt. In this cause we extend the hand of fellowship to loyal men of all political parties, and we recognize as political enemies all men who make this issue subordinate to their partisan dogmas, or who seek to make peace with the rebels on any terms short of their submission to the national authority and the suppression of their pretended Confederacy.

Resolved, That the policy of employing colored soldiers is wise and just, and should be enlarged and liberalized by putting such soldiers on a perfect equality with whites as to rights and compensation while in the service. The nation has a right to the services of all its subjects in every part of its domain, and no pretended or real claim to service on the part of master or employer, in the South or the North, should be allowed to interfere with that primary allegiance which is due to the country itself.

The concluding resolution recommended Gov. Andrew and the other candidates nominated, as worthy of support.

The election took place on November 3d, with the following result:

	1863.	1862.
John A. Andrew, Republican.....	70,483	80,835
Henry W. Paine, Democrat.....	29,207	52,587
Majority for Andrew.....	41,276	28,248

The remaining candidates on the Republican ticket received majorities, varying but slightly from this. The following was the result of the election of members of the Legislature:

	Senate.	House.
Republican.....	35	198
Democratic	5	41
Republican majorities.....	30	157

The people were also authorized at this election to vote yea or nay on the question of repealing the amendment to the Constitution, which was adopted on the 9th day of May, 1859, and which provides that "no person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the Constitution and laws of this Commonwealth." The result was, yeas, 10,035; nays, 6,082.

During the nine months subsequent to Jan. 1st, 1863, Massachusetts raised and equipped one regiment and one battalion of cavalry, 1,250 men; one regiment of heavy artillery, 1,073 men; two regiments of infantry (colored), 2,052 men; seven companies of horse artillery, 1,015 men; three batteries of light artillery, 454 men; and 509 recruits for organizations in the field; total, 6,353 men. The whole number of volunteers furnished by her to the land forces of the United States from April 16th, 1861, to October 17th, 1863, was as follows:

	Men.
For three months, 5 regiments, 1 battalion, 1 company.....	3,736
For 36 days, 1 company (Boston Cadets).....	117
For 3 months, 1 company.....	101
For 4 months, 1 company.....	131
For 6 months, 1 light battery.....	155
For 9 months, 17 regiments, 1 company.....	16,837
For 3 years, 41 regiments, 34 companies and recruits for same.....	54,531
Total during the present war to Oct. 17th, 1863...	75,608

This is exclusive of the men obtained by the Enrolment and Conscription Act of March 3d, 1863, the operations of which are shown in the following table:

Citizens enrolled in the first class.....	107,386
" " second class....	56,792
Number drafted.....	32,079
Exempted.....	22,343
Failed to report.....	3,046
Held to service.....	6,690
Paid commutation.....	3,622
Furnished substitutes.....	2,325
Served personally.....	743
Number actually realized by the draft..	3,068

If to the volunteers and drafted men be added those who have from time to time enlisted in the naval service of the United States and the regular army, the number of men furnished by Massachusetts during the war will exceed 100,000.

The most interesting event in connection with the volunteer movement was the raising and equipping of the 54th and 55th colored regiments, the former of which was the first organization of its kind formed in the free States. By an order of Secretary Stanton, issued January 20th, Gov. Andrew was authorized to raise such a number of colored companies of artillery and infantry regiments as he might find convenient, and to make the necessary requisitions upon the War Department. Recruiting went on briskly throughout the State, and agents were sent to various parts of the country with power to fill up the regiments to their maximum. On May 28th, the 54th left Boston for Port Royal, exciting no little enthusiasm in its march through the city, and on July 18th it participated with great credit in the assault upon Fort Wagner, where its gallant commander, Col. Shaw, was killed, and the regiment lost 13 officers and 278 men killed, wounded and missing. The 55th marched on July 21st, and has since been employed in the Department of the South.

Under the President's call of October 15th for 300,000 volunteers, the quota of Massachusetts was 15,126 men. The governor immediately issued an order for that number, stating the amount of bounties which would be paid, and offering recruits the choice between artillery, infantry, and cavalry regiments. For various reasons recruiting went on slowly, the chief ones being the inadequate bounties offered by the State, and the impossibility of increasing them under existing laws. By an act of the Legislature of 1863, the municipal governments of the Commonwealth were prohibited

paying bounties to volunteers, and the bounty authorized to be paid by the governor was limited to $50 per man. Another act prohibited cities and towns from voting or appropriating any money to relieve or discharge men who should be drafted, or from paying bounties or gratuities to any volunteer or drafted man, except such as should be authorized by existing laws.

To provide a remedy for this state of things, Governor Andrew convened a special session of the Legislature, on November 11th, and in an elaborate message recommended an addition to the monthly pay of volunteers, rather than a large bounty paid at the time of mustering into service. Much diversity of opinion was manifested on the subject, and a bill was finally passed which may be considered as a compromise between both methods. It provided for the payment of a bounty of $325 on mustering into service, or, if the recruit should elect, a bounty of $50, and the additional pay of $20 per month, and in case a soldier should be discharged honorably after six months' service, the same was to be continued for six months longer, or, if he should die in service, the money was to be paid to his legal representatives. The bill also provided for the retaining of the money in the State treasury subject to the call of the volunteer, to bear five per cent. interest; gave the State aid to families who might need it, notwithstanding the increased bounty; provided for the paying of the bounties, the borrowing of the money at a rate of interest not to exceed five per cent., and the punishment of persons fraudulently obtaining the bounty. The passage of the bill gave a considerable stimulus to volunteering, and under the inducement of the large bounties offered by the State and the General Government, there was every appearance at the close of the year that the quota of Massachusetts would soon be filled.

The annual report of the Board of Education shows that the sum raised during the year for wages, board, fuel, care of fires and school rooms, amounted to $1,434,015.20, which, added to the sum of $49,044.05 distributed to the towns out of the school fund, makes a total of nearly a million and a half of dollars expended in support of public schools, exclusive of repairs and the erection of school-houses, and the cost of school-books. The number of public schools in the State is 4,626. In addition to these there are fifty-six incorporated academies and four normal schools supported by the State, beside numerous private schools. The number of persons in the State between the ages of five and fifteen years, is 238,381; number of scholars of all ages in all the public schools, in summer, 225,921; in winter, 227,252; average attendance in all the schools in winter, 182,041; in summer, 180,062; average wages of male teachers per month, including the value of board, $44.87; of female teachers, $18.90. This is a decline of about fifty cents per month in the wages of both classes of teachers. Many towns neglected to keep their common schools the full time required by law, and to maintain High Schools as provided for by the statutes. In eighty-three towns the common schools were not kept for the term of six months, and forty-six towns which should maintain High Schools have neglected to do so.

The reports of the penal, reformatory, and benevolent institutions of the State, showed that they were generally in a satisfactory condition. The number of paupers in the State almshouses was materially decreased from the previous year, and in consequence of the lack of able-bodied male inmates it became necessary to hire help for nearly all the farm operations connected with those institutions. This was owing to the scarcity and high prices of labor, and to the plentiful inducements held out by the recruiting officers. The number of prisoners in the State prison was seventy-four less than in the previous year, and the number of commitments, both in 1862 and 1863, was smaller than for many years. The Legislature of 1863 created a board of State charities, having general supervision of the subject.

The following table exhibits the condition of the banks to November 30th, 1863:

Capital stock	$66,901,340
Circulation	31,773,972
Deposits	46,062,149
Due to other banks	12,146,001
Total liabilities	$156,883,462
Notes and bills discounted	$134,708,363
Specie	9,324,013
Due from other banks	18,650,805
Total resources	$162,683,181

The following table, prepared from the annual reports of the Massachusetts railroad companies, shows their progress and condition during the last fourteen years:

For the year	Miles of railway.	Cost per mile of road.	Earnings per mile of road.	Expenses per mile of road.	Net inc. per mile of road.
1849....	1.130	$45,600	$5,452	$2,744	$2,708
1850....	1,150	45,424	5,663	2,733	2,930
1851....	1,150	45,556	5,730	2,903	2,827
1852....	1,150	46,153	5,987	2,672	3,315
1853....	1,192	46,483	6,706	3,035	3,071
1854....	1,262	46,783	6,891	4,308	2,583
1855....	1,343	45,949	6,775	4,220	2,555
1856....	1,351	46,480	7,217	4,260	2,957
1857....	1,367	45,473	6,653	3,877	2,576
1858....	1,380	45,057	6,229	3,488	2,741
1859....	1,380	44,646	7,081	4,030	3,051
1860....	1,371	43,842	7,247	3,999	3,248
1861....	1,366	43,957	6,346	3,785	2,561
1862....	1,386	43,297	6,965	3,817	3,148

The earnings of the roads, temporarily depressed in 1861 through the influence of the rebellion, show, so far as statistics have been received, a large increase in 1863, and at no time since the introduction of the railway system into Massachusetts has it stood on a firmer basis. The number of miles of road in the State is sufficient for the present needs of the population, and most of the companies are expending liberal sums in repairing and strength-

ening their road beds, and in other improvements.

Among the reports presented to the Legislature of 1863, was one containing the census returns of 1860, and a synopsis of every other census that has been taken in the State. From this it appears that the increase in the population of the State, from 1850 to 1860, was 23.70 per cent. The largest county increase was in Norfolk, being no less than 38.36 per cent. The largest town or city increase was in Somerville, being 126.67 per cent. Six towns, Somerville, Lawrence, Brookline, Marlborough, Melrose, and Natick, exhibit an increase of 100 per cent. Massachusetts ranks as the thirtieth State in the Union in respect to its area, but ranks as the first in the number of inhabitants to the square mile, first in the absolute increase of population per square mile from 1790 to 1860, and also first in the same from 1850 to 1860. While there is a large percentage of excess of males over females in all the Western States, the females outnumber the males in Massachusetts by more than 37,000; a fact of great importance in determining the causes which have made recruiting more active in the Eastern than in the Western States.

MASTERMAN, Stillman, an American physicist, born in Weld, Franklin county, Maine, January 28th, 1831, died in that town July 19th, 1863. His early opportunities of education were very scanty, but from childhood he manifested an intense interest in physical science, and spent every leisure moment from the severe toil of a farmer's boy in the study of whatever could aid him in forming an acquaintance with it. At the age of twenty he had managed to collect a number of scientific and classical works, and had thus become familiar with the elements of physics and chemistry; making such apparatus as the materials at hand would permit, grinding and polishing small lenses, and constructing prisms for experiments on fluid media. He had also taught himself Latin enough to read with some ease, and had become familiar with algebra, geometry, and trigonometry. He removed, in 1851, to Minnesota, but returned after a little more than a year, with his health greatly impaired by the influence of that climate. His first publication was a paper in the Smithsonian Reports for 1855, entitled "Observations on Thunder and Lightning," in which he gave the results of three hundred and four observations on thunder storms occurring from 1850 to 1854, in relation to the character, duration of the thunder peal, and interval between the flash and report, with other curious allied data. From this time he became a frequent contributor to scientific journals, and nearly twenty papers from his pen, on astronomy, meteorology, and physical science, appeared in the Smithsonian Reports, "The American Journal of Science," and the "Astronomical Journal." Though generally without instruments, his observations were remarkable for their accuracy and faithfulness. During the last two years of his life, and until his disease (pulmonary consumption) compelled him to desist from all labor, he was engaged in the reduction of the observations made at the Washington Observatory during the fifteen years previous to Superintendent Maury's departure, which that official had left unreduced.

METHODISTS. The most numerous body of American Methodists, the Methodist Episcopal Church, suffered during the past year a considerable decrease of membership, the number of members and probationers being reduced from 942,906, in 1862, to 923,394, in 1863. This loss was chiefly caused by the omission, in the Baltimore Conference, to report the statistics of the membership of the Virginia congregations. In fact, the temporary loss thus suffered by the Baltimore Conference (21,065) exceeds the total loss of the Church, thus leaving for the remainder of the conferences a small gain. Heavy losses were also sustained by the Cincinnati (3,000), Southern Illinois (2,747), and Western Virginia (2,229) Conferences; while the greatest gains were recorded in Northwest Indiana (2,555), Missouri and Arkansas (2,230), East Genesee (1,741), Vermont (1,317), and Foreign German (1,194).

In 1862 the members were divided between the States and Territories as follows:

States and Territories.	Memb's.*	States and Territories.	Members.
California	3,939	Missouri	3,446
Colorado Territory	192	Nebraska	2,025
Connecticut	17,780	New Hampshire	10,467
Delaware	10,757	New Jersey	44,970
District of Columbia	3,310	New York	160,300
Illinois	87,914	Ohio	132,000
Indiana	89,463	Oregon	2,573
Iowa	36,633	Pennsylvania	104,413
Kansas	4,361	Rhode Island	3,482
Kentucky	2,799	Vermont	14,301
Maine	23,885	Virginia	35,429
Maryland	52,874	Washington Territ'y	224
Massachusetts	29,365	Wisconsin	23,427
Michigan	32,283		
Minnesota	6,744	Total	939,356

The Church, at the end of 1863, had 6 bishops—Morris, elected 1836; Janes, 1844; Scott, Simpson, Baker, and Ames, all elected in 1852. The number of effective travelling preachers was 5,885; of superannuated, 903—total, 6,788; the number of local preachers, 8,156. The contributions to the great Societies were reported as follows: Missionary Society, $391,073; Sunday-school Union, $11,633; Tract Society, $12,534. The Church had two biblical institutes, 22 colleges, 96 seminaries, female colleges, and academies. The Book Concern of the Church publishes, at New York, a Quarterly Review, "The Christian Advocate and Journal" (weekly); the "Sunday-School Advocate" (circulation 228,400 copies); "Sunday-School Teachers' Journal (15,000); "Good News" (50,000 copies); the "Missionary Ad-

* These totals include the statistics of the Mission Conference in Germany, and the Liberia Conference in Africa. The membership of the former increased from 2,181, in 1862, to 3,375, in 1863, being a gain of 1,194. The statistics of the Liberia Conference were not received in time for the publication of general minutes; the membership in 1862 was 1,369.

vocate," at Cincinnati; the "Ladies' Repository" (monthly); "Western Christian Advocate;" and two German papers, "Apologist" and "Sonntagsglocke;" besides weekly papers at Auburn, Pittsburg, Chicago, St. Louis, San Francisco, and Salem (Oregon). There are, besides, independent denominational papers published, at New York (2), Auburn, Buffalo, Boston (2), Montpelier (Vt)., Rockford, Ill., (in Swedish). The Missionary Society supported 237 missionaries in the foreign, and 1,082 in the domestic missions.

Nearly all the annual conferences again passed strong resolutions expressive of loyalty to the Government of the United States, as well as of their wish for the speedy abolition of slavery. In most instances these resolutions were passed with entire unanimity. Of the conferences lying in, or partly extending into the slave States, those of West Virginia, Missouri, East Baltimore and Philadelphia were very emphatic in the expression of their loyalty. In the Baltimore Conference only a strong opposition manifested itself to the passage of any resolutions of this kind, and all the majority of the conference was willing to grant consisted in the adoption of the following resolution:

Resolved, That the President of the United States of America be respectfully requested to appoint a day of national fasting and prayer to Almighty God, that it may please Him to bring our civil war to an end, and restore to us unity, peace, and prosperity.

The question of lay delegation continued to be discussed throughout the Church with great animation. On May 13th, a convention of lay members to consider "the question of lay delegation in the general conference" was opened in New York city. The convention was largely attended from all parts of the Union, and organized by electing Governor Cannon, of Delaware, temporary president. After the organization of the convention ex-Governor Wright, of Indiana, was elected to preside. There was a large attendance of Methodist laymen from all parts of the Union. A series of resolutions were adopted, of which the following are the most important:

Resolved, 1. That in the judgment of this convention, the time has fully come when the laymen of the Methodist E. Church should be more intimately united with the ministry in the management of its general interests, and that the proper mode of securing this would be by providing for an equal representation of the laity in the general conference.

Resolved, 6. That a convention of lay delegates be held in the city of Philadelphia on the 17th day of May, 1864, to take such action on the subject of lay delegation as may then be proper; such delegates to be chosen in accordance with a plan to be devised by a committee of seven, to be appointed with power by this convention.

Resolved, 7. That another committee of fifteen be appointed, with power to add to their number, to present these resolutions and the entire subject of lay representation to the consideration of the ensuing general conference; and the said committee are hereby instructed to confer with any committee upon lay representation that may be appointed by the general conference, and to report to the delegate convention provided for by the preceding resolution.

Subsequently the committee of fifteen was increased to twenty-five, in order that all portions of the Church might be represented. Among the members of this committee are ex-Gov. Wright, of Indiana; Professor Strong, Hon. Moses Odell, a member of Congress for Brooklyn; Gen. Fisk, of Missouri; U. S. Senator Willey, of West Virginia; U. S. Senator Harlan, of Iowa; Gov. Evans, of Colorado Territory; W. H. Allen, formerly President of Girard College. Among those who addressed the convention were Bishop Simpson, Gov. Cannon, Gov. Wright, Judge Bond, of Baltimore; Rev. Dr. Eddy, Rev. R. M. Hatfield, Rev. Dr. Nadal.

In Missouri, the Church continued to receive accessions from the Methodist Episcopal Church, south. The most notable instance of this kind was the coming over of eighty-five members of the Southern Church in Louisiana, who thus explained the step taken by them:

We hereby declare our relations as members of the Methodist Episcopal Church, south, forever severed—severed by the treasonable acts and conduct of that official body that should have been the guardian of our rights and of the purity of our church—and that by this conduct on their part they have absolved us from all obligation or allegiance to them as a body, and that every member of the church has full right to attach himself or herself to such other church organization as may receive him or her, and whose doctrines and practices may be consonant with his or her views, without any ground of censure therefor. Therefore,

Resolved, That we hereby recommend to the members of this church as a body to apply to the proper authorities of the Methodist Episcopal Church for connection with that ecclesiastical organization.

From many places of the State, the Union men applied to the authorities of the Methodist Episcopal Church to send them Methodist preachers. In order to facilitate the extension of the Church, and, in particular, to supply every village and every town in the State with a minister, and organize churches in them, the Missionary Board appropriated for the State $7,000, and in St. Louis an organization was formed, for inviting and encouraging the emigration of Methodists to the State. In Kentucky, many leading men of the Southern Methodist Church expressed the opinion that after the restoration of the Union, and the prospective cessation of slavery, the reunion of the Kentucky conferences of the Southern Methodist Church with the Methodist Episcopal Church would not present great difficulties.

On November 30th, the following important order was given by the Secretary of War, permitting the occupation of Southern Methodist churches, and placing them temporarily at the disposal of the bishops of the Methodist Episcopal Church.

WAR DEPARTMENT, ADJ'T-GENERAL'S OFFICE,
WASHINGTON, *November 30th*, 1863.

To the Generals commanding the Departments of the Missouri, the Tennessee and the Gulf, and all Generals and Officers Commanding Armies, Detachments and Posts, and all Officers in the service of the United States in the above mentioned Departments:

You are hereby directed to place at the disposal of the Rev. Bishop Ames, all houses of worship belonging to the Methodist Episcopal Church south, in which

a loyal minister who has been appointed by a loyal bishop of said church, does not officiate.

It is a matter of great importance to the Government in its efforts to restore tranquillity to the community, and peace to the nation, that Christian Ministers should, by precept and example, support and foster the loyal sentiments of the people.

Bishop Ames enjoys the entire confidence of this Department, and no doubt is entertained that all Ministers who may be appointed by him will be entirely loyal.

You are expected to give him all the aid, countenance and support practicable in the execution of his important mission. You are also authorized to furnish Bishop Ames and his clerk with transportation and subsistence when it can be done without prejudice to the service, and you will afford them courtesy, assistance and protection.

By order of the Secretary of War,

E. D. Townsend,
Assistant Adjutant-General.

The Missionary Board of the Church appropriated $35,000 for reorganizing the Church in the reoccupied slave States, and two of the bishops were to this end sent south.

The Evangelical Association, also called German Methodists or Albrights, had, according to their almanac (*Kalender der Evang. Gemeinschaft*) for 1864, 47,388 members in nine conferences (East Pennsylvania, Central Pennsylvania, Pittsburg, Illinois, New York, Wisconsin, Iowa, Ohio, Indiana), 386 travelling preachers, 589 Sunday schools with 27,070 scholars and 6,046 teachers and officers, 549 churches, of an estimated value of $630,300 and 131 parsonages, of an estimated value of $69,822. The denomination has 3 literary institutions: Greensburg Seminary, at Greensburg, Summit co., O.; Union Seminary, at New Berlin, Union co., Pa.; and Plainfield Seminary, at Plainfield, Will co., Ill. Another one was in the course of construction near Buffalo, N. Y. The Evangelical Association held in 1863 its quadrennial General Conference, which began on Oct. 1st at Buffalo.

The Wesleyan Methodists of England held, in 1863, their 120th Annual Conference, in Sheffield, on July 30th, and the following days. Rev. Dr. Osborn was elected president and Rev. J. Farrar, secretary. Of the "Legal Hundred" ministers who form the Conference, two had died and eight had retired.

The Missionary Society, according to the last annual report, sustains 4,618 chapels and other preaching places, 889 missionaries, 17,035 subordinate agents, and has in the missionary congregation 142,789 members, besides 13,804 on trial, and 146,457 scholars in schools.

The most important event in the history of British Methodism is the movement toward a union of the several "liberal Methodist bodies," meaning all the Methodist organizations except the main branch, the Wesleyan Methodists. This movement was inaugurated by the New Connection Methodists, at the annual conference, where a resolution was introduced and carried with acclamation, in which the hope was expressed "that the day may not be far distant when the several sections of liberal Methodism shall become united in more intimate relations." The proposition was well received and cordially seconded by the Primitive Methodist Conference. The Conference of the United Methodists adopted by acclamation a resolution, that a union of the various liberal Methodist communities, founded on a mutually satisfactory basis, would be productive of great advantages to themselves and promote the cause of ecclesiastical freedom and the diffusion of evangelical truth; and at the same time authorized the Connectional Committee to confer with any of the liberal Methodist bodies who might be willing to enter into negotiations, with a view to give effect to the preceding resolution. The Conference of the Bible Christians expressed high gratification "that the Methodist New Connection Conference had shown an earnest disposition to fraternize" with them and the other branches of the Methodist Church, yet in reply to resolutions from the London and Portsmouth districts, recommending the Annual Conference to consider the propriety of effecting an amalgamation with the Methodist New Connection, expressed the conviction that "for the present we had better persevere in the work allotted to us by Providence in our separate capacity, but, should the hand of Providence, at any future period, appear to lead us into closer binding with that estimable denomination, we shall be prepared to deliberate seriously on the subject." The Wesleyan Reform Union also declared they had heard with pleasure the resolution of the New Connection Conference, but in view of the fact that the Union is composed of self-governing churches, united more upon the model of the Independent and Baptist Unions than as a Connection governed by a Conference or annual assembly, the essential principles which govern the churches of the Union would be violated by any attempt to amalgamate them with any other body.

At the same time, when the Union movement was inagurated in England by the New Connection Conference, it was started by the Canada Conference of the same denomination in British North America. The organ of the Canadian New Connection Methodists suggested that the different Methodist bodies of Canada might unite in establishing a General Conference, to be held every four years, or that the executive committees of the several bodies might meet to deliberate on the execution of this plan. The hope for a union between the liberal branches of Methodism was generally shared by the Methodist denominations of Canada.

In the United States, the Methodist Protestants generally signified their willingness to unite with the Methodist Episcopal Church, as soon as lay delegation should be introduced. The prospective abolition of slavery is moreover expected to remove the most important obstacle to a reunion of the Wesleyan Methodists with the Methodist Episcopal Church.

The 12th French Conference began in Paris June 19th, 1863, and elected Rev. James Hocart, of Lausanne, president. The present statistics of the Conference are: Districts, 2; Circuits, 13; Chapels and Preaching-rooms, 182; Ministers and Probationers, 24; Colporteurs and Day Schoolmasters, 15; Local Preachers, 85; Members, 1,522; on trial, 123; Day Schools, 7; Sunday Schools, 41; Sunday-School Teachers, 227; Scholars, 1,821. One preacher on trial was admitted into full connection.

The progress of Methodism in Italy is encouraging. The congregation at Parma, at the anniversary of the first sermon preached there, numbered 91 communicants, with 30 on trial. Methodist service has also been opened in the city of Asola.

The German Annual Conference reported for 1863 the following summary of their statistics: Missionaries members of Conference, 18; missionaries probationers, 6; helpers not yet admitted, 14; colporteurs, 2; members in full connection, 2,126; members on trial, 1,249; chapels with parsonages, 13; preaching places, 156; hearers, 12,725; contributions for Missionary Society, $1,196.77; church property, real worth, with Book Concern, $47,400.00; general contribution of all members for all purposes, $8,625.73.

The Book Concern at Bremen publishes three Methodist periodicals. The Missionary Institute, in the same city, had five students.

The Scandinavian missions of the Methodist Episcopal Church had, in 1862, 4 churches, 911 members, 5 Sunday schools with 193 children. In Spain (Gibraltar), the Wesleyan Methodists of England had, in 1863, 2 circuits, 1 chapel, 1 other preaching place, 3 missionaries, 20 subordinate agents, 40 members, 6 on trial, 295 scholars in schools, 600 attendants on public worship.

MEXICO. The progress of events in Mexico during 1863 having developed with unexpected clearness the motives of the Church or reactionary party in bringing about European intervention, a few words respecting the origin and history of that party seem necessary, by way of preface, before proceeding to the record of the year. During the long period of Spanish ascendancy Mexico was subjected to numerous injurious and degrading restrictions, and her native population systematically excluded from important administrative and ecclesiastical offices, which were regularly sold in Madrid to the highest bidder, or filled by appointment of the viceroys. This policy was especially marked in the government of the Mexican Church, and resulted, in the course of three centuries, in rendering the clergy in many respects an alien body, having few associations or feelings in common with the people; and, like the majority of Spanish officials, occupied with building up and perpetuating a material and moral power, which, in proportion as it became greater, became dearer to them. Thus churches, chapels and religious houses dotted the surface of the more populous and civilized provinces, and not a little of the vast mineral wealth of the country was employed in the embellishment of these buildings, until some of them, as the cathedral in the city of Mexico and the Church of Our Lady of Guadalupe, became the receptacles of almost fabulous treasures in the precious metals and gems.

The first revolution under Hidalgo and Morelos in 1810–'11 found the church in undisturbed possession of its wealth, and in the enjoyment of revenues far beyond the necessities of religious culture. Neither in Mexico nor in the mother country had the immunities enjoyed by the clergy since the time of the inquisition been interfered with, and the partial reaction from the radical reforms inaugurated by the French revolution seemed to indicate the preservation of things as they were. Hence the clergy, intent upon protecting their property and privileges, and not displeased probably by the restoration of absolute goverment and the inquisition under Ferdinand VII., lent no sympathy to the popular movement, which degenerated in a few years into a partisan contest, and by the commencement of 1820 seemed thoroughly repressed in all parts of the country. In that year, however, the despotism of Ferdinand and the inquisition were both overthrown in Spain, and the restoration of the constitution of 1812, together with the suppression of convents and other liberal measures, foreshadowed a policy, which, if applied to the colonies, would inevitably lead to the sequestration of Church property and the decline of ecclesiastical authority. Hence the Church party, though eminently conservative, and sympathizing with the absolutist party of Spain, felt constrained in self-defence to lend its influence in favor of the revolution under Iturbide, preferring, after a nice calculation of probabilities, to cast its lot with an independent government, rather than subject itself to despoilment at the hands of the Spanish Cortes.

The revolution proving successful, it immediately became the object of the clergy to control the government which they had aided in forming, and thus prevent interference with their immunities. This, with the resources possessed by them, was not a difficult matter, and among a population made up of such conflicting elements as the Mexican, it has always been possible by a judicious expenditure of money and an appeal to prejudices or class interests, to form a strong party in favor of the Church. To the efforts of this party may be ascribed most of the revolutions that have distracted the country down to the present time, and the defeat of every liberal measure; and the apparent anarchy of the last forty years, which the Church party has for its own interests represented as incurable, has been in fact a struggle between the ideas of progress inaugurated during the present century, and that reactionary policy which would restore the in-

quisition and other institutions of a past age. Wherever the Church could not control it has sought to destroy, and not a few of the "pronunciamentos" and "plans" aimed at existing administrations, and the number of which perplexes the reader of Mexican history, have had their origin in the selfish desire to hold and increase property and power at the sacrifice of national peace and stability. Administration after administration has been overthrown upon any appearance of an intention to nationalize Church property or even to promote liberal measures, and the crowning effort of the party is seen in its scheme to destroy by the aid of foreign intervention the independence which it aided in securing, and to fasten upon Mexico the reproach of being the only Catholic country in the world, in which the temporal affairs of the Church have remained unchanged during the revolutions of the last half century.

It speaks volumes in favor of the energy and influence of the Church party that from the revolutions of 1820 down to 1860, with some few exceptions, no president, however hard pressed, has ever ventured to encroach upon what is commonly regarded as consecrated property. Congress indeed, in 1833, abolished the compulsory payment of tithes, including a tenth part of the first fruits which grew upon the soil of the republic and the firstlings of the cattle; but so many persons, for conscientious reasons or for other causes, continued to pay this tax that the revenue of the Church suffered no serious diminution. In fact, by the partial separation of the Church from the State in that year, the former gained a more complete independence than it had ever before enjoyed, and in consequence a greater degree of power, the bishops thenceforth exercising control over all ecclesiastical property as *quasi* corporations sole. When the Government went further, and proposed in 1835, at the suggestion of President Gomez Farrias, to appropriate the property of the Church to the payment of the public debt, the proposition was promptly met by a revolution, which led to the conversion of the confederation of States into a consolidated republic, with Santa Anna as dictator. Eighteen years later, after a dreary interval of constantly recurring revolutions, the same man found himself again in the presidential chair with unlimited powers. A combination of liberals drove him from the country, and, under the presidency of Comonfort, decrees were promulgated confiscating the property of the Church and forbidding the clergy to hold real estate. Revolutionary outbreaks prevented the enforcement of these, and a civil war of unexampled duration and fury between the liberals, under Juarez, and the Church party led by Zuloaga and Miramon, followed, resulting in 1860 in the triumph of the former.

The contest by this time had become narrowed down to a struggle between the ultra liberals and ultra conservatives. There was no longer any middle party; and almost the sole question involved was whether the enormous unemployed wealth in the hands of the clergy should remain with them, or should be appropriated to discharge the claims of foreign nations, engendered during many years of anarchy and confusion, and to the payment of the constantly increasing national debt. This was practically decided by the abolition, in 1860, under the administration of Juarez, of all the special privileges of the clergy, and the sequestration of the Church property which was sold to the people at a low nominal price. As a last resort, the Church party, in despair of their ability to regain the influence they once wielded, determined to solicit foreign intervention, hoping, by some fortunate turn in affairs, to build up a monarchy upon the ruins of the republic, and place upon the throne a European prince of absolutist tendencies, under whom they might obtain a respite from the attacks of their enemies. A tolerable pretext for such intervention was afforded by claims for injuries to persons or property. This, however, was not considered sufficient to justify, in the estimation of the world, such a change in their government as they desired, and profiting by their superior means of moulding foreign opinion, they labored to create the belief that Mexico was unfitted for free institutions and utterly incapable of self-government.

As if enough had not been done by them during the previous forty years to bring their country into discredit with foreign nations, they forthwith commenced a series of unparalleled excesses in all parts of the republic, sparing neither native nor foreign born, and murdering, robbing and destroying, until Europe should be worked up to the proper pitch of indignation, and "in the interests of civilization" claim to interfere. Almonte, Miramon and other agents abroad, meanwhile, from time to time laid this unhappy state of things before the tribunal of public opinion, and thus skilfully prepared the way for intervention.* How that was finally brought about has been related in the preceding volumes of this work. The object of this preface is to show that the Church party has systematically provoked the calamities which it now seeks to cure by intervention; and it will be seen further on, that, after two years of hostilities, and the nearly complete overthrow of the liberal party and destruction of the republic, the elements of disturbance remain in full vigor, and that the proper remedy has not yet been applied.

* "We now understand," says the "London Times" of May 27th, 1862, "the origin of the whole affair. The monarchy, with the Archduke Maximilian for emperor, was the idea of certain Mexican refugees, members of the Reactionary or Clerical party in Mexico, and partisans of Marquez and other ruffians, whose misdeeds have been among the principal causes of our intervention. If Ferdinand Maximilian goes to Mexico, he will find his most active friends among the men who have shot, tortured and robbed, until Europe has at last lost patience." A remarkable confirmation of this statement is afforded in a speech delivered by Signor Romero, the Mexican Minister to Washington, at a dinner in the city of New York, Dec. 16th, 1863.

That intervention is no new scheme of the Church party, but has been its policy almost from the time of Iturbide, is frankly confessed by M. Malespine in a recently published pamphlet on the Mexican question, which, though written in the interests of France, contends that the Imperial Government committed a serious error in not accomplishing the "regeneration" of Mexico in coöperation with Juarez and the liberals. After describing the social and political condition of the country at the establishment of the republic, he shows how the reactionist party, formerly known as the Spanish Church party, gradually began to prepare the way for a return of Mexico to Spanish rule; and how, when the people showed themselves inflexibly opposed to this idea, it endeavored, by the aid of France, to establish an independent monarchy, and notwithstanding its proposals were rejected, shrank from no means to render intervention inevitable. More explicit testimony to the same point is furnished in a pamphlet published by order of the French Government, as long ago as 1839, and which sets forth the causes of the French naval expedition against Mexico in the preceding year. The following extract will suffice:

It is known that it is to the clerical party that the differences which have arisen between France and Mexico must be attributed. This party wishes to bring back Mexico to monarchical rule, and has pushed it to a war with us in order to arrive at this end. Since the Algerian expedition we are supposed to fear distant expeditions and foreign conquests. It is well known that the Algerian affair has disgusted us with the rôle of dupe. It is less known in Mexico than anywhere else. The Priest party thought that by injustice, insult, and outrage, it would bring France to undertake the conquest of the Mexican republic, and that a monarchy would then be established. France seemed better suited than any other nation to carry out this vast design. Her humor is warlike. She chafes under injuries, even though their redress would involve a greater injury.

No recent statistics of the numbers or wealth of the clergy have been published; but from the report of the Minister of Justice and Eecclesiastical Affairs made in 1852, it appears that there were then in Mexico 4,615 clergy, including 1,043 regulars; 58 nunneries, containing 1,484 nuns; and 5 establishments belonging to the Sisters of Charity, with 37 sisters and 41 novices. The ecclesiastical hierarchy consisted of one archbishop, at Mexico, and twelve bishops. The annual amount collected by them at the present time under the head of tithes, parochial dues, charities, masses, and the sale of devotional articles, has been estimated at from $6,000,000 to $8,000,000, and their revenue from all sources at $20,000,000 per annum. The total value of all descriptions of Church property may be computed at from $250,000,000 to $300,000,000, including $50,000,000, in the shape of incumbrances upon property for the performance of masses, and comprising probably from one third to one half of the real estate in the country. One half of the property in the city of Mexico, including many millions in money, is in the hands of the archbishop, who thereby wields a power over his tenants unknown to other countries, and does not disdain to assume the functions of a banker. In any part of the world, the possession of so much wealth would imply a formidable power; but, in Mexico, where, through revolutions and forced subsidies, extravagance of living, gambling and other vices, vicissitudes of fortune are frequent and sudden, it is easy to see how an impoverished Government may be overawed or corrupted by it, and opposition rendered of no avail. The union of spiritual and material power in the most intellectual class of the country, though in theory not necessarily injurious, has proved in practice eminently so in this country, and liberal Mexican statesmen have invariably thrown the weight of their influence against it—thus far without effect.

A letter from Vera Cruz thus described the positions of the French and Mexican forces, on January 1st, 1863. The former had from 7,000 to 8,000 men in San Augustin del Palmar, San Andres Chalchecomula and Orizaba; about the same number in Perote and Las Vegas; 4,000 in Tampico; and about 8,000 distributed as convoys, garrisons, etc. Vera Cruz was held by a guard of marines. On the Mexican side there were 25,000 regulars and 10,000 volunteers at Puebla; 12,000 between that city and the capital; 12,000 in the latter place; 8,000 at Queretaro; and a reserve of about 14,000 under Alvarez in the State of Guerrero. The estimate of Mexican strength was based upon somewhat exaggerated statements, and was probably above the mark.

On January 8th, four French men-of-war, under Rear-Admiral Bouet, appeared off Acapulco, and demanded facilities for supplying their sailors with provisions, water, and coal. The demand being refused, a bombardment was opened the next morning, and continued three days, resulting in the destruction of twelve houses and damage to fifty more. The defences of the harbor, consisting of one fort and three small batteries, were silenced on the first day. The French made no attempt to land, nor did they obtain the supplies they demanded.

On the 13th a detachment under Vice-Admiral Jurien de la Gravière, which had occupied Tampico, was compelled to evacuate that place, in consequence of an anticipated attack by a superior body of Mexicans. They retired to their fleet, but did not effect their embarkation without considerable loss. One war-steamer ran aground and was burned by the crew, and three vessels loaded with provisions, coal, and munitions of war, fell into the hands of the Mexicans. A French account, however, represents that Tampico was evacuated because Gen. Forey had need of part of the garrison elsewhere, and deemed it unsafe to leave the remnant exposed to the attacks of many large guerilla bands which were congregating in the neighborhood.

On February 16th the French advance began its march from San Augustin del Palmar to Puebla, a distance of twelve leagues, and about the same time the garrison was withdrawn from Jalapa, to reënforce the invading column. After many tedious delays General Forey set out from Orizaba on the 23d, having, a week previous, published at Vera Cruz a proclamation announcing his intention to march immediately upon the capital, and assuring the Mexicans that he came as a friend, not as an enemy. Four days later he was followed by his diplomatic coadjutor, M. Saligny, with the rear guard. His advance, however, had only reached within fifteen miles of Puebla when he was obliged to fall back some twenty miles to protect his communications, constantly threatened by guerilla bands; and, at the beginning of March, his troops were scattered over a wide extent of country, and reported to be moving in various directions.

In the meantime the national forces were concentrating at Puebla and Mexico, and making every preparation for a determined defence. In the former city the property belonging to convents of nuns was confiscated for the support of the army, as that of the monks had been some time before, and the defences, consisting of an outer line of twelve forts, and an inner line of smaller works, principally convents, were strengthened by every resource of engineering skill at the disposal of the defenders. General Ortega held command within the city, while near at hand, on the road leading to Mexico, was another force under General Comonfort. A unanimity of feeling and purpose, more apparent than real, seemed to animate the people, and the Government issued a stirring address, in which it reiterated its intention to maintain liberty and independence at all hazards, and to use the dictatorial powers conferred upon it for war purposes by Congress to their fullest extent. No clemency was to be shown to traitors, and the influence of preachers, it was announced, must restrict itself to the affairs of their ministry, without in any way interfering with public issues, or obstructing the acts of private life.

About the middle of March the French, 20,000 strong, with the addition of 5,000 Mexicans under Marquez, began to invest Puebla, occupying the hill of Amalocam, which commands the road to Vera Cruz, and is about three miles from the nearest Mexican fort, and four miles from Puebla itself; and the hill of San Juan, on the road to Mexico, two miles from the nearest fort, and a little more than two miles from Puebla. Frequent skirmishes took place between Gen. Forey's troops and the advanced parties of Ortega and Comonfort. Deserters went over to the Mexicans in considerable numbers, and guerillas continued the system of annoyance by which they had so seriously retarded the French advance ever since their first landing in the country. On the 21st they attacked, at La Purga a working party of 1,500 men, some of them armed, who were building the railroad upon which the French were to depend for their supplies, and carried off the Mexican laborers prisoners.

In the meantime Gen. Forey had opened the siege. On the 20th he attempted to throw his whole force upon Gen. Comonfort, who then occupied a position on a hill some miles beyond the French advanced posts, on the road to Mexico; but Comonfort, divining his intention, made a seasonable retreat, and the French returned to Puebla, devoting their particular attention to the establishment of batteries on the side toward Mexico. On the 21st the bombardment opened. The Mexicans made repeated sorties and frequently dislodged the besiegers from their positions. A Mexican sergeant, captured by Ortega, was "branded in the face with the mark of a traitor, and then released, that the nation might know her good from her bad children." On the 26th, after having battered down a part of Fort San Zavier, the French sent out a storming party to take it by assault, but they were repulsed. Soon after midnight, on the morning of the 29th, a similar attempt was made with a like result. A third assault likewise failed, and Gen. Forey thereupon concentrated the fire of all his artillery upon the fort, which being built of adobe, was soon rendered untenable, and was carried by a large force of foot chasseurs and Zouaves. Part of the garrison of 700 men was captured, but Ortega succeeded in removing most of the guns and ammunition.

This success gave the besiegers a foothold in the city, and the speedy capture of two adjoining fortified positions enabled them to occupy two of the principal streets leading to the Place d'Armes. Their difficulties, however, seemed only to have begun. Every street was barricaded, every house a fortress; and the Mexicans fought with an obstinate valor, which severely tested the patience of their adversaries. But step by step the latter advanced, until by the middle of April nearly one half of the city, including the Place d'Armes and the Cathedral, which had been converted into a huge fortress, was in their possession. The advantages gained, however, were more nominal than real, as Ortega, holding the strong forts of Loreto and Guadalupe, with but slightly diminished resources, commanded the French position. On the other hand, the French had effectually interposed themselves between Comonfort and the garrison, so that the latter were cut off from reënforcements and supplies from the city of Mexico. Toward the latter part of April, the approaches were brought within a short distance of Fort Guadalupe, and a heavy cannonade was directed against Forts Carmen, Totimihuacan, Zaragoza, and other adjoning works. At daybreak on the 25th, after the explosion of several mines by the besiegers, a vigorous assault was made by a battalion of Zouaves upon the fortified convent of St. Inez. The head of the column penetrated into the building, but

was cut off to a man, and the remainder was compelled to retire. This was the severest check which the French received, their loss amounting to several hundred killed and prisoners, and Gen. Forey was induced, in consequence, to suspend further decisive proceedings until the arrival of his heavy siege artillery.

A few days of comparative inactivity followed. On the 5th and 6th of May, Comonfort, with the coöperation of the garrison, endeavored to throw a convoy of provisions and ammunition into the city, but was driven away with loss; and on the 8th he was attacked by Gen. Bazaine near San Lorenzo, and completely routed, losing 2,500 men and a considerable part of his artillery and ammunition. His troops retired in a demoralized mass toward Mexico, leaving Puebla to the mercy of the besiegers. On the 16th the latter had their heavy guns in position, and at once opened on Fort Totimihuacan, which was soon breached. An assault was ordered for the same night, and in the midst of the preparations for it Ortega, now effectually cut off from all reënforcements and supplies, sent word to Forey, that if he would permit the garrison to retire with arms, baggage, and artillery, the town would be surrendered. This proposition was rejected, and shortly afterward a flag of truce was sent by Ortega, announcing his unconditional surrender. Previous to this, the Mexican army had been disbanded, arms of every kind rendered unserviceable, and the magazines blown up. About 15,000 men, including 1,000 officers, of whom 23 were generals, fell into the hands of the French. A part were sent to Martinique, 3,000 joined the Mexican contingent under Marquez, and an equal number were employed as laborers on the railroad between Vera Cruz and the city of Mexico. Ortega himself, with a few officers, succeeded in making his escape. On the 19th, General Forey made his triumphal entrance into Puebla amid a salute of 101 guns, just two months after he had commenced the siege.

The retreat of Comonfort's disorganized troops upon the capital in a measure prepared the Mexican Government for the great calamity which was to follow. With the fall of Puebla, where was concentrated their best army, and which had been their chosen position for a stand against the invaders, all idea of further resistance in that part of the country ceased. Even had Ortega's troops escaped from Puebla, the capital was untenable against an attack with heavy artillery, and the French, flushed with victory, were capable of overpowering all resistance. Hence Juarez, gathering up the remnant of his troops, and accompanied by Congress and the Government officials, carrying with them the public archives, left Mexico on the 31st for Queretaro, whence he retired to San Luis Potosi, and established there the seat of Government.

Meanwhile, on May 20th, the French advance under Gen. Bazaine pushed on toward the capital, followed some days later by the main body of the army; and on June 10th, Gen. Forey entered the city amidst extravagant demonstrations of joy from the Church party, and the resident French population. Immediately afterward he published his manifesto to the Mexican people, announcing that his mission had the twofold purpose of making the weight of French arms felt, and of offering Mexico the coöperation of France to assist in establishing a government which should be the result of free choice—"a government which shall practise, above all, justice, probity, and good faith in its foreign relations, and liberty at home; but liberty, as it should be understood, walking in the path of order, with respect for religion, property, and family."

He then proceeded to explain the basis upon which the new Government would be established: no forced loans nor requisitions; property to be under the safeguard of the laws; frauds of public property to be punished; the army to be formed by recruiting instead of levying; imposts to be proportioned to the condition of the person, and, if possible, certain laws, weighing on the poorest producers, to be abolished; employés who are guilty of dishonesty to be removed and punished; the Catholic religion to be protected, and the bishops reinstated in their dioceses—the general believing that the emperor would view with great pleasure liberty of worship proclaimed by the Government; energetic measures to be taken to suppress robbery, and the courts to be organized in such a manner that justice may be administered honestly and without fraud. "I invoke," he added, "the coöperation of all minds; I invite all parties to lay down their arms, and employ their efforts in future not in destroying but in constructing. I proclaim forgetfulness of the past, a complete amnesty to all who adhere in good faith to the Government which the nation, in the full enjoyment of its liberty, may choose. But I declare enemies of their country those who turn a deaf ear to my conciliatory voice, and I will pursue them wheresoever they may seek refuge."

Having prepared the way for "regeneration" by silencing the public press, he undertook, in conjunction with M. Dubois de Saligny, the French minister, to organize a provisional government. A superior council or junta, composed of 35 members, instituted by a decree of June 16th, designated in its turn three Mexican citizens, Gen. Almonte, the Archbishop of Mexico, and Gen. Salas, to whom were intrusted the executive powers of the Government; and the junta itself was divided into sections, each of which took charge of a ministerial branch of the administration. The same junta subsequently summoned an Assembly of Notables to the number of 215 persons, who were to decide upon a form of government, one half of the members constituting a quorum. Should this body be unable to come to a decision, the junta had power to dissolve them and

proceed to the formation of another Assembly, to which members of the first might be eligible. The three persons exercising the executive power, known as the regency, had the privilege of vetoing all the acts and resolutions of the Assembly of Notables; but as both of these bodies were appointed by the junta, and as the latter was appointed by Gen. Forey, it became evident that in point of fact the choice of a form of government rested with the representative of the French emperor, and that the Mexican people would have very little to say in the matter. The ratification by popular vote of the decision of the Assembly of Notables, although provided for by the letter of instructions of Napoleon III., seems never to have occurred to Gen. Forey in framing his decrees.

The Assembly of Notables convened on July 10th, and at once, without debate, declared for an imperial government by a vote of 213 to 2. The Archduke Maximilian of Austria* was at the same time proclaimed emperor, and in case he should not accept the throne, it was voted that the Emperor Napoleon be requested to designate a substitute. On the 17th of August, a deputation, headed by Gutierrez de Estrada, formerly Minister of Foreign Affairs, left Vera Cruz for Europe, charged with the offer of the crown to the Archduke.

If the French accounts may be believed, the decision of the Assembly was received with tumultuous joy by all classes of Mexicans, the prospect of a stable government under a European prince, supported by European bayonets, being in every respect preferable to the long rule of anarchy under which the country had groaned. But, as has been justly observed, in a land of such distances, and infrequent communication, it was hardly probable that even then all the inhabitants knew that the French occupied the city of Mexico; and impossible that conventions of the different States should have been held to send delegates to a General Convention, in which a question of such vital import should be at least discussed. The greater portion of the people had never heard of the name of Maximilian, and were in no respect represented by the few pseudo "notables" assembled in the capital (who were, in fact, prominent members of the Church party), or responsible for their acts.

That the Assembly had exhibited indecent haste, as well as departed from Napoleon's programme, in assuming their action to be definitive, was evident from the subsequent course of the French Government. The Emperor had explicitly instructed Gen. Forey, on his departure for Mexico, to cause the provisional government which might be formed there, to "submit to the Mexican people the question of the form of political rule which should be definitively established;" and he was not slow to perceive that the proceedings of the French general and the notables, if unnoticed by him, would tend to degrade the newly created empire, in the estimation of the world, to the level of a despotism.

Accordingly, M. Drouyn de l'Huys, the French Minister of Foreign Affairs, hastened to remind the French commander that the instructions of his master, the Emperor, should be carried out to the letter:

> We have noticed with pleasure, he wrote on the 17th of August, 1863, as a symptom of favorable augury, the manifestation of the Assembly of Notables in Mexico in favor of the establishment of a monarchy, and the name of the Prince called to the empire. But, as I indicated to you in a former despatch, we can only consider the vote of this Assembly as a first indication of the inclinations of the country. With the great authority which attaches to the men of mark who compose it, the Assembly recommends to its fellow citizens the adoption of monarchical institutions, and designates a prince for their suffrages. It is now the part of the Provisional Government to collect these suffrages in such a manner that no doubt shall hang over this expression of the will of the country. I shall not indicate to you the method of securing this indispensable result. It must be found in the institutions of the country and its local customs.

Before these views of the French Government were made public, the Mexican deputation arrived in Europe, and proceeding at once to Trieste, had an interview with the Archduke on October 3d, at his castle of Miramar, in the neighborhood of the city. Gutierrez de Estrada, who was the spokesman of the occasion, recapitulated, after the fashion of the Church party, the causes which had led the Mexican nation to seek in the reëstablishment of monarchy the termination of their discords, claiming that the latter were the necessary consequence of all that had occurred since the emancipation of the old Spanish colonies. As a matter of course he paid a compliment to Napoleon III., who had taken so leading a part "in the great and noble task of Mexican regeneration;" and declared that in making choice of an Austrian prince the notables had only rendered homage to the most popular traditions of the country, which had been happiest and best governed under the rule of the Archduke's ancestors. "The finger of God," he added, "by endowing the Archduke Ferdinand Maximilian with the richest and rarest qualities, pointed and designed him as the object of the unanimous choice of the people. The Archduke could not refuse the crown thus spontaneously and enthusiastically offered to him without opposing the designs of Providence; and if Providence had brought out to light the gifts and merits of the prince, it was clearly in order to direct them toward the fulfilment of his great work—the salvation and regeneration of Mexico."

* Ferdinand Maximilian Joseph, Archduke of Austria, is the oldest brother of the reigning Emperor of Austria. He was born the 6th of July, 1832, and was married on the 27th of July, 1857, to Maria Charlotte, daughter of the King of Belgium, but has no issue from this marriage. Archduke Maximilian is a vice-admiral, and chief commander of the Austrian navy, and is reported to be familiar with everything belonging to the naval service. He has the reputation of being the most liberal among all the Austrian princes, and a warm supporter of the Constitution, which his brother is now trying to develop in Austria.

The vote of the Notables, engrossed on parchment, and enclosed in the handle of a sceptre of solid gold, was then presented to the Archduke.

Maximilian, who was already familiar with the French programme, and was aware of what was expected of him, replied to the deputation as follows:

The wishes of the Mexican Assembly of Notables have touched me deeply. It cannot but be exceedingly flattering for our House that they have turned their eyes to the descendants of Charles V. Although the mission of maintaining the independence and welfare of Mexico on a solid foundation, and with free institutions, is a most noble one, I must, nevertheless, in complete accordance with the views of the Emperor Napoleon, declare that the monarchy cannot be reëstablished on a legitimate and firm basis without a spontaneous expression of the wishes of the whole nation. I must make my acceptance of the throne dependent upon a *plébiscite* of the whole country. On the other hand, it would be my duty to ask for guarantees, which are indispensable to secure Mexico against the dangers which threaten her integrity and independence. Should these guarantees be obtained, and the universal vote of the nation be given in my favor, I am ready to accept the crown, subject to the approval of the emperor, my brother. In case Providence should call me to this high mission, I must at once declare that it is my firm intention to open the path of progress by a Constitution, as was done by my brother, and after the complete pacification of the country to seal the fundamental law with an oath. By such means only can a new and really national policy be called into existence by which all parties, forgetting all disputes, would coöperate with me in raising Mexico to a prominent rank among nations. Carry back with you these frank declarations to your fellow citizens, and act in such a manner as it may become possible for the nation to declare what form of Government it desires to have.

For several weeks after the removal of Juarez and the Mexican Government to San Luis Potosi, the French remained quietly in the city of Mexico, engaged in organizing the empire, and awaiting reënforcements. During July and August, various bodies of national troops, under Doblado, Arteaga, and others, occupied the States of Queretaro, Guanajuato, Michoacan, and Jalisco, immediately north and west of Mexico, while Ortega was concentrating a force in Zacatecas. Swarms of guerillas infested the roads leading to the city of Mexico, who waged a war of extermination against the French pickets and outposts; and in the southern provinces a desultory contest of the same character was kept up by Carvajal, Tellez, and other chiefs. Assassinations of persons friendly to the French interest were said to be frequent in the capital, and in consequence the Provisional Government was compelled to resort to severe measures of repression and retaliation. Most of the foreign ministers recognized the Government *de facto* established there, and all declined to remove to San Luis Potosi, to which place Juarez had offered them safe conduct. The only important military operation undertaken by the French during the summer, was the reoccupation, on August 11th, of Tampico.

With the commencement of October, both parties were busily occupied with preparations for the active resumption of hostilities; the French designing to march northward through Queretaro and Guanajuato to San Luis Potosi, and westward to Guadalajara, in the State of Jalisco; and the Mexicans preparing to dispute their advance. Some minor successes had infused new hopes into the latter, and their aggregate force in the field was still considerable. In the latter part of the month, Comonfort was appointed by Juarez minister of war and commander-in-chief, and took post with an army of 15,000 men near Queretaro, while Gen. Diaz, with 3,000 troops, mostly mounted men and guerillas, was directed to operate against the French communications between the city of Mexico and Vera Cruz. On the 22d, Gen. Bazaine published an address to the Mexican people, in which he announced that he had been appointed commander-in-chief of the "Army of Intervention," General Forey returning to France, and that this change implied no deviation from the political programme previously announced.

Early in November, the Franco-Mexican column destined for the north took up its march from the capital, the reactionist General Mejia commanding the advance; and on the 13th, Comonfort, while reconnoitring in the neighborhood of Queretaro with a small mounted escort, was surprised and killed by a similar party from the invading army. The Mexicans charge that he was assassinated in cold blood by his enemies. Upon the announcement of his death at San Luis Potosi, Juarez appointed Gen. Negrete minister of war, and Gen. Uraga commander-in-chief; the latter being at that time in the neighborhood of Morelia, the capital of Michoacan, with a considerable force. On the 19th, Mejia occupied Queretaro without resistance from the national troops under Doblado, who retired toward Guanajuato; and being joined a few days later by Gen. Douai, their united forces marched thence for Guanajuato, which they entered quietly on December 8th. Meanwhile another column under Gen. Bazaine moved to the northwest, in the direction of Guadalajara, while a third, under Gen. Berthier, with whom was the reactionist Marquez, marched toward Morelia, with a view of coöperating with Bazaine against Guadalajara or Zacatecas.

The policy of the Mexican leaders seems to have been to avoid a general engagement with the main body of the Franco-Mexican army, but by moving on its wings, to watch the opportunity to make a successful flank movement, and thus enter the valley of Mexico and besiege or take the capital, from which the greater part of the troops had been withdrawn—an exploit which would have had a prodigious moral effect upon their cause, both at home and abroad. For this purpose Doblado and Negrete were instructed to fall back, the one toward Lagos and Aguas Calientes, on the road to Zacatecas, and the other to San Luis Potosi, thus drawing the enemy after them,

while Uraga should overpower Marquez at Morelia, and thence march rapidly to the capital. Early on the morning of December 17th, Uraga, with about 8,000 men, fell suddenly upon the Franco-Mexican force under Marquez, who, however, having received secret intelligence of the proposed attack, was fully prepared. A sanguinary battle of several hours' duration followed. The national forces at one time penetrated into the plaza of the town, but after severe fighting were driven out and forced to retreat with heavy loss, the French claiming to have taken 1,000 prisoners and eleven pieces of artillery. A few days later the remnant of Uraga's army was attacked by Col. Saint, and sustained another defeat, with which active hostilities terminated for the month in the State of Michoacan. The invading columns thenceforth pursued their march without interruption toward the north, and by the close of the year Gen. Bazaine was within a short distance of Guadalajara.

Meanwhile the column under Douai and Mejia pressed rapidly forward from Guanajuato to San Luis Potosi, whence Juarez retired on December 18th, to Monterey, accompanied only by a few armed attendants. On the 24th, Mejia occupied the town, where three days later he was attacked by Negrete, who was repulsed, losing some artillery, baggage, and prisoners. The close of the year left Negrete in the neighborhood of San Luis Potosi, awaiting the arrival of Doblado and Ortega, in conjunction with whom he proposed to make another attempt to eject Mejia.

In addition to the operations above detailed, there was an attempt by Gen. Cobos, at a revolution in favor of the interventionists at Matamoras, in the early part of November, which was quickly repressed by the Juarist governor, Don Manuel Ruiz, who caused Cobos to be shot. Ruiz, however, was almost immediately driven out of the city, and Serna, also a liberal, appointed governor in his place. The last movement, however, seems to have been a local quarrel, having little or no connection with the question of intervention. Though north of the capital the prospects of the national party seemed gloomy enough, in the south Gen. Diaz was reported to be active between Vera Cruz and Mexico, threatening Orizaba and other places; and in the States of Oajaca and Puebla, a body of several thousand men were organizing to cooperate with him. While from the mountain fastnesses of Guerrero the old chief Alvarez, who had hitherto taken no active part in the war, issued an address to the Pinto Indians of the south, over whom his influence has for many years been predominant, urging them to oppose the French, who were about to strip them of their privileges. The southern States of the republic had, in fact, been scarcely invaded, still less subdued, and notwithstanding numerous reports of the defection of Doblado and Vidaurri, the resignation or removal of Juarez, and dissensions of all kinds among the national leaders, they remained at the close of the year loyal to the country, and still controlled a military organization which favorable circumstances might develop into a formidable power.

On January 1st, 1864, the districts in the interior of Mexico occupied by the forces of the French intervention formed a triangle, of which the apex was at Mexico and the sides extended north to San Luis Potosi, and west as far as Guadalajara. In an easterly direction, the situation of the country subject to the intervention was nearly the same, resembling an irregular trapèze, formed of two unequal triangles; the greater one having its apex at Mexico, and the two sides almost equal, each almost 180 miles in length, and about 50 miles apart; while the smaller one had its apex at Vera Cruz, and formed a triangle with equal angles, each 50 miles long. To complete this description the total superficies of the country over which the Franco-Mexican intervention is more or less dominant, may be stated as a length of about 600 miles, by a breadth of from 130 to 150 miles.

Insignificant as this territory may seem in comparison with the whole national domain, it nevertheless comprises some of the most rich and populous States and cities, although the total population included in it falls far below a majority of the nation. "After the *coup d'état* of December 17th, 1857," says an English writer, reviewing the incidents of the year, "all the towns occupied at this moment by the Franco-Mexican troops, including even the important city of Guadalajara, were in the power of the reactionary government; and yet that did not prevent the chiefs of that government—after a three years' struggle, sustained by the gold of the clergy, and backed by foreign jobbers—from succumbing at last, and going ignominiously to beg for foreign intervention."

The progress of the Franco-Mexican armies, and the number of cities and towns that had declared their adherence to intervention, were conspicuously noticed in official French papers, the object evidently being to show, that although the resistance of Juarez was not entirely subdued at the close of the year, the position of affairs was satisfactory enough to justify the Archduke Maximilian in taking possession of the throne won for him by Napoleon III. The Mexican deputation had returned home, immediately after their interview with the Archduke, ostensibly to obtain a ratification of the empire by a popular vote. But, as if to show how hollow was this whole proceeding, it was subsequently submitted to him that any nearer approximation to a popular vote among so scattered a population as the Mexicans than such as was to be obtained from a more or less general submission to the French arms, was altogether impracticable. The Archduke lent no unwilling ear to statements of this nature, and prepared from the outset to take advantage

of any pretext offered to him, was ready to accept the progress of the French arms as an indication of the submission of the Mexicans to his rule. As a matter of form, however, he awaited at Miramar the return of the Mexican deputation.

The difficulty of taking a vote of the whole people, in accordance with "the institutions and local customs of the country," as required by M. Drouyn de l'Huys, is shown by M. Malespine in the pamphlet above referred to. "Shall the poll be declared open," he asks, "only in the localities occupied by the French troops, or in all Mexico? If in the former manner, the vote would not be the largest manifestation of the popular will, because the whole people would not be consulted; in the latter the appeal could not be made known to them, and would consequently fall to the ground." And he proceeds to show that the French occupation was effective in only a comparatively small portion of the Mexican territory, and that even this was overrun by numerous bands of guerillas, whence he concludes that an expression of Mexican opinion at the time of the return of the deputation from Europe was impossible, stating as an additional reason the fact that hostilities had recently been resumed. Of the efficacy or sincerity of an election, which depends upon the accession of territory by the triumphant progress of an army, no opinion need be expressed.

But although a uniform and remarkable success had attended the French arms during the year, and the question of the establishment of the empire seemed practically settled, a series of events took place in the city of Mexico, in November and December, which indicated that the "regeneration" of the country would prove a less easy task than had been anticipated, even should intervention succeed in tranquillizing it. The clerical party, who had brought about intervention, hoped, with some show of reason, that when the French army should occupy the city of Mexico, the Imperial Government would annul the laws of reform issued by the Liberal Government in 1860, and hasten to restore to the clergy the property which had been taken from them, nationalized and sold. Among the largest purchasers of ecclesiastical property, however, were a number of French subjects, who would be seriously injured, if not ruined, by its restitution; and as the French Government had intervened partly in favor of the claims of this class of persons, it could not, without stultifying itself before the world, abrogate the reform laws of 1860, and still less permit the regency to do so. Whether Napoleon at length appreciated the true means of regenerating the country, and was preparing to throw off his alliance with the Church party, and, in imitation of Juarez and the liberals, to destroy its power by distributing its wealth; or whether he was unscrupulously working out a policy of his own, it is at present difficult to say. The fact only remains, that at the close of the year, by the acts of their generals, the French found themselves committed to that policy of Juarez, which had induced the reactionists to seek intervention, and at the same time engaged in compassing the overthrow of the liberals.

On the 24th of October Gen. Bazaine caused notices to be published in the official papers of the city of Mexico, that the proceedings pending in the courts relative to the sale of ecclesiastical property, and involving the validity of titles therein, should take their due course, without regard to the events of the last few months; and on November 7th, certain judges having abstained from taking cognizance of these causes, he requested the Regency to expedite them by an official decree. At the request of the Archbishop of Mexico, one of the regents, who had opposed the publication of these notices, and who thought the subject was too important to be hastily decided, further time for consideration was granted; and on the afternoon of the 8th he laid before Bazaine various reasons, which, in his opinion, rendered it expedient to postpone a decision in the matter until the arrival of the Archduke Maximilian. Almonte, one of his colleagues, was present, and sustained his views on several important points. Bazaine appearing unconvinced by the representations of the archbishop, the latter promised to send him the next day his views in writing at length, and took his departure. His surprise may be conceived, when, having just completed an elaborate communication to Gen. Bazaine, he received a notice from the under Secretary of State and of Justice (the latter being his own special department) that the Regency had issued a decree, in conformity with the request of Gen. Bazaine, to expedite the ecclesiastical property suits. This decree had been issued by two members of the Regency only, Almonte and Salas, without consulting him, and to add to his mortification, he subsequently ascertained that it had been signed and was in operation on November 8th, several hours before his interview with Bazaine. The latter, inflexibly determined to carry out his purpose, had detected from the outset the temporizing policy of the archbishop, and finding in the two other members of the Regency ready instruments, determined to dispense in this matter with the services of their coadjutor.

The archbishop, however, was not to be thus silenced. On the 10th he sent to Almonte and Salas, and to the president of the Supreme Tribunal, protests against the decree of November 8th, which he declared to be null and of no binding effect. On the 14th he declared that he would not again meet at the sessions of the Regency until the decree should be repealed, and on the 17th he was notified by his colleagues that, having arrayed himself in open opposition to the Regency, he thenceforth ceased to form part of it, General Bazaine concurring. To this he replied, that, being a part of the Re-

gency, he could not be in opposition to it; that he had not specifically declared his unwillingness to meet with his colleagues; and that the Assembly of Notables was alone competent to remove him from office. He also requested that his protest might be sent to General Bazaine.

Subsequently he received from the latter the following communication:

EXPEDITIONARY CORPS OF MEXICO, HEADQUARTERS OF THE GENERAL-IN-CHIEF, MEXICO, *Nov. 20th*, 1863.

YOUR GRACE—I have received the protest which his Excellency General Almonte has caused to reach me, with reference to the measures which have been adopted by the Regency to remove your Grace from the Provisional Government. I must make known to your Grace that this measure was rendered necessary by the attitude of your Grace, and it was taken with my approbation, persuaded, as I am, that this was the only means of avoiding the interruption of the march of events.

May I be permitted to express the desire that your Grace, well inspired, will accept the position as it is to-day, and will reject the advice and the suggestions of imprudent friends, against whom, notwithstanding, I have determined to take the most rigorous measures that I am authorized to employ under the powers with which I am invested. I rely on the abnegation of your Grace, and on your devotion to the country, that, at the moment I am about setting out for the interior, on the work of the pacification and regeneration of Mexico, your opposition will not delay the march of the Government.

Your Grace will please receive the expression of my high and respectful consideration. BAZAINE.

General Commanding-in-Chief.

To his Grace the ARCHBISHOP OF MEXICO.

In reply, the archbishop argued that his removal would delay rather than facilitate the "march of events," and denied the authority of the general in the premises. "This Government," he observed, "was terminated on the day of my removal. That which exists to-day may be whatever you wish, but it will not be the Government announced by General Forey to the Mexican people, to France, to the world," whence he concluded that the act of General Bazaine was null and void.

On December 15th, at the instigation of General Bazaine, a further order was issued by the Regency, removing all obstacles and legal impediments to the exercise of rights of action respecting church property, which were in existence at the time of the arrival of the French in the country. This seemed to indicate a policy on the vexed question of sequestration too plain to be misunderstood; but for the purpose of putting on record their opinions, and with some lingering hope, perhaps, that they might be able to avert the impending calamity, the Church party, represented by the archbishops of Mexico, Michoacan, and Guadalajara, and the bishops of San Luis Potosi and Oajaca, united, on December 26th, in a protest to the Regency, which, in some respects, is the most remarkable paper produced during the war.

After reciting the various illegal acts of the Regency, who, they allege, bound themselves under solemn obligations to the Church and the nation, "not to decide any ecclesiastical questions, except in accord with the Holy Apostolic See," they observe:

All these acts manifest with the most weighty evidence that the Holy Catholic Church in Mexico suffers to-day, at the hands of the Government which actually exists in the capital, a compulsion in its most holy rights and in its canonical liberties entirely equal to that which it suffered when the authorities emanating from the plan of Ayutla * were in power, because such compulsion consists, not in the form of Government nor in the persons of those who compose it, but in the character and importance of its acts; and those of your Excellencies tend to expedite the consummation of the work which those authorities began, for you declare in full force the rights and actions which spring from the sacrilegious and illegal laws and from the acts committed against the immunity of the Church by said authorities, and even in the same language, for the same odious expression is now used which was then employed to designate the ecclesiastical property.

Grievous would be the evils which the Church suffers to-day, were they no greater than they were; but, by a misfortune which we can never sufficiently deplore, there are peculiar circumstances which render still worse the situation of the Church in Mexico, and which increase its grief to an extraordinary degree.

Then the Government frankly manifested its principles. It appeared to the view of all this Catholic people in the character of an opposition armed with power against religion and the Church; and the latter, as a victim immolated by the Government, defended itself heroically, suffering the consequences of a terrible persecution and perishing nobly for the holy cause of justice. To-day a Government inaugurates itself with professions eminently religious and moral, after the French army has destroyed, in the capital, that of Juarez, and it presents itself before the Mexican people as the protector of its faith, of its religion, of the Church, and of the priesthood. Then we were banished; to-day we are invited and received with expressions of consideration; creating by this means among the people a feeling of confidence as regards their tenderest affections, their dearest interests. Then the prelates leaving our country carried with them the hope that the first political change which should take place would bring with it a complete moral and religious restoration. To-day, returning after such a change to be present at the immolation of all our principles, the consummation of the ruin of the Church, we have received a blow such as is only received at the death of all human hope. Then the Church had only one enemy—the Government that persecuted it. To-day it has two: that same Government which still lives in the country, which still has resources of its own, an army that contends hand to hand for every foot of ground, and that counts upon the aid of its principles and interests in the enemy's camp; and in the capital an enemy whose first business it is to carry into effect the destructive plans of its opponent in religious and moral affairs. Then we received the blow from the hand of an open enemy: to-day we are attacked by those who call themselves friends of the Church and protectors of its liberties. Then the attack and the defence did not pass beyond strictly national bounds: to-day we have to lament the character which intervention has given to these attacks, and that from it have arisen the exigencies which have obliged your Excellencies to adopt your present course. Then we verified our episcopal acts simply as bishops; to-day we have to make our defence passive and legal, because we cannot pass that limit also as Mexicans. Then, notwithstanding the restrictions imposed by the laws of the press, we could publish our protests and our pastorals to the people, because there existed no other restraints than such as would result from the incon-

* The plan of Ayutla (1854) led to the overthrow of Santa Anna and the reactionary party, and the establishment of the liberal administration of Comonfort, under which were passed the first laws for the sequestration of church property.

veniences of a trial. To-day the press is bound in such a manner that it is open only to those who favor the intervention. The publication of a Pontifical allocution, of an edifying and moral retraction, and of any paragraph copied from abroad in which allusion is made to the authority of the Holy Father with respect to the ecclesiastical questions of this country, are the subjects of formal admonitions to the press, and of prohibitions to insert in the future this class of articles, at the same time that anti-ecclesiastical, and sometimes even scandalous doctrines pass unnoticed.

It is for these reasons that, speaking of the situation in which circumstances have now placed us, we consider it worse than before.

Then follow several passages of denunciation against the "sacrilegious laws of spoliation" which the Regency are attempting to reënforce, and which, notwithstanding their "illegal, ruinous, unpopular, and sacrilegious character," they complain, are "pompously called laws of reform." Alluding to the surprise and confusion which the course of the Regency has caused them, and to the absence of any justifiable motive, founded on public convenience, for adopting such a course at this time, they add:

That Senor Juarez with his party should enact such laws, and should work unceasingly to carry them into effect, this we can well conceive, as well as the energetic opposition of the prelates and the conscientious resistance of all true Catholics; but that a Government under the protection of France (not as a conqueror, not as attempting to overthrow our independence, but as respecting it and offering to save it, and instructing its commander-in-chief not to interfere with the freedom of its acts), which has just been established as the Government of a nation in virtue of the vote of a Council of Notables, and in opposition to the Government of Senor Juarez, that such a Government should work for the laws which this latter has dictated, these being, as they are, the essential and sole cause of the division among the Mexicans and of the civil war, this we cannot understand. * * *

We well know that to present such proceedings in a favorable light a thousand plausible excuses are invented, principally to win over by surprise the Court of France, which lacks the data indispensable to judge of the state of society here. But the truth will not be long in appearing in its true light, and to the scandal of the world it will be known that the immense majority of the Mexicans are essentially Catholic, that they respect the laws of God and of their Church, that they bewail the attacks received from the Government of Ayutla, and that if they manifested themselves in favor of the intervention, it was because it presented itself as their protector, not against the persons—for that would be but a childish jest—but against the acts of the Government of Senor Juarez. But the attitude that the intervention to-day takes by such dispositions has transformed its triumphs to victories over the party oppressed, for it gives force and vigor to the claims and rights emanating from such acts.

The bishops then examine the conduct of Gen. Bazaine and the Regency by the light of the instructions given to the former by M. Drouyn de l'Huys in August, and find that these instructions have been obeyed neither in letter nor in spirit. The motive for this disobedience they allege to be a trivial one:

And what has been the cause. What powerful motive has precipitated this crisis? Perhaps the supreme interests of society? Perhaps an extreme necessity, a sudden emergency, a tempest which could not be assuaged by any other means? No! it was the most trifling cause, the most insignificant in regard to the effect.

The complaint of a French subject, and the request of the General-in-Chief made to your Excellencies by virtue of this complaint. This is the cause of all; this is what Mexico has to hope from the impartiality that was promised, and from the non-interference of that chief in order to leave the Government free in its acts; this is the melancholy synopsis of the situation in which the Mexican Church to-day finds itself.

They therefore hope that all the proceedings instituted by the Regency may be suspended; but if this hope should prove fallacious, they desire to utter their solemn protest against every act affecting injuriously the property of the Church, declaring all such acts utterly null and void; and conclude with the following declarations:

First—That it is not lawful to obey the communications of the 24th October, the circulars of the 8th of November and the 15th instant, nor any orders tending to aid the execution of the said decrees of Senor Juarez, nor to coöperate therewith.

Second—That neither that Government nor any Government, whatever it may be, has any authority to take possession of the property of the Church; that, therefore, both the decrees of that Government and the notices and circulars issued by order of your Excellencies, involve an illegal and tyrannical disposition of the most sacred property, and are subject to the censures of the holy Church, and especially to the excommunication fulminated by the Holy Council of Trent, in chapter 11 of session 22 *de reformatione.* In consequence there are comprehended in this canonical penalty not only the authors and executors of the decrees, notices and circulars aforesaid, but also all those who in any way coöperate or have coöperated toward their fulfilment.

Third—That the political change which has taken place in Mexico in consequence of intervention has not altered or lessened in any respect the obligations and moral and canonical responsibilities to which those of whom we have just spoken are subject, and that therefore all of our protests, circulars and diocesan orders, issued by reason of the so-called constitution and laws of reform, remain in all their force and vigor, and are applicable to the notices and circulars of your Excellencies already mentioned, and to whatever other dispositions of your Excellencies that tend to place in execution the laws, decrees and acts to which our canonical protests, said manifestation, circular and diocesan orders refer.

Those incurring the censure of the said canon, in virtue either of the law of the 25th of July, 1856, of the decrees published in Vera Cruz by Senor Juarez in July, 1859, or afterward in Mexico, of the communications and circulars issued by order of your Excellencies, or of the disposition or orders of whatever authority or person, public or private—that is to say, the authors, executors or coöperators in the despoliation of the Church in its property, lands, rents, possessions, claims, rights, temples, objects contained therein destined to public worship, &c., are strictly obliged to make restitution and reparation for the scandalous crime; and they cannot be absolved, not even at the point of death, if they do not comply with the conditions established by the Church and set forth in our circulars and diocesan decrees aforesaid.

So frank an acknowledgment that the sequestration policy of Juarez was "the essential and sole cause" of the present complications, and that there has never been any question at issue in Mexico but that of the Church property, was unexpected by the liberals, and seemed to justify the charges so freely made against the Church party. The protest, however, except

as a confession extorted from incensed and disappointed men, attracted little notice, the arguments contained in it having been often stated before; and the Regency pursued with unruffled complacency the course marked out for them by Gen. Bazaine. The judges of the Supreme Tribunal, who were all members of the Church party, having, in defiance of the decree of December 15th, refused to expedite the ecclesiastical property cases, were promptly removed from office by the Regency, who announced in a manifesto to the Mexican people that their "line of conduct was traced beforehand by gratitude to the intervention, and by the interests of the country, which it was necessary not to separate from the French policy."

The following correspondence between Gen. Neigre, whom Bazaine had left in command of the city, and the Archbishop of Mexico, though occurring after the close of the year, is appended as forming an important and indispensable part of the proceedings above related:

MEXICO, *Jan. 16th*, 1864.

Your Grace: There has just been brought to my knowledge a matter of very grave import. Certain incendiary publications, which have been put under the doors of various houses and scattered clandestinely among the public have reached my hands.

The authors of these culpable publications magnify petty material interests which our holy religion repudiates, and appeal to the most detestable passions against the army of his Majesty the Emperor, which has come to rescue Mexico from anarchy, and to afford protection to the pastors of souls, in order to allow them the greatest liberty in their holy ministry. They forget that those prelates of whom they pretend to be the organ, and whom they make to appear as humiliated and despised, have never been surrounded with more respect and veneration.

I desire to believe, your Grace, that you are ignorant of these criminal proceedings. I therefore have to denounce them to you, and to address to you an entreaty in the interest of public order and tranquillity; since, in the name of the Catholic religion, of which we Frenchmen are the eldest sons, and in the name of the prelates whom we cover with our respect, a degraded party is in movement to disturb the national repose. Tell that party, your Grace, that we are watching it, and know its machinations; that the French army, in accord with the lawful Government of the country, will maintain tranquillity; tell it that, although we are always reluctant to employ violent measures of repression, we shall know how, if circumstances put us under that painful obligation, to make them return again to the obscurity from which they are daring to put forth diatribes which prove them to be the real enemies of Mexico.

Be pleased to tell them this, your Grace, and if they stop at your evangelical words, your Grace will have done a great service to humanity, and, failing their gratitude, you will have ours.

BARON NEIGRE, General in Command.

To his Grace the ARCHBISHOP OF MEXICO.

REPLY OF THE ARCHBISHOP TO GEN. NEIGRE.

Your Excellency: In reply to the communication of your Excellency of the 16th instant, I have the honor to assure you, with respect to incendiary writings distributed through the city, that I have not had, nor even now have, any knowledge of them up to the present time. It would, therefore, have been necessary that I should have read them to be able to answer you, and I would thank you sincerely if you would have the kindness to send me a copy of them.

Here I would finish my letter if you did not make in yours certain assertions that, independently of the writings referred to, you throw upon the Mexican clergy. It is, therefore, indispensable to rectify these assertions in case they are not exact.

There is an acknowledged fact—one publicly notorious—which is, that we have all protested against the two individuals who assume to be a government, and against the circulars of the 9th of November and 15th of December last, and we declare categorically that the Church, in its immunities and rights, is at present the object of the same attacks that it had to suffer during the government of Juarez; that never was the Church so bitterly persecuted; and that we, the chief prelate, from the position in which we have been placed, find ourselves in a worse situation than at that period.

Your Excellency tells me that in the exercise of their sacred ministry the pastors of souls enjoy the greatest protection and the most complete liberty, and that they have never been held in greater respect and veneration. Your Excellency, then, will perceive that the two documents quoted (our manifesto and your letter) represent, with respect to the position of the Church, two propositions entirely contradictory, and that of the two propositions one is necessarily true and the other consequently false.

In conformity with this statement of facts, and the deductions of logic, it results that we, a Mexican prelate, find ourselves, according to your assertion, in the alternative of denying those writings or of retracting our words.

We cannot retract, because we have spoken the truth, protested justly, and acted rightfully, and we feel in our conscience that we have been placed in the painful necessity of acting thus.

From what your Excellency tells me, I infer that you are ill informed with regard to the situation of the Mexican Church, and I am convinced that had you known the facts, the interests involved and the motives which have determined our conduct, you would have done us justice in the opinion which you would have formed of that conduct.

I have the honor to enclose to your Excellency a copy of my protest.

Your Excellency will be pleased to accept the expression of my consideration.

PELAGIO ANTONIO, Archbishop of Mexico.

To his Excellency BARON NEIGRE,
General in Command.

The position of the United States during the year, in relation to the Mexican question, was a peculiar one. On the one hand, the Government was supposed, in accordance with the popular interpretation of the so-called "Monroe doctrine," to be pledged to oppose any interference by foreign Powers with the political affairs of the American continent; while, on the other, the exigencies of the existing civil war monopolized her military resources to an extent which would render protest or opposition to the schemes of France of little effect. The popular sympathy lent itself to the cause of the Mexican liberals, and, notwithstanding the hands of the Government were in a measure tied, there were not wanting many persons, friends as well as opponents of the administration, who thought that the traditional policy of the country should not be abandoned, and who believed that a protest, even though accompanied by no military demonstration, would have prevented the establishment of an empire in Mexico. This led to a discussion in the public prints respecting the history and object of the promulgation of the Monroe doctrine, with a view of ascertaining exactly what the Government pledged itself to do in

cases of foreign intervention, and what action was required of it under existing circumstances.

In his message to Congress in December, 1824, Mr. Monroe, speaking of the Spanish American States, whose independence was not yet acknowledged by Europe, says:

The deep interest which we take in their independence, which we have acknowledged, and in their enjoyment of all the rights incidental thereto, especially in the very important one of instituting their own governments, has been declared, and is known to the world. Separated as we are from Europe by the great Atlantic Ocean, we can have no concern in the wars of the European Governments, nor in the causes which produce them. The balance of power between them, into whichever scale it may turn in its various vibrations, cannot affect us. It is the interest of the United States to preserve the most friendly relations with every power, and on conditions fair, equal, and applicable to all. But in regard to our neighbors our situation is different. It is impossible for the European Governments to interfere in their concerns, especially in those alluded to—of instituting their own Governments—which are vital, without affecting us; indeed, the motive which might induce such interference in the present state of the war between the parties, if war it may be called, would appear to be equally applicable to us. It is gratifying to know that some of the Powers with whom we enjoy a very friendly intercourse, and to whom those views have been communicated, have appeared to acquiesce in them.

This passage was considered by some writers to demonstrate that the Monroe doctrine was aimed against the balance of power constituting the political system of Europe, and was intended to guard the United States from being mixed up in that system, and also to notify the European Powers that they should not be allowed even to attempt to bring the country into their complications. The dangers apprehended by the statesmen who supported these views were averted by the promulgation of the doctrine. But now, it is claimed, the Emperor of France, taking advantage of the crippled condition of the American Government, is preparing to involve the country in just such complications as Mr. Monroe apprehended, as appears by the following extract from his letter of instructions to Gen. Forey, dated July 3d, 1862:

In the present state of the world's civilization Europe is not indifferent to the prosperity of America; for it is she which nourishes our industry, and gives life to our commerce. It is our interest that the republic of the United States shall be powerful and prosperous, but it is not at all to our interest that she should grasp the whole Gulf of Mexico, rule thence the Antilles as well as South America, and be the sole dispenser of the products of the New World. We see today, by sad experience, how precarious is the fate of an industry which is forced to seek its raw material in a single market, under all the vicissitudes to which that market is subject.

If, on the contrary, Mexico preserves its independence, and maintain the integrity of its territory, if a stable Government be there established with the aid of France, we shall have restored to the Latin race on the other side of the ocean its force and its prestige; we shall have guaranteed the safety of our own and the Spanish colonies in the Antilles. We shall have established our benign influence in the centre of America, and this influence, while creating immense outlets for our commerce, will procure the raw material which is indispensable to our industry.

Mexico thus regenerated will always be favorable to us, not only from gratitude, but also because her interests will be identical with our own, and because she will find support in the good will of European Powers.

Hence it was concluded that the Government was bound, if it wished to maintain its standing among the nations, and if the Monroe doctrine was something more than a mere *brutum fulmen*, to protest against the acts and designs of the French in Mexico.

On the other hand, the Monroe doctrine was asserted to be contained in the following passage from Monroe's message of December, 1823, which is nearly a repetition of the language employed by John Quincy Adams, then Secretary of State, in a despatch to the American minister in Paris, dated in July of the same year:

The occasion has been judged proper for asserting as a principle on which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects of future colonization by any European Power.

In a despatch to the American minister in Mexico, dated March 25th, 1825, Mr. Clay, recently appointed Secretary of State in the Adams administration, explained that the doctrine enunciated by Monroe in his message of 1823, embodied two principles: First, that the American continents are not henceforth to be considered as subjects for future colonization (*i. e.*, a colonization founded on priority of discovery and occupation) by any European Power; and second, that the United States, while not desiring to interfere in Europe with the political system of the Allied Powers, would regard as dangerous to its peace and safety any attempt on their part to extend their system to any part of America, neither continent having the right to enforce upon the other the establishment of its peculiar system.

During the session of Congress of 1825–'26, Mr. Adams suggested in a message, dated December 26th, 1825, the propriety of having the United States represented in the Congress of Spanish-American States, to be held in Panama, using the following language in explanation of the policy already adopted by Government:

An agreement between all the parties represented at the meeting, that each will guard, by its own means, against the establishment of any future European colony within its borders, may be found advisable. This was, more than two years since, announced by my predecessor to the world, as a principle resulting from the emancipation of both the American Continents. It may be so developed to the new Southern nations that they will all feel it as an essential appendage to their independence.

And in the protracted debates which followed, Mr. Van Buren declared that Mr. Monroe had not *pledged* the United States to any course whatever, and never intended to do so. Other statesmen expressed similar views.

From all which a writer in the "National Intelligencer," of Washington, draws the following conclusions:

1. The Monroe declaration of 1823, in both its phases, had its origin in the changed relations and new responsibilities imposed upon the several States of the American Continents arising especially from the emancipation of the Spanish Colonies.

2. The Monroe declaration, in so far as it related to the threatened intervention of the Holy Alliance in the concerns of the Spanish American States, was intended to meet a particular contingency of events, and therefore passed away with the occasion which called it forth.

3. The Monroe doctrine, in so far as it relates to the colonization of the American Continents by any European Power, was not intended to bind the United States to guard the territory of the New World from such occupation by European States; but was intended to indicate as an important principle of American public policy, that "each State should guard by its own means against the establishment of any future European colony" within the jurisdiction of its flag. That is, the American Continents were no longer held open to colonization as derelict territory, capable of occupation by right of discovery and settlement.

4. The Monroe doctrine was not in any of its aspects a pledge committing the Government of the United States to any line of policy beyond that which seemed expedient and necessary at the time of its announcement. As Mr. Van Buren well said, "no declaration of the Executive could have this effect," and none such was "intended" by Mr. Monroe.

It was therefore denied that the United States Government was bound by traditional policy, precedent or pledge, to demand the immediate recall of the French troops from Mexico, however earnestly public opinion might pronounce in favor of such a course; and it was urged that to embarrass the Government at the present time by the consideration of questions of this kind, or to cause it to humiliate itself before the world by making a demand which it had not the power to enforce, would be factious and unreasonable.

These may be taken to represent the opinions publicly expressed as to the part to be taken by the United States in the Mexican question. The President in his message of December, 1863, made no allusion to the subject, and the views of Government can be ascertained only by referring to the diplomatic correspondence of the year.

In a despatch, dated June 26th, Mr. Corwin, the United States minister in Mexico, announced to Mr. Seward that the Government to which he had been accredited had retired to San Luis Potosi, and that under the circumstances in which he found himself situated, he had declined the invitation of Juarez to leave Mexico and repair to that place. In reply, Mr. Seward informed him, under date of August 8th, that his course met with the approbation of the President, and observed that the most convenient and favorable position for the American legation, with reference to the protection of American interests, must depend upon the contingencies of war. "It is not perceived," he added, "how you could effectually assert those interests at the present moment by representations to the Government at San Luis, which is cut off from communication with the legation, while, on the other hand, you will not be expected to address yourself, under present circumstances, to the new provisional government which bears sway in the capital." No subsequent communications between Mr. Corwin and the department of State have been made public.

On September 22d, Mr. Seward informed Mr. Dayton, the American minister in Paris, that he had received from "M. J. M. Arroyo, who calls himself under Secretary of State and Foreign Affairs of the Mexican Empire," a note announcing the organization of the new Government in Mexico; and on the 26th he addressed to Mr. Dayton an elaborate despatch, referring in part to the Mexican question, which he authorized him, at his discretion, to communicate to the French Minister of Foreign Affairs. The United States, he observed, had neither a right nor a disposition to intervene by force in the internal affairs of Mexico, whether to establish and maintain a republic, or even a domestic government there, or to overthrow an imperial or a foreign one, if Mexico should choose to establish or accept it. In like manner they had neither the right nor the disposition to intervene by force on either side in the existing war. The American Government was well aware, however, that the normal opinion of the Mexican people favored a government republican in form and domestic in its organization, in preference to any monarchical institutions to be imposed from abroad; and believed that foreign attempts to control American civilization would fail, and that its own safety and happiness depended upon the cultivation of republican institutions on this continent; whence he was induced to fear, that if France should persist in her present course, seeds of jealousy and distrust might be scattered, which might ultimately ripen into collisions. (*See* DIPLOMATIC CORRESPONDENCE.)

Mr. Dayton replied on October 9th that he had communicated the substance of this despatch to M. Drouyn de l'Huys, who informed him that the vote of the whole Mexican people would be taken on the question of establishing the Empire; also that the dangers of the government of the Archduke would come principally from the United States, and the sooner the latter showed itself satisfied and willing to enter into peaceful relations with that government, the sooner would France be ready to leave Mexico. But the French would not consent to desert the Archduke before his government was firmly established. The early acknowledgment of that government by the United States, he added, would tend to shorten, or perhaps to end all the troublesome complications of France in Mexico, and the French troops would thereupon retire.

In reply to this despatch Mr. Seward wrote to Mr. Dayton, on the 23d, that the United States were still of the opinion, that the permanent establishment of a foreign and monarchical government in Mexico would be found

neither easy nor desirable. With reference to the election proposed to be held, and the suggestion of M. Drouyn de l'Huys that an early acknowledgment of the Empire by the United States would be convenient to France, he observed, "that the United States could not anticipate the action of the people of Mexico, and had not the least purpose or desire to interfere with their free choice, or disturb them in the enjoyment of whatever institutions of government they might, in the exercise of an absolute freedom, establish." He also requested that the French minister might be informed, "that the United States continue to regard Mexico as the theatre of a war which has not yet ended in the subversion of a government long existing there, with which the United States remain in the relation of peace and sincere friendship; and that, for this reason, the United States are not now at liberty to consider the question of recognizing a government which, in the further chances of war, may come into its place. The United States, consistently with their principles, can do no otherwise than leave the destinies of Mexico in the keeping of her own people, and recognize their sovereignty and independence in whatever form they themselves shall choose that this sovereignty and independence shall be manifested."

MICHIGAN. The Legislature of Michigan assembled at Lansing on the 1st Wednesday of January, 1863, and was organized by the choice of the republican candidates for presiding officers in both branches. Austin Blair, reëlected by the republicans governor in the preceding November, was inaugurated on the 8th, and in his message represented the financial condition of the State as satisfactory. The number of troops furnished by Michigan to that date he stated at 45,000; but 2,900 were still wanting to complete the quota of the State under the President's call of 1862. He sustained the emancipation policy of Mr. Lincoln and favored the employment of colored men in the U. S. army. On the 9th the Legislature by joint ballot reëlected Zachariah Chandler a U. S. senator for six years, from March 4th, 1863. The following resolutions were adopted:

Whereas, The present rebellion threatens the peace and perpetuity of the Union of the States, and requires the united efforts of all patriotic and loyal citizens to sustain the Administration to restore a permanent and honorable peace to the whole country; therefore

Resolved, That we will sustain the National Administration with all the means in our power, in all its efforts to quell the present rebellion, and restore peace to the Union.

Resolved, That we unreservedly approve the Proclamation of the President of the United States, issued on the first day of January, one thousand eight hundred and sixty-three, abolishing slavery in the insurgent States and districts of the Union, believing it to be a measure demanded by the necessities of war, as well as by the soundest dictates of humanity.

Resolved, That we are unalterably opposed to any terms of compromise or accommodation with the rebels, while under arms, and acting in hostility to the Government of the Union, and on this we express but one sentiment—unconditional submission, and obedience to the laws and Constitution of the Union.

Resolved, That the governor be requested to forward a copy of the foregoing preamble and joint resolutions to each of our senators and representatives in Congress, and to the governors of the several loyal States.

The only election held during the year was one for the choice of Supreme Court and Circuit Judges and Regents of the University. The democratic nominating convention met at Detroit on Feb. 11th, and among the resolutions adopted by it were the following:

Resolved, That the allegiance of the citizen is due alone to the Constitution and laws made in pursuance thereof—not to any man or officer, or administration; and whatever support is due to any officer of this Government, is due alone by virtue of the Constitution and the laws.

Resolved, That the Union has no existence separate from the Federal Constitution, but, being created solely by that instrument, it can only exist by virtue thereof, and, when the provisions of that Constitution are suspended, either in time of war or in peace, whether by the North or the South, it is alike disunion.

Resolved, That the Constitution cannot be maintained, nor the Union preserved, in opposition to public feeling, by the mere exercise of coercive powers confided to the General Government, and that, in case of differences and conflicts between the States and the Federal Government, too powerful for adjustment by the civil departments of the Government, the appeal is not to the States or to the General Government, but to the people peacefully assembled, by their representatives in convention.

Resolved, That, to attain the objects of the foregoing resolution, we hereby memorialize the Congress of the United States, the Administration at Washington, and the Executives and Legislatures of the several States, to take such immediate action as may be necessary to enable the people to meet in convention aforesaid; and we, therefore, earnestly recommend to our fellow citizens everywhere to observe and keep all their lawful and constitutional obligations, to abstain from all violence, and meet together, and reason each with the other upon the best mode to attain the great blessing of peace, union, and liberty.

Other resolutions denounced the attempt to abridge freedom of speech, the suspension of the *habeas corpus*, arbitrary arrests and imprisonments, the establishment of a censorship of the press, "the proposed taxation of the laboring white man to purchase the freedom and secure the elevation of the negro," and other "flagrant and monstrous usurpations of the administration." The "ruinous heresy of secession" was also condemned as "unwarranted by the Constitution and destructive alike of the security and perpetuity of the Government, and the peace and liberty of the people."

The republican convention met at the same place on Feb. 12th. Their resolutions sustained every prominent administrative act of the President, and declared that, in subduing the rebellion, he should employ every means established by the rules of warfare among civilized nations. The following embody the substance of their opinions:

Resolved, That so long as the rebels, with arms in their hands, set at defiance the Constitution and laws of the United States, and openly proclaim their purpose to be the destruction of the Government, no terms of compromise or accommodation can be offered or accepted. Unconditional surrender of all armed traitors is the first great law of national life.

Resolved, That while we express our cordial approval of the measures of the Administration thus far, we hereby declare our unalterable purpose to stand by and for the Government and Constitution of the United States, as against all secret enemies and armed traitors, and with the legally constituted authorities against all sympathizers, croakers, and grumblers, whether we shall consider each future act of the Administration the wisest possible or not; with or without our choice of measures, we are for the Government—for law and order, and for such administration as the people, by their ballots, have and shall order.

The election took place on April 6th, with the following result:

ASSOCIATED JUSTICE OF THE SUPREME COURT.

James V. Campbell, Republican	69,283
David Johnson, Democrat	61,331
Republican majority	7,952

Blair's majority for governor in the preceding November was 6,614. The following candidates of the republicans were also elected regents of the University by an average majority of a little more than 7,000: Edward C. Walker, J. Eastman Johnson, Geo. Willard, James A. Sweesey, Alva Sweetzer, Jas. J. Joslin, Henry C. Knight and Thomas C. Gilbert.

The number of troops enlisted in Michigan from Jan. 1st to Oct. 1st, 1863, amounted to 6,322, distributed as follows: infantry, 1,059, cavalry, 3,573, artillery, 510, all other branches, 1,180; and of these 4,842 entered new regiments, and 1,480 regiments already in the field. This number added to that of troops previously enlisted shows a total of about 51,500 men furnished by the State, from the commencement of the war to Oct. 1st, 1863. The quota of the State under the draft ordered by the President in May, 1863, was 16,000 men, upon which she was entitled to a credit of about 9,500 for troops furnished by her in excess of previous calls. The draft went into operation in October, but failed to produce the quota assigned to the State, and the deficiency was subsequently largely increased by the addition of the quota assigned under the October call for 300,000 volunteers. By an act of the Legislature of March, 1863, the governor was authorized to pay a bounty of $50 to each volunteer; but this sum proving totally inadequate to induce enlistments, various towns and counties made large appropriations of money for bounties. With a view of legalizing these acts and of increasing the amount of the State bounties, the governor in December issued a proclamation for an extra session of the Legislature on Jan. 19th, 1864. Among the new military organizations authorized to be formed was a regiment of colored men, which at the close of the year was nearly full.

On March 6th the peace of Detroit was disturbed by a riot, growing out of the arrest of a negro charged with violating a young white girl. The former, while being conveyed to the city jail under a military escort, was set upon by an excited mob, who wished to lynch him on the spot. The soldiers fired upon and dispersed the rioters, who soon after commenced an attack upon the colored population of the city, many of whom were wounded and otherwise maltreated, and driven out of their houses, which were burned and gutted. All the available military in Detroit and its vicinity were called out, and by evening tranquillity was restored. On the 8th the riot broke out afresh, but was soon subdued by the military, and owing to the vigorous preparations of the authorities, no subsequent attempts were made to disturb the peace.

The total interest-bearing debt of the State amounted, at the close of 1863, to $2,993,299.80. The total available resources of the treasury during 1863, were $3,481,676, of which $2,009,210 were derived from the sale of State bonds. The total expenditures of the year were $3,127,555.52, of which $2,080,310 were for the repayment of State bonds, leaving a balance in the treasury, at the close of the year, of $354,120. The following table exhibits the condition of the banks on Nov. 30th, 1863:

Capital Stock	$558,192 71
Circulation	198,966 00
Deposits	1,619,707 03
Due to other banks	77,763 38
Other liabilities	82,272 01
Total liabilities	$2,535,801 13
Notes and bills discounted	$1,235,614 62
Specie	98,388 56
Due from other banks	554,753 41
Notes and securities of the U. S. and State	440,757 00
Mortgages, real estate, &c	206,287 54
Total resources	$2,535,801 13

The report of the Superintendent of Public Education for the year ending January 1st, 1863, shows that during 1862, 207,332 children, out of 261,323 in the State, attended the public schools; that the number of teachers was 8,338, who received salaries amounting in the aggregate to $491,293.55, and that the value of school houses and sites was $1,673,258. The school revenues for the year amounted to $783,394.04, and the expenditures to $689,072.12, and the amount reported on hand on September 1st, 1862, was $94,321.92. The University of Michigan had, in October, 1863, 706 students, of whom 213 were connected with the literary and scientific department, 188 with the department of law, and 305 with that of medicine, showing an increase in all the departments of 232 over the corresponding period of the previous year. The receipts for the fiscal year ending June 30th, 1863, were $53,369.96, and the expenditures $45,618.94; leaving a balance on hand of $7,751.02.

The development of the mineral resources of the Lake Superior region seems to have been increased rather than diminished since the commencement of the war. In 1862, 115,721 tons of iron were shipped from Marquette, and the estimate for 1863 exceeds 200,000 tons. The following table indicates the amount of rough copper produced since the first attempts at regular mining:

1845 to 1854	7,642	1861	7,400
1855 to 1857	11,312	1862	9,062
1858	3,500	1863	8,548
1859	4,200		
1860	6,000	Total	57,664

Estimating this at an average price of $500 per ton, the gross amount will equal $28,832,000. Important discoveries of silver and lead mines are also reported to have been made in the Lake Superior region during the year. In 1862, 1,270,000 bushels of salt were produced from the salt wells of the Saginaw valley, and operations were pushed in the succeeding year over a wide area of the adjacent country. Frequent traces of petroleum having been met with at Jackson, Dexter, Paw Paw, and other places, measures have been taken to test the productiveness of the State in this material.

The wheat crop of 1863 was relatively less than in the preceding year; the ravages of insects, and the heavy rains of midsummer having done considerable damage in some parts of the State; but in view of the increased breadth of land sown the yield was probably as large, if not larger, than in the previous year. The corn crop, however, was greatly reduced by the sudden and severe frosts of August 29th and 30th, which devastated the whole Northwest.

MILITARY GEOGRAPHICAL DEPARTMENTS. The geographical extent of each of the Military Departments into which the country was divided during the latter part of 1863 is thus defined. Some changes were made in them at different periods by which the number was increased or reduced.

Department of the East.—The New England States, and the State of New York. Headquarters at New York City.

Middle Department.—The States of New Jersey, Delaware, Western Virginia, the eastern shore of Maryland and Virginia, and the counties of Cecil, Harford, Baltimore, and Anne Arundel, Maryland. Headquarters at Baltimore, Maryland.

Department of Washington.—The district of country north of the Potomac River from Piscataway Creek to Annapolis Junction, and the mouth of the Monocacy; and south by Goose Creek and Bull Run Mountains, to the mouth of the Occoquan. Headquarters at Washington, D. C.

**Department of Virginia.*—Fortress Monroe, Virginia, and sixty miles around the same. Headquarters at Fortress Monroe, Virginia.

**Department of North Carolina.*—The State of North Carolina. Headquarters at Newbern, North Carolina.

Department of the South.—The State of South Carolina, Georgia, and all of the State of Florida, except Key West, Tortugas, and West Florida. Headquarters at Hilton Head, South Carolina.

Department of the Gulf.—Key West and the Tortugas, and all the coast of the Gulf of Mexico west of Pensacola Harbor, and so much of the Gulf States as may be occupied by the United States forces, and the State of Texas. Headquarters at New Orleans, Louisiana.

Department of the Northwest.—The States of Wisconsin, Iowa, Minnesota, and the Territory of Dakota. Headquarters at St. Paul, Minnesota.

†*Department of the Ohio.*—The States of Ohio, Michigan, Indiana, Illinois, Western Virginia, and Kentucky, east of the Tennessee River, including Cumberland Gap. Headquarters at Cincinnati, Ohio.

†*Department of the Cumberland.*—That portion of the State of Tennessee east of the Tennessee River, and such parts of northern Alabama and Georgia as may be taken possession of by the United States troops. Headquarters in the field.

†*Department of the Tennessee.*—Cairo, Illinois; Forts Henry and Donelson, Tennessee; Northern Mississippi, and the portions of Kentucky and Tennessee west of the Tennessee River. Head-quarters in the field.

Department of the Missouri.—The States of Missouri, Arkansas, and Kansas; the bordering Indian Territory; Alton, Illinois; Nebraska and Colorado Territories. Headquarters at St. Louis, Missouri.

Department of New Mexico.—The Territory of New Mexico, district of Western Arizona, and Fort Garland, Colorado Territory. Headquarters at Santa Fé, New Mexico.

Department of the Pacific.—The country west of the Rocky Mountains. Headquarters at San Francisco, California.

Department of Monongahela.—That portion of the State of Pennsylvania west of Johnstown and the Laurel Hill range of mountains, and the counties of Hancock, Brooke, and Ohio in the State of Virginia, and the counties of Columbia, Jefferson and Belmont in the State of Ohio. Headquarters at Pittsburg.

Department of the Susquehanna.—That portion of the State of Pennsylvania east of Johnstown and the Laurel Hill range of mountains. Headquarters at Chambersburg.

MINNESOTA, a Northwestern State of the American Union, organized as a territory March 3d, 1849, and admitted into the Union as a State in 1857. Its area is 83,531 square miles. Population in 1860, 173,855. An election was held for State officers and Legislature in October, 1863, and the Republican and Union ticket was elected; Samuel Miller, the Union candidate, receiving 19,616 votes, and H. T. Welles, the Democratic candidate, 12,777. The Legislature stands as follows: *Senate*—Republican Union, 16; Democrats, 4; Union Democrat, 1. *House*—Republican Union, 27; Democrats, 11; Union Democrats, 4. The receipts into the State Treasury (including a balance on hand Dec. 1st, 1862), for the year ending Dec. 1st, 1863, were $695,865. The expenditures for the same period were $576,539, leaving an unexpended balance of $119,326. The State debt is $350,000, $250,000 of which are in 8 per cent. bonds, and $100,000 in 7 per cent. bonds. The U. S. Government paid $200,000 to the State on account of the Indian war of the previous year. The State valuation for the tax levy of 1863 was $30,000,000, and a tax of 4½ mills was levied on it—2½ mills for State revenue, and 2 mills for interest on State loans. Minnesota is a young State, and has had so serious experience in civil war and war with the Indians that her educational and benevolent institutions have as yet made but little progress. Her school system is not yet in good working order, though she is destined to have a school fund as ample as any in the Union. There are several colleges, but as yet they are only in a rudimentary state. A slight provision has been made for the insane, but none for the deaf and dumb, the blind, or the idiotic.

* Consolidated into one, under General Butler.
† Consolidated under General Grant.

† Consolidated under Gen. Grant.

The State has done its full part for the war. Up to the 30th of Nov. 1863, it had furnished the following troops: 10 regiments of infantry, 9,053 men; 2 regiments of cavalry (one a twelve-months regiment), 1,556 men; three companies of cavalry attached to 5th Iowa cavalry, 271; one mounted battalion for Indian war, 287; two batteries of light artillery, 298; one company of sharpshooters, 103; recruits for these regiments and companies, 666; men from Minnesota drafted in other States but credited to Minnesota, 37; one regiment of three-months men, 930; making a total of 13,201 men, or nearly one in thirteen of the inhabitants. Omitting the three-months men and reducing the twelve-months cavalry to three-years men, the aggregate of three-years men furnished by the State is 11,549. In addition to these troops, 2,779 volunteers were raised for the defence of the State in the Indian war of 1862, and a considerable number in the war of 1863.

Minnesota again experienced trouble with the Indians in the summer of 1863, though there was no general massacre like that of August and September, 1862. Although the frontier was guarded by a force of 2,000 men, yet the Indians of Little Crow's band, in companies of half a dozen or more, penetrated within the lines and even approached to within a few miles of St. Paul. They had murdered, before the first of July, about thirty persons, and about a dozen Indians had been killed. This prowling of the Indians through the State kept the entire body of citizens in a constant condition of excitement and anxiety, and the military authorities were bitterly denounced for their supposed inactivity.

General Sibley, who was in immediate command on the frontier, was not, however, so remiss in his duty as the complaining parties supposed. He had kept constant watch, by means of his spies, of all the movements of the Indians from the time of their defeat in the autumn of 1862. He knew that these marauding bands composed but a small part of the Indian force; that the main body of that force was still in Dakota Territory; that Little Crow had endeavored to enlist the other tribes in a general war against the whites, but had been unsuccessful; that he had in the spring visited St. Joseph and Fort Garry in the British possessions, and asked for a grant of land to settle with his band and the other Indians who had been concerned in the massacre, and had been refused; that he had gone a second time and asked for ammunition, and had been refused that also. The great body of the insurgent Indians, Gen. Sibley had ascertained, were in the vicinity of Miniwakan or Devil's lake, a salt lake nearly five hundred miles northwest from St. Paul. The number of Indians gathered here, including women and children, was not far from five thousand, the greater part of them belonging to the Minnesota tribes of Sioux, to whom had been added perhaps one thousand Yanktonais Sioux.

In the early part of June General Sibley, with a force of between two and three thousand men, set out for Devil's lake by way of the Minnesota river and Fort Abercrombie. About the same time Gen. Pope sent Gen. Sully, an officer of the regular army who had had large experience as an Indian fighter, from Sioux City up the Missouri river to cut off the retreat of the hostile Indians whom General Sibley might drive before him from Minnesota and Eastern Dakota, and eventually to form a junction with Sibley. The two movements were not accurately timed and no junction was effected. While these two expeditions were making their toilsome progress over the plains scorched by the terrible heat of the summer, and suffering from the intense drought, which more than once threatened to destroy their horses and cattle, the Indian leader, Little Crow, who, accompanied by one of his sons, had ventured within the lines in the neighborhood of Hutchinson, Minnesota, was killed by a settler named Lampson, but his body was not recognized with certainty till nearly a month later. His eldest son succeeded him as chief of the insurgent Indians.

Gen. Sibley pursued his line of march, encountering but few Indians, and these generally flying before him, some into British territory, but the greater part retreating toward the Missouri river, whither, as rapidly as his train and troops, greatly distressed by the heat and drought, could move, he pursued them. Arriving at Big Mound near a lake on the western base of the hills of the Côteau du Missouri, on the 24th of July Gen. Sibley first encountered the Indians in force, and after a sharp action, begun on their part by the treacherous murder of a surgeon who approached them to meet a flag of truce, they fled, and were pursued about ten miles across the prairie. Sibley's loss in this battle was four killed and one wounded. The Indians lost heavily and abandoned the greater part of their wagons and stores. On the 26th at Dead Buffalo lake, the Indians made a dash at the horses and mules of the command, but were repulsed with great promptness and a considerable number of them slain. On the morning of the 28th of July they had another skirmish with the Indians at Stony lake, in which the whites suffered no loss but several Indians were killed. On the 29th Gen. Sibley's force reached the banks of the Missouri, in lat. 46° 42′, lon. 100° 35′, but had the mortification to find that the Indians had made good their escape across the Missouri, and were posted upon the opposite bank. They had abandoned almost all their provisions, and were evidently disabled from doing any further serious mischief. Gen. Sully had not been heard from, and as Gen. Sibley had but fifteen days' rations, and no hope of obtaining more till he reached the settlement, almost four hundred miles distant, he reluctantly abandoned the pursuit and turned his face eastward. In these successive battles the loss of the Indians had

been not less than one hundred and twenty killed and a considerable number wounded. The loss of the white troops had been seven killed, only four of them, however in battle, and three wounded. The distance marched was 585 miles from St. Paul.

From some unexplained cause Gen. Sully did not reach the Upper Missouri till a month later. On the 3d of September he encountered a considerable force of Indians at White Stone Hill, about 130 miles above the Little Cheyenne river, and 30 or 40 below the point where they crossed in July. A part of those encountered had been engaged in the battles with Sibley. A sanguinary battle ensued, resulting in the complete defeat of the savages, who lost a large number in killed and wounded, and 156 prisoners. Sully's loss was 20 killed and 38 wounded. Measures have since been taken for removing the Indian tribes now holding reservations in Minnesota, westward to reservations around the head waters of the Missouri. The Winnebagoes have already been removed, and the Chippewas and Sioux are to follow. This accomplished and Minnesota will soon take the position which belongs to it among the States of the Northwest.

MISSIONS, FOREIGN AND AMERICAN.—The missions of both the Protestant and the Roman Catholic Churches have made, since the beginning of the present century, considerable progress, and are steadily advancing in almost every pagan country of the world. The results of these missions, whether viewed from a religious, or a political and social point of view, are becoming from year to year of more importance. The operations of the various missionary societies of the Protestant world are shown by the following list, which has been mostly compiled from the reports of the societies for 1859:

ASSOCIATIONS.*	AGENCIES.	SCENES OF LABOR.	INCOME.
I.—BRITISH.			
The Society for the Propagation of the Gospel in Foreign parts (1704).	500 Missionary Agents, Home and Foreign, including many Native Assistants, 300 Students, Catechists and Teachers.	East and West Indies, South Africa, Australia, New Zealand.	$333,765
The Baptist Missionary Society (1792).	75 Missionaries, 112 Native Assistants, 43 Schools, 6,512 Scholars, 16,994 Communic'nts.	India, the W. Indies, Western Africa & Brittany in France.	132,565
The London Missionary Society (1795).	153 Missionaries, 700 Na. Agents, 183 Churches, 735 Schools, 33,625 Scholars, and 19,781 Communicants.	South Seas, W. Indies, South Africa, Mauritius, India, China.	525,985
The Church Missionary Society (1800).	227 Ordained Missionaries and Assistants, 2,170 other Assistants, 33,546 Scholars and 18,613 Communicants.	West. Africa, Rupert's Land, India, China, W. Indies, N. Zealand, East. Africa, Constantinople, Palestine.	806,880
The London Society for Promoting Christianity among the Jews.	78 Missionaries, Jewish College.	Europe, Persia, Palestine.	193,805
The General Baptist Missionary Society (1816).	8 Missionaries, 24 Assistants.	India, China.	17,500
The Wesleyan Missionary Society (1817).	216 Ordained Missionaries and Assistants, 1,611 other Assistants, 117,190 Scholars, 128,165 Communicants.	West Indies, India, China, Africa, Polynesia, Australia, etc.	645,381
The Church of Scotland Foreign Mission (1824).	9 Missionaries, about 60 Assistants and Agents, 3 Missionary Establishments in India, and staff of Agents.	India, European Continent, the Colonies.	51,825
The Irish, Presbyterian Ch. Foreign Mission (1840).	11 Missionaries.	India, European Continent, the Colonies, Syria.	36,370
The Welsh Foreign Missionary Society (1840).	4 Missionaries.	Brittany, India.	6,000
The British Society for Propagating the Gospel among the Jews.	24 Missionaries, Jewish College.	North Africa, European Continent.	28,090
The Edinburgh Medical Mission (1841).	2 Agents.	China.	3,575
The Reformed Presbyterian Church For. Miss. (1842).	4 Missionaries.	New Hebrides, Jewish Mission in London.	4,260
The Free Church of Scotland Foreign Mission (1843).	28 Missionaries, 14 Native Assistants, 79 other agents, 10,000 Scholars, Missionary Establishments in India.	India, South Africa, European Continent, the Colonies.	157,530
The Lew-Chew Naval Mission (1843).	1 Missionary and 1 Assistant.	Lew-Chew.	1,510
The English Presbyterian Ch. Foreign Mission (1844).	3 Missionaries.	China.	5,465
The United Presbyterian Ch. Foreign Mission (1847).	35 Ordained Missionaries, 65 Catechists and Teachers, exclusive of Canada and Australia.	W. Indies, Wes'rn Africa, India, Southern Africa, Syria, North'n Africa, European Continent, the Colonies.	102,240
The Chinese Evangelization Society (1850)	5 Missionaries (1 Medical).	China.	13,742.50
The Turkish Miss. Aid Soc'ty.		Turkey.	18,910
The Christian Vernacular Education Soc. for India (1858).		India.	8,940
The Moslem Miss. Society.			
The Primitive Methodist Missionary Society.	143 Missionaries, 88 Stations, 19,595 Communicants.	Australia.	72,804
The Chinese Society for Furthering the Gospel.		China.	
The Patagonian Miss. (1844).		Patagonia.	
Scriptural Knowledge Institution.	22 Missionaries.	Syria, India, Penang, China, British Guiana, British N. America.	8,800

* The figures enclosed by parentheses indicate the year of the foundation of a Society.

MISSIONARY ASSOCIATIONS—(*Continued*).

ASSOCIATIONS.*	AGENCIES.	SCENES OF LABOR.	INCOME.
II.—CONTINENTAL.			
The Moravian Missions (1732).	305 Missionaries and Assistants, 74,538 Converts and Catechumens.	W. Indies, Greenland, North America, Tartary, S. Africa, S. America, Persia, Egypt, Nicobar Islands, Labrador, China, India.	$72,265
The Netherlands Missionary Society (1797).	23 Missionaries, 146 Native Assistants, 8,290 Scholars.	East Indies.	37,500
The Basle German Mission (1816).	51 Missionaries, 18 Assistants, 69 other Assistants, 1,212 Communicants, 2,342 Scholars.	Western Africa, India, China.	65,000
The Paris Society for Evangelical Missions (1822).	14 Missionaries, a number of Native Assistants, 1,300 Communicants.	South Africa.	22,725
The Rhenish Missionary Society (1828).	31 Missionaries.	China, South Africa.	18,000
The Berlin Missionary Society (1833).	15 Missionaries and several Assistants, about 200 Communicants and 600 Scholars.	South Africa.	20,750
Gossner's Evangelical Union for spread of Christianity (1856).	5 Missionaries, 13 Assistant Missionaries, 25 Male and Female Assistants.	India, Australia, the Chatham Islands.	3,980
Herrmannsburg Miss'n'ry Society (1852).	150 Missionaries, of whom 100 are colonists, 14 Stations.	East Africa.	29,012
Jerusalem Society.		Palestine.	3,430
Danish Miss. Society (1860).		Greenland.	
Stockholm Miss. Soc. (1835).		Lapland.	
Heldering's Miss. Soc. (1857).		Dutch Colonies.	
The Evangelical Lutheran, or the Leipsic Missionary Society (1836).	6 Missionaries, 67 Assistants, 2,152 Communicants, and 890 Scholars.	India, New Holland.	10,000
The North German Missionary Society (1836).	12 Missionaries.	Africa, India. (about)	20,000
The Norwegian Miss'nary Society (1842).	6 Missionaries and Assistants.	South Africa. (about)	10,000
The Berlin Missionary Union for China (1850).	3 Missionaries.	China. (about)	5,000
The Swedish (Lund) Mission.	2 Missionaries.	China. (about)	2,000
III.—AMERICAN.			
The Board of Commissioners for Foreign Missions (1810).	26 Missions, 127 Stations, 131 Out-stations, 161 Missionaries, 8 Ordained and 4 Unordained Physicians, 224 Male and Female Assistants, 21 Native Pastors, 222 Native Preachers, 254 Native Assistants, 5 Printing Establishments, 153 Churches, with 23,155 Members, 8,994 Scholars, not including Sandwich Islands.	India, Indian Archipelago, Western Asia, European Turkey, China, West Indies, Pacific Isles, North American Indians, Africa.	372,84
The Baptist Missionary Union (1814).	84 Stations, 539 Out-stations, 66 Missionaries, 64 Female Assistants, 220 Native Helpers, 192 Churches, 15,219 Members, 88 Schools, 2,000 Pupils, including European Agency.	Burmah, Assam, Teloogoo country, North American Indians, Europe.	110,900
The Methodist Episcopal Missionary Society (1819).	56 Statio , 81 Missionaries, 30 Local Preachers, 6,869 Members, 63 Schools, and 2,535 Pupils, including the South Church.	North American Indians, Western Africa, China, India, Turkey.	84,245
The Episcopal Board of Missions (1820).	16 Stations, 23 Missionaries, 3 Native Preachers, 47 American and Native Teachers, 1,106 Church Members, 402 Scholars.	Greece, Western Africa, China, Japan.	99,476
The Society for Ameliorating the condition of the Jews.	10 Missionaries, 7 Colporteurs.	America.	15,405
The Free Will Baptist Forei'n Missionary Society (1833).	4 Missionaries, 4 Native Preachers, 2 Churches, 75 Members and several Schools.	Orissa.	4,780
The Board of Foreign Missions of the Presbyterian Church (1837).	56 American and 2 Native Missionaries, 25 Male, 79 Female, and 32 Native Teachers, 512 Ch. Members, and 4,000 Scholars.	North American Indians, Western Africa, India, China, San Francisco.	237,975
The Foreign Missionary Soc. of the Lutheran Ch. (1837).	5 Ordained and 2 Unordained Native Missionaries, 86 Church Members, 355 Scholars.	Hindoostan. (about)	2,500
The Seventh Day Baptist Missionary Society (1842).	3 Missionaries.	Western Asia, China.	2,115
The American Indian Mission Association (1842).	6 Stations, 8 Sub-stations, 28 Missionaries and Assistants, 21 Churches, 1,300 Members, 165 Scholars.	North American Indians.	17,000
The Baptist Free Missionary Society (1863).	1 Missionary, 3 Female Assistants, 1 Native Pastor, 4 Native Teachers.	Hayti. (about)	2,500
The Associate and Associate-Reformed Presbyter'n Chs. (1844).	8 Missionaries.	India, Turkey, the Pacific.	Income included in account of Am. Pres. Board.
The Southern Baptist Convention (1845).	40 Missionaries, White and Colored, 26 Assistants, 11 Native Helpers, 1,225 Church Members, and 633 Pupils.	China, Western Africa, N. American Indians.	54,145
The American Missionary Association (1846).	14 Churches, 1,160 Members, 9 Teachers, 70 Male and Female Missionaries and Assist's.	West Indies, North American Indians, Pacific Islands, Siam, California, Egypt.	45,150
The Nova Scotia Presbyterian Church For. Miss. (1848).	1 Missionary and several Native Assistants.	New Hebrides.	1,695
The American and Foreign Christian Union.	140 Missionaries and Laborers.	Roman Catholic and Greek Communities.	80,485
Missionary Society (1860).	38 Missionaries.	Hayti.	19,189

* The figures enclosed by parentheses indicate the year of the foundation of a Society.

It is safe to estimate the aggregate annual income of all the above societies at about $5,000,000. These figures do not include the receipts of the purely home missions, either of Great Britain, the continent of Europe, or America. Nor does this calculation include the money raised for the Bible and tract societies of the Protestant nations of the world.

The aggregate number of missionaries at work in different parts of the earth is about 2,400, aided by about 7,000 assistant missionaries, native pastors and catechists.

Nineteen of the above societies reported, in 1859, an aggregate membership of 310,524. The total Protestant population of Asia was estimated, in 1863, at 479,000; in Africa at 719,000; in Australasia and Polynesia at 1,000,000.

The Roman Catholic Church has, since 1822, an Association for the Propagation of the Faith, which has its centre in Lyons, France, and receives its contributions from the Roman Catholics of the whole globe. Its annual receipts were, from 1843 to 1857, between three and four million francs (with the exception of the year 1848, when they fell to 2,845,-691 francs, and 1852, when they rose to 4,790,-468). Since 1857 they have been as follows: in 1857, 4,191,716 fr.; in 1858, 6,684,567 fr.; in 1859, 5,260,595 fr.; in 1860, 4,547,399 fr.; in 1861, 4,700,227 fr.; in 1862, 4,721,194 fr. More than one half of this sum is contributed by France alone: in 1862, 3,175,473 fr. Austria and Bavaria have special associations for foreign missions,—the Society of S. Leopold, and the Society of St. Louis,—but the annual income of each is small. There is also a juvenile missionary society called the Society of the Holy Childhood of Jesus, which was established in 1843, and like the Society for the Propagation of the Faith, receives its contributions from all Roman Catholic countries. Its receipts in 1861 amounted to 1,401,601 francs. For the results of the Roman Catholic missions, and statistics of Roman Catholic population in pagan countries, see ROMAN CATHOLIC CHURCH.

MISSISSIPPI. The desolation wrought in this State during the year, in consequence of the war, is almost indescribable. When Gen. Grant's army advanced as far south as Oxford and the Yallabusha at the close of 1862, the inhabitants had an opportunity to purchase a few of the most indispensable articles of clothing and household economy, but in the part of the State between Jackson and Granada there has not been even the most meagre stock of goods taken for three years. The destitution of the poor there reduced them almost to a state of barbarism. Of the fifty plantations on the road from Lagrange, Tennessee, to Holly Springs, Mississippi, only five were occupied. The rest were abandoned, and in a majority of instances, the buildings were burned. On the 26th of May, an expedition consisting of the 10th Missouri, 7th Kansas and 15th Illinois cavalry and 9th Illinois mounted infantry, left Corinth for the purpose of a raid through a portion of country which had escaped the ravages of war. The expedition passed to Florence, Ala., and Savannah, Tenn., and returned to Corinth on the 31st, being absent five days and nights. What it accomplished in so short a space of time is thus described:

> We burned seven cotton factories, costing an average of $200,000 each. The Southern Confederacy had offered for the largest $1,000,000, containing three hundred looms. They employed on an average one hundred men and the same number of women and children each. But their contents were more valuable than the buildings and machinery, having a large amount of stock and manufactured goods on hand. A large amount of steam flouring and saw mills were likewise burned. A number of blacksmiths' and wagonmakers's shops were destroyed, they being employed on Government work, and containing large numbers of wagons, arms of all kinds, &c., &c. A ton of powder, a large number of arms of English manufacture, 600,000 rounds of fixed ammunition, each cartridge having the crown of England stamped upon it, and several boxes containing shell were destroyed. A number of dwelling houses were accidentally burned by our shells. The splendid bridge near Florence was burned. All along the route, both going and returning, our command marched in line through the waving wheat, just ripe, utterly destroying it. An immense ("immense" is not the word—language cannot describe the scene—the smoke arising from burning corn cribs in every direction, and for miles each side of our path) amount of forage was destroyed; some was passed by on account of the close proximity of dwelling houses. Large quantities of meat, &c., were used, but more wasted and destroyed. The people appear to think that starvation is staring them in the face; but let their Government protect them, and they will no doubt fare very well. We captured two majors, two captains, four or five lieutenants, and about one hundred men. A large rebel flag was also captured. An immense amount of stock—horses, mules, oxen, cows, carriages, &c., &c.—was taken and turned over to the Government. About twenty men, who have escaped conscription by lying in the bush and other places of concealment, accompanied us into camp, and are joining some one of our regiments here. We brought about one thousand contrabands—men, women, and children—about two hundred and fifty of them joining the negro brigade. And all with a loss of less than thirty wounded and missing.

About the same time an expedition consisting of six brigades, and numbering about ten thousand men, moved up between the Big Black and Yazoo rivers. The object was to destroy the resources of the country, to prevent the enemy from subsisting their armies, and to drive out any force that might be in that region. The results of the expedition are thus described:

> We have marched over a hundred miles in a week during the hottest kind of weather. We destroyed all the forage and supplies and cotton, and drove off all the cattle, horses, and mules between the two lines for a distance of fifty miles. We met no considerable body of the enemy, and had only one or two slight skirmishes; but we ascertained where the enemy was concentrating, and gained much valuable information which may be of use hereafter. It was made our painful but imperative duty to destroy everything—corn, cotton, meat, mills, and cotton gins—that we could find, sparing only dwellings and a small supply of provisions for each family. The command will rest here for a day or so, and then return to Vicksburg, which cannot hold out very long against our forces.

The destruction in the region of Jackson is described on page 66 of this volume.

The number of locomotives and cars destroyed on the railroads of Mississippi during the year is stated to have been seventy-seven of the former, and about six hundred of the latter. Owing to the destruction of bridges it was impossible to remove a large portion of the former after they were captured.

At an election for State officers under the Confederacy, Charles Clark was chosen Governor, C. A. Brougher, Secretary of State, A. J. Gillespie, Auditor, and M. D. Hughes, Treasurer. In a message to the Legislature he described the encroachments upon the State by the Federal army; urged the construction of a temporary penitentiary and the reëstablishment of the deaf and dumb and blind asylums destroyed at Jackson, and advised the removal of negroes from the exposed districts.

On the 1st of August Gen. Grant issued the following order recommending that in the region subject to his arms the freedom of the negroes should be acknowledged, and instead of compulsory labor, contracts upon fair terms should be made between master and servants.

HEADQUARTERS DEP'T. OF THE TENNESSEE,
VICKSBURG, MISS., *August 1st*, 1863.

1. All regular organized bodies of the enemy having been driven from those parts of Kentucky and Tennessee west of the Tennessee river, and from all Mississippi west of the Mississippi Central Railroad, and it being to the interest of those districts not to invite the presence of armed bodies of men amongst them, it is announced that the most rigorous penalties will hereafter be inflicted upon the following class of prisoners, to wit: All irregular bodies of cavalry not mustered and paid by the Confederate authorities; all persons engaged in conscription, or in apprehending deserters, whether regular or irregular; all citizens encouraging or aiding the same; and all persons detected in firing upon unarmed transports. It is not contemplated that this order shall affect the treatment due to prisoners of war, captured within the districts named, when they are members of legally organized companies, and when their acts are in accordance with the usages of civilized warfare.

2. The citizens of Mississippi within the limits above described are called upon to pursue their peaceful avocations, in obedience to the laws of the United States. Whilst doing so in good faith, all United States forces are prohibited from molesting them in any way. It is earnestly recommended that the freedom of negroes be acknowledged, and that instead of compulsory labor contracts upon fair terms be entered into between the former master and servants, or between the latter and such other persons as may be willing to give them employment. Such a system as this, honestly followed, will result in substantial advantages to all parties.

All private property will be respected except when the use of it is necessary for the Government, in which case it must be taken under the direction of a corps commander, and by a proper detail under charge of a commissioned officer, with specific instructions to seize certain property and no other. A staff officer of the quartermaster or subsistence department will in each instance be designated to receipt for such property as may be seized, the property to be paid for at the end of the war on proof of loyalty, or on proper adjustment of the claim, under such regulations or laws as may hereafter be established. All property seized under this order must be taken up on returns by the officer giving receipts and disposed of in accordance with existing regulations.

3. Persons having cotton or other produce not required by the army will be allowed to bring the same to any military post within the State of Mississippi, and abandon it to the agent of the Treasury Department at said post, to be disposed of in accordance with such regulations as the Secretary of the Treasury may establish. At posts where there is no such agent the quartermaster will receive all such property, and, at the option of the owner, hold it until the arrival of the agent, or send it to Memphis, directed to Capt. A. R. Eddy, assistant quartermaster, who will turn it over to the proper authorized agent at that place.

4. Within the county of Warren, laid waste by the long presence of contending armies, the following rules to prevent suffering will be observed: Maj.-Gen. Sherman, commanding the fifteenth army corps, and Maj.-Gen. McPherson, commanding the seventeenth army corps, will each designate a commissary of subsistence, who will issue articles of prime necessity to all destitute families calling for them, under such restrictions for the protection of the Government as they deem necessary. Families who are able to pay for the provisions drawn will, in all cases, be required to do so.

5. Conduct disgraceful to the American name has been frequently reported to the major-general commanding, particularly on the part of portions of the cavalry. Hereafter, if the guilty parties cannot be reached, the commanders of regiments and detachments will be held responsible, and those who prove themselves unequal to the task of preserving discipline in their commands will be promptly reported to the War Department for "mustering out." Summary punishment must be inflicted upon all officers and soldiers apprehended in acts of violence or lawlessness.

By order of Maj.-Gen. U. S. GRANT:
T. S. BOWERS, A. A.-G.

On the 10th another order was issued providing for the employment of liberated slaves within his department, and on the 23d, another regulating their conduct in and near his camps.

On the march of Gen. Sherman from Eastport, Miss., where his army abandoned the Memphis and Charleston railroad, to reënforce Gen. Grant at Chattanooga, his force was subsisted on the route.

A very limited amount of supplies was brought by wagons, but the whole country for miles on either flank was stripped of every article of food and every pound of forage. The citizens were sorely pressed for the necessities of life, but the safety and sustenance of armies were balanced against this fact, and decided in favor of the latter.

All animals capable of carrying a soldier, his gun and blanket, were pressed into the service, and almost the whole command consequently arrived mounted.

MISSOURI. The military operations in the State of Missouri were of little national importance during 1863. (*See* ARMY OPERATIONS.) The movements toward emancipation created great excitement, and form the chief subject of interest. The State Convention, originally convened for the purpose of passing an ordinance of secession, had adjourned from time to time, but was controlled by Union men. The friends of secession mostly retired, and their places were partly filled by Union men. In 1862 it passed an ordinance continuing the State officers which it had previously elected in office

until the election in 1864. The subject of compensated emancipation was discussed in that body without any decided action. A Legislature was elected in November of the same year and assembled in December. Although, at this session, this body did not pass a joint resolution or an act, making it the duty of the governor to call the State Convention together for the purpose of considering a plan of emancipation of the slaves within the State, yet he judged that their proceedings sufficiently indicated a wish that the convention should be convened for that purpose. He accordingly called the convention to assemble on June 15th, 1863.

After the adjournment of the Legislature in the beginning of 1863, affairs remained quiet until the election in the city of St. Louis. This was carried by the unconditional Union men, or radicals, by a large majority. This indicated a change in the sentiment of the people on the subject of emancipation. It led to apprehensions on the part of the conservatives lest the change should extend to the interior of the State, and thus give the radicals a controlling voice and lead to speedy emancipation. To prevent this result, not by open and decided resistance, but by diversion, Governor Gamble issued the call for the adjourned State Convention to reassemble in June to consult and act on the subject of slave emancipation, as it was of the highest importance for the interest of the State that some scheme should be adopted.

About the 1st of May Gen. Curtis, in command of the Department of Missouri, was removed and Gen. J. M. Schofield appointed to his place. The occasion for this removal was thus explained by President Lincoln:

EXECUTIVE MANSION,
WASHINGTON, *May 27th*, 1863.

General J. M. Schofield:

DEAR SIR: Having removed General Curtis and assigned you to the command of the Department of the Missouri, I think it may be of some advantage for me to state to you why I did it. I did not relieve General Curtis because of my full conviction that he had done wrong by commission or omission. I did it because of a conviction in my mind that the Union men of Missouri constituting, when united, a vast majority of the whole people, have entered into a pestilent factional quarrel among themselves, General Curtis, perhaps not of choice, being the head of one faction, and Governor Gamble that of the other. After months of labor to reconcile the difficulty, it seemed to grow worse and worse, until I felt it my duty to break it up somehow; and as I could not remove Governor Gamble, I had to remove General Curtis. Now that you are in the position, I wish you to undo nothing merely because Gen. Curtis or Gov. Gamble did it, but to exercise your own judgment and do right for the public interest. Let your military measures be strong enough to repel the invaders and keep the peace, and not so strong as to unnecessarily harass and persecute the people. It is a difficult rule, and so much greater will be the honor if you perform it well. If both factions, or neither, shall abuse you, you will probably be about right. Beware of being assailed by one and praised by the other.

Yours, truly, A. LINCOLN.

At this time delegations were sent on to Washington from each party to confer with the President. Ex-Gov. King, a conservative, in a speech at Lexington on May 23d, thus spoke of his interview with President Lincoln:

The President said he could sum it all up in a few words, which was: "That Governor Gamble was a conservative man." He (the President) then related an anecdote about killing a snake. He said that if he met a rattlesnake in his path, and he had a stick in his hand, his first impression would be to kill it; but if he found one in the bed between his children he would pursue a different course, for by killing the snake he may injure the children; therefore he would take a more gentle way to get the snake out before he killed it. The same with slavery; he was satisfied that immediate emancipation would be detrimental to the interest of the State.

Mr. James Taussig, a delegate from the German radicals in St. Louis, later in the same month, thus reports his interview with President Lincoln. The President said that—

The dissensions between Union men in Missouri are due solely to a factious spirit which is exceedingly reprehensible. The two parties "ought to have their heads knocked together."—"Either would rather see the defeat of their adversary than that of Jefferson Davis." To this spirit of faction is to be ascribed the failure of the Legislature to elect Senators, and the defeat of the Missouri Aid Bill in Congress, the passage of which the President strongly desired.

The President said that the Union men in Missouri who are in favor of gradual emancipation represented his views better than those who are in favor of immediate emancipation. In explanation of his views on this subject, the President said that in his speeches he had frequently used as an illustration the case of a man who had an excrescence on the back of his neck, the removal of which, in one operation, would result in the death of the patient, while "tinkering it off by degrees" would preserve life. Although sorely tempted, I did not reply with the illustration of the dog whose tail was amputated by inches, but confined myself to arguments.

The President announced clearly that, as far as he was at present advised, the radicals in Missouri had no right to consider themselves the exponents of his views on the subject of emancipation in that State.

During the month of May a considerable number of disloyal persons were sent south. Those who had families were allowed to take a thousand dollars, and all others two hundred dollars each. The property of these persons was appropriated for the benefit of sick and wounded soldiers.

A respectable writer thus describes the state of affairs in Missouri about the 1st of June:

I had occasion to visit the southeastern, central and extreme northwestern counties,—passing on my return along the fertile country of the Hannibal and St. Joseph railroad.

Everybody was talking of the emancipation question. I was led to think that the convention would probably adopt a gradual system. The difficulty about immediate emancipation seemed to be that there were no funds for compensating the loyal owners. If these funds were at hand, I do not think there would be any considerable hesitation about the matter. The slaves are constantly escaping. It is felt as an act of grace, for the most part, that any able-bodied male slaves remain; and the only question with the slave owner is, whether he shall lose his slaves and get nothing, or emancipate and be paid for them. The substantial dissolution of the tie between master and slave is already accomplished; there is no loyal slaveholder,

I think, who is not an advocate of emancipation; radicals and conservatives all agree in this.

The slave owner would gladly exchange property held by a tenure so precarious, and so little vendible at the present time, for anything of half of the market value it bore before the war broke out. And so, in fact, I was assured by a gentleman of high military position, a member of the last Legislature and of the present convention; he stated that the last State Legislature (which was hopelessly and about equally divided, triangularly, between conservative and radical emancipationists and the opponents of any emancipation) would instantly have found a majority for immediate emancipation, if Congress had appropriated either of the sums named for promoting emancipation in Missouri. This gentleman himself was an advocate of a gradual system. They say that Missouri herself is too poor to do anything, and her paper too much depreciated.

The class of men who oppose any interference with slavery, are probably that very considerable class of slave owners, of doubtful loyalty, who sit at home and sulk, under the double restraint of the oath of allegiance and a very stringent bond to compel its enforcement. I talked with one of this class, a very friendly and sensible man, but perfectly unreasonable upon this subject, who thought the Government had no right to touch the negroes of the rebels, even in the cotton States. This same man had just lost two capital negroes, and had been up to Lexington, fruitlessly, to hunt them up; he was much incensed at the unresponsive attitude of the military authorities there; he could get no satisfaction.

There were eighteen regiments of mounted State militia posted at various points about the State when I was there, and these were mainly on the side of the negroes. A lieutenant told me that he met a party of seventy or eighty negroes near Chapel Hill, on their way to Kansas, piloted by two of the State militia. He and his party were on a scout, and hearing that bushwhackers were after the negroes, they went after the bushwhackers. But, at the same time, I found the greatest contempt for the capacity of the negroes expressed on all hands.

The loyal men, for the most part, oppose slavery, or assent to the opposition, for other reasons than that of justice to the negro or a favorable opinion of his natural rights or capabilities. They say he will not fight. "I will agree," said one very intelligent and very loyal slave owner, "to take five hundred white men and disperse twenty-five hundred of them anywhere. Go up to them and glare at them," said he, with a vigorous gesture, "and they will knuckle, sir, you may depend upon it." People out here did not object to enlisting black troops on any other ground.

I should give you but a poor idea of Missouri, if I omitted to speak of the guerillas, who infest the central and western parts of the State, and occupy the thoughts of everybody. The block houses, and the guard at every bridge on every railroad,—even so far north as the Hannibal and St. Joseph line, remind one of them constantly. Along the Missouri river counties, and generally on the south of that river, a traveller passes no day without a reasonable apprehension of being shot or robbed by them. The soldiers are constantly hunting them, but they bring perpetual anxiety and danger to every loyal household, outside of the large towns where soldiers are permanently stationed. Much of this fear is panic, it is true; but much of it is reasonable.

There is no loyalty so seasoned and thoroughly trustworthy as that of the original Union men in these regions. The distinction of "conservative" and "radical" touches only their State politics. The loyal people present a solid front to the rebels.

On the 15th of June the State Convention reassembled. Gov. Gamble sent in a message expressing his views on the subject of emancipation, asserting that the enrolled militia were adequate to preserve peace within the State, &c. Several plans of emancipation were immediately proposed, looking to the emancipation of all slaves within a few months, perpetually prohibiting slavery in the State, and proposing a system of apprenticeship for the slaves so emancipated for such period as might be sufficient to avoid any inconvenience to the interests connected with slave labor, and to prepare the emancipated blacks for complete freedom. They were referred to a committee on emancipation. On the 23d, the majority of the committee reported the following ordinance of emancipation:

Sec. 1. The first and second clauses of the twenty-sixth section of the third article of the constitution are hereby abrogated.

Sec. 2. That slavery or involuntary servitude, except in punishment of crime, shall cease to exist in Missouri on the 4th of July, 1870, and all slaves within the State on that day are hereby declared to be free: *Provided, however*, That all persons emancipated by this ordinance shall remain under the control and be subject to their late owners, or their legal representatives, as servants during the following period, to wit: Those over forty years of age, for and during their lives; those under twelve, until they arrive at the age of twenty-three; and those of all other ages, until the 4th of July, 1870. The persons or their legal representatives, who, up to the moment of emancipation, were owners of slaves hereby freed, shall, during the period for which the services of such freedmen are reserved to them, have the same authority and control over the said freedmen for the purpose of receiving the possessions and services of the same that are now held by the master in respect of his slaves: *Provided, however*, That after the said 4th of July, 1870, no person so held to service shall be sold to non-residents or removed from the State by authority of his late owner or his legal representative.

Sec. 3. All slaves hereafter brought into the State and not now belonging to citizens of the State shall thereupon be free.

Sec. 4. All slaves removed by consent of their owners to any seceded State after the passage by such State of an act or ordinance of secession, and thereafter brought into the State by their owners, shall thereupon be free.

Sec. 5. The general assembly shall have no power to pass laws to emancipate slaves without the consent of their owners.

Sec. 6. After the passage of this ordinance no slave in this State shall be subject to State, county, or municipal taxes.

A minority report was also submitted which proposed to abrogate the same clauses of the State Constitution as the above ordinance and declaring slavery to be abolished on the 1st of July ensuing. It provided that the slaves and their issue should be apprenticed to their former owners until the 4th of July, 1870, and required the Legislature to pass laws regulating the relation between said apprentices and their masters, to secure to them humane treatment and necessary education; and provided against the importation or immigration of any negro or mulatto into the State, &c. The ordinance was laid over until the next day.

Gov. Gamble in his message to the convention tendered his resignation as governor. A resolution was now offered providing for an election of the State officers by the people.

To this a substitute was offered requesting Gov. Gamble to withdraw his resignation and continue to discharge the duties of governor. The substitute was accepted by a vote of yeas 47, nays 34, and then adopted by a vote of yeas 51, nays 29.

The ordinance of emancipation was subsequently passed in the form in which it was reported, and the convention adjourned on July 1st. Thus was adopted an ordinance of emancipation by one of the State Conventions originally called for the purpose of passing an ordinance of secession from the Union.

The governor in his message to the Legislature early in January, 1864, thus refers to this ordinance of emancipation:

After a full discussion of the subject of Emancipation, an ordinance was adopted which will relieve the State from chattel slavery on the fourth day of July, 1870, with such provisions for service to be rendered by the emancipated slaves, as justice and humanity appeared to the convention to require. Although the ordinance, as adopted by the convention, is not, in all its different provisions, such as I myself approved, and probably not such as a majority of the Convention would have approved, yet as the subject is one which has always produced a diversity of opinion in regard to details among those who are the most earnest friends of Emancipation, the ordinance, as passed, was accepted by a majority of the friends of Emancipation as the best measure that could be agreed upon.

It cannot be expected of me that I shall enter into a vindication of the ordinance in all its details, as I voted in the Convention against some of its provisions; still, I accepted it as a measure that will, in a brief period, accomplish the great object to be obtained in making Missouri a free State.

I am aware that there are many who seize upon particular provisions of the ordinance as a ground of objection to the whole measure, while others express apprehensions that the delay in its taking effect, exposes the whole measure to the danger of repeal. I am persuaded that no intelligent body of the friends of emancipation who look at the subject in all its different bearings, with the eyes of justice and humanity can ever be assembled without finding themselves differing in opinion about details, and therefore it is no solid objection to a plan of emancipation that some of its details satisfy some of the friends of emancipation, while they dissatisfy others. As to the supposed danger of a repeal of the measure adopted, I regard it as altogether imaginary. I am fully persuaded that those interested in slave property in the State, in view of the great insecurity of such property, will never seek to disturb the measure as adopted, and no others have any interest in doing so; and thus I believe the measure will go quietly into operation and the State be relieved from all the evils of slavery. If I am right in this belief, the further agitation of the subject of emancipation, while it may promote the organization of political parties and keep up a contest for office, will contribute neither to the peace nor the prosperity of the State.

After the adjournment of the convention a meeting was held in St. Louis by those opposed to the scheme of emancipation adopted by the convention, to the exemption of slave property from taxation, to the postponement of the State election, &c. Resolutions were adopted declaring these views, and looking to the next Legislature to call a new convention. An active canvass for the support of these views was now made by the unconditional Union men, or Radical Emancipationists, as they were called, which resulted in the assembling o. a convention representing their views. This body met at Jefferson City on Sept. 1st, and consisted of delegates from four fifths of the counties of the State. The following platform was reported by the Committee on Resolutions, and adopted:

First. Sustaining the Government in a vigorous prosecution of the war to complete the final suppression of the rebellion.

Second. Denouncing the military policy pursued in the State, and the delegation by the General Government of the military power to a provisional State organization, the whole tendency of which is to throw back the people under the control of the pro-slavery party, and by reactionary influences to paralyze the Federal power in suppressing the rebellion, to prolong a reign of terror throughout a large section of the State, and extend aid and comfort to those who are meditating hostility to the national authority in other States.

Third. Endorsing the President's emancipation proclamation and asking for its prompt execution, declaring that they will support no one not pledged to its principles; believing that those liberated under it cannot be reduced to slavery, and refusing to sustain any reorganization of the country that does not embody the freedom principles therein contained.

Fourth. Referring to the French influence in Mexico, and calling on the General Government to resist it.

Fifth. Arraigning the Provisional Government as untrue to the loyal people of the State, and giving eight reasons therefor.

Sixth. Demanding immediate emancipation in Missouri.

Seventh. Favoring a constitutional amendment to disfranchise all who have taken up arms against the Government or adhered to the enemies thereof.

Eighth. Demanding that the Legislature call a new State convention, to take into consideration the grievances under which the State now labors, and in case of their refusal nothing can stop the right of the people to act in the matter.

Resolutions were also passed requesting the Union men of Illinois and Kentucky to unite with the convention in an appeal to President Lincoln; also requesting Governor Gamble and Lieut.-Gov. Hall to resign, and the President to remove General Schofield; also denouncing Quantrell's raid on Lawrence, and expressing the warmest sympathies with the survivors of the massacre; inviting all lovers of "free labor, free soil, and free speech" to seek homes in Missouri, and guaranteeing them protection; thanking the gallant soldiers of Missouri; thanking the President for arming negroes to kill rebels; warning the members of the Legislature against disregarding the will of the people; and requesting the radical members of the Legislature to vote for B. Gratz Brown and Benjamin Loan for United States Senators; also instructing the State executive committee of the emancipation party to prepare a public address calling upon the people to form a State organization and a central organization of the United States to give efficacy and power to reforms in our federal relations. The following resolutions were also adopted:

Resolved, That we respectfully demand of General Schofield permission to recruit negroes belonging to disloyalists of this State. That as the exigencies of the times indicate a change of commanders in the department, we appoint a committee to draft a memorial, which shall be signed by the members of this conven-

tion, requesting the President to assign Gen. Butler or some other suitable man to command this department. That we regard the President's proclamation of January, 1863, irrevocable, and we request our legislature, senators, and representatives of Congress, to use their utmost endeavors to have our national constitution amended, prohibiting slavery forever, in States now free, or hereafter applying for admission into the Union.

Resolved, That in view of the serious complications arising out of hostilities on the part of the Provisional State Government to the national authority and national policy, and the absence of protection from the inroads of guerillas, we hereby instruct the present convention to appoint a general committee of public safety, composed of one from each congressional district, whose duty it shall be to confer with the loyal men of the State, to organize and arm them for protection; and in the event of no relief being obtained from our present troubles, to call upon the people of the State to act in their sovereign capacity, and take such measures of redress as shall be deemed necessary.

A committee of one from each county was also appointed to visit Washington and lay before the President their grievances. Candidates for judges were also nominated.

Aside from the forces under the command of Gen. Schofield, the military power of the State was in the hands of Gov. Gamble. There were in the State two bodies of soldiery known as the Missouri militia. These were designated by the terms "Missouri State militia" and "enrolled Missouri militia." The first were volunteer troops enlisted in the service of the United States, and supported by the Federal Government. Their distinctive feature was that they were intended exclusively for the protection of the State, and the governor could, at his discretion, remove from office all officers, and could accept resignations tendered by officers. Ten regiments of this force were kept in service under the commanding general of the department. The "enrolled Missouri militia" was an entirely different force, organized by order of the governor, controlled by him, and at no time subject to the orders of any United States officer, except the governor thought proper to make them so. This force was enrolled in the summer of 1862, and kept up at the expense of the State when in active service.

On the 30th of December, 1862, Governor Gamble issued General Order, No. 50, in the following words:

The enrolled militia are under the exclusive command of their own officers, except when they are by express orders placed under the command of United States officers, and they will be governed only by such orders as may be issued from these headquarters. If, therefore, any officers of the enrolled militia are engaged in making assessments, in pursuance of orders from United States commanders, they will immediately suspend all action under said orders.

In consequence of this order, the provost-marshal-general of Missouri and his assistants, were denied the aid of the enrolled militia in enforcing their orders.

On the 23d of April, 1863, Governor Gamble issued General Order, No. 14, in the following words:

Hereafter no enlistments will be allowed from any organization of enrolled Missouri militia into the volunteer service of the United States, when such militia shall have been detailed for active service, and shall have been embodied as a force in the field.

These orders were issued while Gen. Curtis was in command of the Department of Missouri. The number of the enrolled militia, thoroughly organized for instant service, was 52,056 fighting men.

On the 24th of May, Gen. Schofield took command of the department, and on the 29th, Governor Gamble issued the following order:

The command of the enrolled militia, now in active service within the State, including the provisional regiments, is conferred upon Major-General John M. Schofield, commanding the Department of the Missouri.

So long as Gen. Schofield and Governor Gamble were in authority, the provost-marshals could not receive aid from the local militia without the consent of the former, neither could the unconditional Union men use this force to assist them in suppressing everything which looked like sympathy with treason.

The committee appointed by the Unconditional Union Convention, proceeded to Washington for an interview with President Lincoln. The substance of their address, made on the 30th of September to the President, was in these words:

It is in your power, Mr. President, to settle the whole difficulty. Only three things are necessary to this end:

1. The cessation of all support from the Treasury of the United States to the enrolled Missouri militia.
2. The occupation of Missouri by United States troops; and
3. The appointment of a department commander in Missouri who will not make himself a party to Governor Gamble's pro-slavery policy.

This is the sum of our requests in regard to military affairs. If they are granted, we can assure you of permanent peace in Missouri.

One other subject demands attention in connection with Missouri affairs. On the 3d of next month an election is to be held in that State for judges of the Supreme and Circuit Courts. We have good reason to believe, and to assert, that a strenuous effort will be made to carry that election against the Radical party by the votes of returned rebel guerillas, bushwhackers, and others who have given aid and comfort to the rebellion.

By an ordinance of our State Convention, passed June 10th, 1862, every voter is required, in order to vote, to take a prescribed oath. Unless the military authorities interpose, we believe that thousands of the above named classes of persons will be permitted to vote without taking that oath. We ask that you will be pleased to direct the department commander to issue such an order as Gen. Burnside issued in reference to the Kentucky election, holding the judges of election responsible to the military authorities if they allow votes to be given by parties who do not take that oath. This will tend to exclude such parties from the polls, and thereby secure a fair election.

The main points of the reply of the President in a letter to the delegation were, that he failed to see that the condition of Missouri, and the wrongs and sufferings of the Union men were to be attributed to weakness, wickedness, or immorality, but rather to civil war. He did not believe that the massacre at Lawrence proved the imbecility of Schofield, as similar acts could have been committed by Grierson or John Morgan had they chosen to commit

them. He approved Gen. Schofield's action in preventing a counter raid into Missouri by the citizens of Kansas, as the only way to avoid indiscriminate massacre. He said that the charges that Gen. Schofield had purposely withheld protection from the loyal people, and purposely facilitated the objects of the disloyal, were altogether beyond belief.

With his present views, he therefore declined to remove Gen. Schofield.

Regarding the enrolled militia, he says he shall ascertain better than he now knows what its exact value is. In the meantime he declined to abandon it, and expressed gratitude to Gen. Schofield for raising it in June previous, thereby enabling him to strengthen Gen. Grant, at a time when reënforcements were imperatively needed. He discussed the propriety of removing Gen. Curtis, concurred in the delegation's request regarding the election, and concluded as follows:

I do not feel justified to enter upon the broad field you present, as regards the political differences between the radicals and conservatives. From time to time I have done and said what appeared to me proper to do and say. It obliges nobody to follow me, and I trust it obliges me to follow nobody.

The radicals and conservatives each agree with me in some things and disagree in others. I could wish both to agree with me in all things, then they would agree with each other, and would be too strong for any foe from any quarter. They, however, choose to do otherwise. I don't question their rights.

I, too, shall do what seems to be my duty. I hold that whoever commands in Missouri is responsible to me, and not either to the radicals or conservatives. It is my duty to hear all, but at least I must within my sphere judge what to do and what to forbear.

The delegation, in an address to the "Radical Union men of Missouri," dated October 22d, says: "The only point in which our mission was a success, is that of the order of the President to Gen. Schofield concerning elections in this State; which you will have noticed with gratification has already been complied with, by the issue of General Order, No. 120."

On the 12th of October, Gov. Gamble issued a proclamation, of which the following is an extract:

The only design of this paper being to guard the unwary against being led by the artifices of these designing men into a false position in relation to the State, which may involve them in danger, it is impossible, within any reasonable limit, to notice the innumerable false accusations which have daily issued from a corrupt and malignant press for many months past. Those which have been noticed above, and which are most important, may be taken as fair specimens of the correctness of all.

It may with propriety be repeated, that no objection is here intended to be suggested to any change in their government which the people may think proper to make by peaceful means, in accordance with the Constitution and laws, but it is intended to warn all persons against any attempt to effect a change by means of violence.

The principle that every Government is bound to protect itself against violence, is the principle upon which the Federal Government is engaged in suppresing a great rebellion, and is applicable as well to the State Government.

Our State Constitution prescribes what shall be treason against the State, and our statutes fix the penalty at death or long imprisonment in the penitentiary. There can be traitors against the State as well as against the Federal Government.

In all treasons the masses engaged are misled by arts and falsehoods of a few designing leaders, and it is now earnestly desired that all the good people of Missouri shall be on their guard against all artifices which may lead them to their ruin.

It is earnestly desired to avoid the spectacle of a social war on this American continent, and that the people of a free country may exercise all their rights under the Constitution and the laws without being hindered by violence, so that at least we may be able to furnish an example of a people capable of self-government.

To the end, therefore, that all the good people of the State may be guarded against being involved in conspiracies or combinations for violence, and that all persons may be induced to exercise their own rights freely, and respect the rights of others, I, Hamilton R. Gamble, Governor of the State of Missouri, while entreating the people to abstain from violence amongst themselves, and from all unlawful combinations, do admonish them that the oath which binds me to see that the laws are faithfully executed, leaves me no choice as to the employment of all the force I can command, to sustain the laws, preserve the peace of the State, and punish those who disturb it. And I do admonish them that, as the highest political right of a citizen is to vote at elections, any interference, especially by the military, with the right of the qualified voters to vote for whomsoever they please, will be regarded as an offence of the greatest magnitude.

On the 28th of September, Gen. Schofield issued the following order relating to the election:

HEADQUARTERS, DEP'T OF THE MISSOURI,
ST. LOUIS, MO., *September 28th*, 1863.

The right of the people to peaceably assemble for all lawful purposes, and the right to freely express their will at the polls according to law, are essential to civil liberty. No interference with these rights, either by violence, threats, intimidations, or otherwise, will be tolerated.

Any commissioned officer who shall incite or encourage any interference with any lawful assemblage of the people, or who shall fail to do his utmost to prevent such interference, shall be dismissed the service; and any officer, soldier, or civilian who shall, by violence, threats, or otherwise, actually interfere with any such lawful assemblage of the people, shall be punished by imprisonment or otherwise, at the discretion of a court-martial or military commission.

Any officer, soldier, or civilian who shall attempt to intimidate any qualified voter in the exercise of his right to vote, or who shall attempt to prevent any qualified voter from going to the polls or voting, shall be punished by imprisonment or otherwise, at the discretion of a court-martial or military commission.

By command of Maj.-Gen. SCHOFIELD:
C. W. MARSH, Assistant Adjutant-General.

The election was held for Supreme Court Judges, and resulted as follows: for Judge Clover, Unconditional Union, 46,548; Bates, Union, 47,229.

A session of the Legislature assembled immediately after the election. The unconditional Union men had a majority in the House, but not in the Senate. Before the close of the session, in February, 1864, a bill was passed, which provided simply for a call of a convention to revise the organic law of the State. The election for delegates is to be held in November at the time of the general election. At

the same time the people are to vote on the proposition whether they desire a convention or not. If they decide against a convention, then the delegates are not to assemble, and the whole thing falls through. Should the people vote to sustain the proposition, then the convention meets in St. Louis, on the 5th of January, 1865.

During 1863 about fifteen hundred were recruited in the old regiments in the Federal service. No new regiment of infantry was raised, but one of cavalry, and two regiments of negro troops.

For the purpose of promoting emigration to the State from Europe, an agent was sent out, with the promise of a small salary from some of the railroad companies. Another was sent to Germany by a manufacturer in St. Louis, to procure laborers necessary to the conduct of his business.

The institutions of the State have suffered from the disturbances, but are generally in a favorable condition.

MOORE, Clement C., LL.D., an American scholar, died at Newport, R. I., July 10th, 1863. He was born in New York, July 15th, 1779, and was a son of the late Bishop Moore; graduated at Columbia College in 1798, was appointed professor of Biblical learning in the General Protestant Episcopal Seminary in 1821, and subsequently of Oriental and Greek Literature in the same institution, to which he afterward made a gift from his family inheritance of the large plot of ground on which it stands. He retired with the title of Emeritus Professor in June, 1850. His published works are: a collection of Bishop Moore's Sermons (2 vols. 8vo, New York); a Hebrew and Greek Lexicon (1809); a collection of "Poems" in (1844), and "George Castriot," surnamed Scanderberg, King of Albania (1850). Among his poems, the one which is most generally known is the famous Christian ballad commencing "'Twas the night before Christmas, and all through the house." His remains were brought to New York and interred in the family vault at St. Luke's church, on the 14th of July, 1863.

MOUNTAIN, Right Rev. George Jehoshaphat, D.D., D.C.L., Lord Bishop of Quebec, was the second son of Bishop Jacob Mountain, the first Anglican bishop of Quebec. He was born at Norwich, England, on the 27th July, 1789, and died at his seat, Bradfield, near Quebec, on the morning of the 6th of January, 1863. He came to Canada with his father in 1793. In 1805 he returned to England, and was placed, together with his three other brothers, with Rev. T. Monro, rector of Little Easton, in Essex, a favorite pupil of Dr. Parr, and a scholar of repute. In due time he was sent to Cambridge, where he graduated at Trinity College, in the year 1810. In the same year he returned to Canada, and pursued his studies with his father; and at the canonical age was by him ordained deacon, August 2d, 1812, and priest in 1813. Immediately upon his admission he began his labors in the parish of Quebec, in which, with a short interruption, to be noticed presently, he continued to minister till his death. His first appointment was that of evening lecturer at the Cathedral, which he held till the year 1814. In that year he was appointed rector of Fredericton, in New Brunswick, and continued laboring there with great acceptance until the year 1817, when, to the universal regret of the community of Fredericton, he was made rector of Quebec and bishop's official, and removed to that city again. The deep and lasting hold which he obtained upon the affections of his first independent charge, by the labors of those three years, was very strikingly shown in the great feeling manifested by those of them that remained alive on his visiting Fredericton for the first time, thirty years afterward, in 1847. He was nineteen years rector of Quebec, before he was consecrated bishop; his zeal and devotion to his work during these years nothing could exceed, and his success was correspondingly great. In the midst of those useful labors came that dreadful scourge, the cholera, in 1832, and again in 1834. Then was his ministry put to the full proof, and he literally lived night and day among the dying and the dead. In 1821 he was made archdeacon of Quebec, and in 1825 was deputed to proceed to England on church business, especially in the hope of inducing the Government to appoint the Hon. Dr. Stewart, a son of the Earl of Galloway, as suffragan bishop. In this he succeeded. Dr. Stewart was consecrated Bishop of Quebec the following year. In the year 1835 Archdeacon Mountain was again deputed to proceed to England on the Clergy Reserve question. On the 14th of February, 1836, he was consecrated bishop, with the title of Bishop of Montreal, but in reality to be coadjutor to Bishop Stewart, and entered upon his duties in the latter half of that year. He had been only some ten days in Quebec when Bishop Stewart was obliged altogether to retire from Canada, devolving the charge of the whole province upon Bishop Mountain. He continued, under the title of Bishop of Montreal, to administer this enormous diocese (which has since been divided into six), travelling over the whole length and breadth of the province, until 1839, when Upper Canada was made a separate see. The whole of Lower Canada remained under his supervision until 1850. In that year the diocese of Montreal was, entirely through his exertions, erected; and Bishop Mountain elected to continue in charge of the poorer and by far more laborious portion of his late diocese, the present diocese of Quebec. Previously, however, in 1844, at the request of the Church Missionary Society, he visited the Red River settlement, where there were mission stations, and several missionaries of that society. The visit occupied three months. On his return the bishop's journal was published by the Church Missionary Society, and through the facts thus brought

under the notice of the religious public at home, but more by the bishop's own earnest and repeated representations, the Red River settlement was erected into an episcopal see, under the name of the Diocese of Rupert's Land, in the year 1849. In 1842, by his exertions, the Church Society was established, and from that day, the diocese may be said to have taken a fresh and more vigorous start. In 1843 the Church Temporalities Act, obtained through his exertions, became law. In 1844 he founded, and by great exertions, obtained from friends the partial endowment of the Lower Canada Church University, Bishop's College, Lennoxville. This he always considered as the great work of his life, and he watched over its progress with the greatest anxiety. Its success, especially that of its junior department recently, was one of the great consolations of his latter years. From this college have been ordained about fifty clergymen, most of whom are now successfully laboring in the Canadian dioceses.

MULREADY, William, a British painter, born in Ennis, Ireland, in 1786, died near London, July 7th, 1863. He was admitted a student of the Royal Academy at fourteen years of age, having previously executed some sketches which excited the admiration of Banks, the sculptor, who predicted that he would distinguish himself. His early efforts were directed toward what is popularly known as "High Art," and he betrayed the influence of his academic training by attempting such ambitious subjects as "Polyphemus and Ulysses," "The Disobedient Prophet," &c.; but he soon restricted his fancy to shorter and easier flights, and in pictures of modest size and still more modest pretensions he found a range of subjects better suited to his taste and capacity. His "Cottage," "Carpenter's Shop," "Kitchen Fire," and similar pieces, painted at the age of twenty or thereabouts, excited comparatively little attention, but with every year he gained in executive ability and knowledge of external nature, until his merits forced themselves upon public notice.

The "Rattle" (1808), the "Roadside Inn" (1811), and "Punch" (1813), showed him a good painter of *genre*, with a careful eye for color; and in 1815 his picture of the "Idle Boys" caused him to be elected an associate of the Royal Academy. A few months later he was admitted to the full membership of that body, an honor seldom conferred upon an artist so soon after his first election. Thenceforth he was a pretty regular contributor to the annual exhibitions of the Academy, and during the last few years of his life was its oldest surviving member.

The series of graphic and humorous works which marked his academic career are among the choicest specimens of the modern English school, and in all of them may be seen the conscientious labor of a man who despised no means, however trivial or tedious, tending to perfection in his art. The subjects of his best known pictures sufficiently indicate the scope of his genius. They include "The Fight Interrupted" (1816), "The Wolf and the Lamb" (1820), "The Careless Messenger" (1821), "The Convalescent" (1822), "The Origin of a Painter" (1826), "The Last In" (1835), "Fair Time" (1840), "The Ford" (1842), and a charming series from the "Vicar of Wakefield," of which "Choosing the Wedding Gown," and "Burchell and Sophia Haymaking," may be taken as examples. A set of twenty designs from this story, produced in 1840, are unique in character and execution. Most of the above works have found a place in the royal collection, in the national gallery, and in the chief private collections of the United Kingdom.

For many years during his early struggles toward eminence, Mulready gave lessons as a drawing-master, and the practice thereby obtained, together with his academy studies from the life, gave him a thorough mastery of the human form and of flesh coloring. His "Woman Bathing," exhibited in 1849, though a work of a kind opposite to that in which he had gained his reputation, presents a forcible illustration of his skill in painting the nude figure when he chose to make the attempt. In all technical excellence his career was one of uninterrupted improvement, although in his later pictures the elaborate finish of his style tends perhaps to excess; and for luminous color, delicacy of finish and expression, and accurate drawing, he was almost without a rival. His favorite apophthegm, according to Ruskin, was, "Know what you have to do, and do it," and no one can look at his small and carefully finished pictures, of which he produced scarcely more than one a year for exhibition, without feeling that he conformed faithfully to it. In 1848 a remarkable exhibition of his works was formed in London, and in the spring of 1864 there was another in the same city on a larger scale, to which contributions were sent by the Queen and some of the most eminent collectors in Great Britain.

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NAVY, Confederate. The Confederate Navy Department for the year 1863, comprised a secretary, S. R. Mallory, and five clerks; a bureau of Orders and Details, Captain F. Forrest; a bureau of Ordnance and Hydrography, Commander George Minor; a bureau of Provisions and Clothing, Paymaster John de Bree; and a bureau of Medicine and Surgery, Surgeon W. A. W. Spottswood. The grades remained as previously established, and

among the superior officers were 1 admiral, 12 captains, 30 commanders, and 112 first and second lieutenants, most of whom had belonged to the United States navy. Of those known previous to the war, or by events which have happened since its commencement, the most conspicuous are Franklin Buchanan, admiral, who commanded the Merrimac in her encounter with the Monitor in Hampton Roads; Captains G. N. Hollins, D. N. Ingraham, Samuel Barron, W. F. Lynch, and Raphael Semmes, the commander successively of the privateers Sumter and Alabama; Commanders M. F. Maury, T. J. Page and H. J. Hartstene; and Lieutenants W. L. Maury and John N. Maffit, commanding respectively the privateers Georgia and Florida. Owing to the small number of vessels afloat the greater part of the naval officers discharge shore duties, and some of them are even employed in the army. In determining the relative and assimilated rank of officers who resigned from the navy of the United States to take service in the Confederate navy, reference is had to the date of commissions held by them in the former. The following table exhibits the annual pay of the naval officers:

Grades.	*Pay per annum.*
Admiral	$6,000
Captains—when commanding squadrons	5,000
All others on duty at sea	4,200
On other duty	3,600
On leave or waiting orders	3,000
Commanders:	
On duty at sea first five years after date of commission	2,825
On duty at sea second five years after date of commission	3,150
On other duty first five years after date of commission	2,662
On other duty second five years after date of commission	2,825
All other commanders	2,250
Lieutenants commanding—at sea	2,550
First Lieutenants—on duty at sea	1,500
After seven years' sea service in the navy	1,700
After nine years' sea service in the navy	1,900
After eleven years' sea service in the navy	2,100
After thirteen years' sea service in the navy	2,250
On other duty	1,500
After seven years' sea service in the navy	1,600
After nine years' sea service in the navy	1,700
After eleven years' sea service in the navy	1,800
After thirteen years' sea service in the navy	1,875
On leave or waiting orders	1,200
After seven years' sea service in the navy	1,266
After nine years' sea service in the navy	1,333
After eleven years' sea service in the navy	1,400
After thirteen years' sea service in the navy	1,450
Second Lieutenants—duty afloat	1,200
When on leave or other duty	1,000
Fleet surgeons	3,300
Surgeons—on duty at sea:	
For first five years after date of commission as surgeon	2,200
For second five years after date of commission as surgeon	2,400
For third five years after date of commission as surgeon	2,600
For fourth five years after date of commission as surgeon	2,800
For twenty years and upward after date of commission	3,000
On other duty:	
For first five years after date of commission as surgeon	2,000
For second five years after date of commission as surgeon	2,200
For third five years after date of commission as surgeon	2,400
For fourth five years after date of commission as surgeon	2,600
For twenty years and upward after date of commission	2,800

The navy may be said in general terms to comprise two classes of vessels: those intended for river or harbor defence, as ironclads, rams, floating batteries, or river steamboats transformed into gunboats; and sea-going steamers of moderate size, but of great speed and powerful armament. Some of the most formidable of the former class, both completed and in the course of construction, perished amidst the stirring events of 1862; but enough remained at the commencement of the last year to make it a matter of the first importance for the Federal Government to compass their destruction. Among those in existence at the latter date may be mentioned the Chattahoochee, a large ironclad, building in the Appalachicola river: the Atlanta, an ironclad, formerly the Fingal, and the Georgia, a floating battery, in the Savannah river; the Chicora, Palmetto State, and Ashley, ironclads, beside two building and unnamed, in Charleston harbor; the Baltic and Tennessee, ironclads, and the Selma, Gaines and Morgan, "cottonclads," in Mobile; and the Richmond or Merrimac No. 2, ironclad, building at Richmond. These were exclusive of the W. H. Webb, a powerful ram, and various small boats in the Western waters and the harbors of Texas. Rumors also prevailed of rams or ironclads building in the Roanoke, Tar and Neuse rivers, in North Carolina.

Of these the Chattahoochee burst her boiler before getting to sea and became a total loss; the Atlanta was captured by the Weehawken in Ossabaw Sound, near Savannah, on June 17th, after a brief contest; and the Chicora and Palmetto State participated in the attack upon the blockading fleet off Charleston, on Jan. 31st. (*See* OPERATIONS OF THE UNITED STATES NAVY.) The other vessels remained in the possession of the Confederates at the close of the year; but one of them, the Tennessee, met with a fate similar to that of the Chattahoochee, while steaming out of the Mobile river to attack the Federal cruisers, April, 1864. The rebels also lost almost every armed steamer they possessed in the Western waters, including the ram Queen of the West, previously captured by them, and a number of unfinished rams at Yazoo City and elsewhere. Other casualties on the Atlantic seaboard were the destruction of the privateer Nashville under the guns of Fort McAllister by the Montauk, and that of the Isaac Smith captured by the rebels in Stone river, and which was sunk by the blockading fleet, while attempting to run out of Charleston harbor, on June 5th.

The most important operations of the navy, however, were those performed by the second class of vessels belonging to it, the armed, sea-going cruisers, whose depredations upon commerce have cost the United States many millions in money, and have almost paralyzed the shipping interest in the chief seaports. The commencement of 1863 found the Alabama, a vessel built, manned and equipped

in British waters, actively cruising among the West Indies. In the middle of January the Oreto, now called the Florida, slipped out of Mobile, where she had taken refuge some months previous, and joined the Alabama in her work of destruction; and in the beginning of April the Japan, subsequently named the Georgia, escaped from the Clyde, and proceeding to the neighborhood of Ushant island, on the French coast, was there armed and equipped as a privateer. "Sailing sometimes under the English and sometimes under the rebel flag," says Secretary Welles, "these rovers, without a port of their own which they can enter, or to which they can send a single prize for adjudication, have roamed the seas, capturing and destroying the commercial ships of a nation at peace with Great Britain and France; but yet when these corsairs have needed repairs or supplies, they have experienced no difficulty in procuring them, because it had been deemed expedient to recognize the rebels as belligerents. Not one of the many vessels captured by these rovers has ever been judicially condemned as a legal capture. Wanton destruction has been the object and purpose of the captors, who have burnt and destroyed the property of their merchant victims."

During the first three months of 1863 the Alabama* and Florida cruised with impunity in the West India waters, finding no difficulty, when hard pressed, in taking refuge in neutral ports, or within a marine league of the shore of a neutral Government, and meeting with abundant sympathy from the local authorities and the population. Fulfilling few of the obligations of armed cruisers, they yet demanded and received all the favors accorded to nations having open ports. The Federal war vessels, on the other hand, were invariably subjected to the rules of national law in their strictest construction. The vigilance of the flying squadron under acting Rear Admiral Wilkes, which was organized to protect American interests in that quarter, and especially to guard the treasure ships in their transit to and from Aspinwall, finally made the neighborhood too hot for the Alabama and Florida, and in April they steered southward, and recommenced their work of destruction off the coast of South America, where many valuable prizes fell into their possession, which were almost invariably burned or bonded, the crews being despatched to the nearest available port. In May the two privateers parted company, the Alabama proceeding to the Cape of Good Hope, while the Florida sailed northward, and on July 8th ventured within 60 miles of New York. After remaining several days in this dangerous neighborhood, she repaired to Bermuda, and about the middle of August turned up on the track of the Liverpool and New York packets. Then, after capturing a few prizes near the British Isles, she put into Brest to refit.

In the early part of August the Alabama, accompanied by the Tuscaloosa, a captured merchantman transformed into an armed tender, arrived at Capetown, where an enthusiastic ovation awaited them. One of the first acts of the privateersmen was to capture the American ship Sea Bride, within a marine league of the land. The American consul protested against this proceeding, and also against the admission of the Tuscaloosa, before legal condemnation, into Simon's Bay, as a violation of the Queen's proclamation of neutrality, but could obtain no redress. Soon afterward the Georgia, which ever since her equipment as a privateer had sailed southward along the African coast, burning and plundering on her way, also arrived at Capetown.

Early in February the Vanderbilt, one of the largest and fastest steamers in the United States Navy, was put into commission for special service against privateers in the West India waters, and her commander was ordered, should he be satisfied that the Alabama and Florida had left that locality, to proceed down the South American coast to Rio Janeiro, and thence to the Cape of Good Hope. In derogation of these orders, Admiral Wilkes, soon after the arrival of the Vanderbilt in the West Indies, transferred his flag to her and detained her in his possession until the middle of June, many weeks after the departure southward of the privateers. The latter, in consequence, were enabled to do immense damage to American commerce in the Southern Atlantic, and the plans of the Navy Department for their capture were frustrated. The Vanderbilt finally reached Rio Janeiro in the middle of July, and proceeding thence to Capetown via St. Helena, arrived at the former place in September. The rebels, however, were by this time on the alert, and kept out of the way of the Vanderbilt, which returned to the United States in the latter part of the year, having accomplished nothing important during her cruise. Subsequent to September the Alabama proceeded to the East Indies, and took many valuable prizes in that quarter, while the Georgia returned to France.

Early in May the Florida, while cruising in the West Indies, captured the brig Clarence, which was fitted out as a privateer and supplied with a crew, under command of Lieut. Charles W. Read, formerly a midshipman in the U. S. navy. The Clarence immediately steered northward, keeping near the Florida and Carolina coasts, and taking several valuable prizes on the way. On June 12th, when within 30 miles of the capes of Virginia, she captured the bark Tacony, to which vessel Lt. Read transferred his command. For the next 12 days he pursued a career of uninterrupted success among the unsuspecting merchantmen and fishing vessels which he encountered; but

* The capture of the U. S. gunboat Hatteras, by the Alabama, on January 17th, is narrated under the head of NAVY, CONFEDERATE, in Vol. II. of this work.

ascertaining that Union cruisers were on his track, he burned the Tacony, to avoid recognition, and on the 24th transferred his crew and guns to the captured schooner Archer. He then made for Portland harbor, with the intention of burning two gunboats building there and cutting out the revenue cutter Caleb Cushing. At sunset he came to anchor near the entrance of the harbor, and soon after midnight, the moon having then gone down, rowed direct to the Cushing in two boats with muffled oars, boarded the vessel, and having overpowered the crew, started for sea. No sooner was the Cushing missed from her anchorage than the Forest City and Chesapeake, two merchant steamers, were manned with troops and armed volunteers, and started in pursuit. A short distance from the harbor they overhauled her, and having no guns capable of coping with her heavy armament, made preparations to board, perceiving which the rebels took to their boats, after firing half a dozen shots at the steamers. Soon after the Cushing blew up. The boats however, were captured, as also the Archer, and the whole crew securely confined.

On December 17th the steamer Chesapeake, plying between New York and Portland, was seized on her passage to the latter place, when about 20 miles northeast of Cape Cod, by 16 of her passengers, who represented themselves as belonging to the Confederate States. The captain was put in irons, one of the engineers killed and thrown overboard, and the first mate wounded. The crew and passengers, with the exception of the first engineer, retained to manage the steamer, were subsequently put ashore in a boat, and the Chesapeake sailed to the eastward. Upon the reception of the news in the United States, a fleet of cruisers started in pursuit, and on the 17th the Chesapeake was captured by the Ella and Anna, in Sambro harbor, Nova Scotia, and, with a portion of her crew, was carried to Halifax and delivered to the authorities. The prisoners were released by a mob, but the Chesapeake was subsequently restored to her American owners by an order of the chief colonial tribunal. (*See* PRIZE.)

Of the amount of damage inflicted by rebel cruisers upon American commerce no complete or trustworthy estimate has yet been made. While at Capetown, in September, Captain Semmes stated that the total number of captures made by the Alabama amounted to 56 vessels, which he supposed would involve a direct loss of four million dollars, beside the loss of freight, the high rates of insurance, and other embarrassments caused by the danger of carrying goods in American bottoms. The captures of the Florida were estimated by her commander in September at 72, and their total value at $15,000,000, which is evidently exaggerated. From tables prepared at the close of the year it would appear that since the commencement of the war 184 vessels, aggregating 84,871 tons, and with their cargoes valued at $15,000,000, have been destroyed upon the high seas. Yet this is but a small part of the loss sustained by American commerce, as will be seen by the following figures:

	Value under American flag.	Value under Foreign flags.
Foreign carrying trade in 1860..	$234,000,000	$150,000,000
Foreign carrying trade in 1862..	150,000,000	238,000,000
Foreign carrying trade first two quarters in 1863.....	55,090,000	146,000,000

Of the extent to which the city of New York has suffered, the following table, showing how the carrying business, of which she once enjoyed a large share, has been transferred to foreign flags, is sufficiently indicative:

Foreign trade of the port of New York, for the quarter ending June 30th.

1860.	In American vessels.	In foreign vessels.
Value of goods imported.....	$35,197,101	$18,242,622
" exported.....	27,401,225	12,776,229
Total trade.....	$62,598,326	$30,918,851
1863.		
Value of goods imported.....	$12,731,819	$30,139,557
" exported.....	10,672,011	35,750,296
Total trade.....	$23,403,830	$65,889,853

A part of this change is doubtless in consequence of the active employment of so many American ships for purposes connected with the war; but, after making allowance for this fact, a sufficient number of vessels could be found for commercial purposes, were not shippers deterred by fear of capture from employing them as carriers. The success of their cruisers already afloat, and the ease with which they could be built and equipped in foreign countries, prompted the Government to contract for others, and during the year the Alexandra, a fast steamer of the Alabama class, and two iron-clad rams, the latter undertaken by Laird, of Liverpool, ostensibly for the "Emperor of China" or the "Viceroy of Egypt," were under construction in England. The vigilance of the American minister and the consuls prevented the completion of these, and at the close of the year, they were temporarily in the possession of the British Government, subject to the decision of the courts. The Alexandra case, after being carried to the House of Lords, on appeal from the Court of Exchequer, was decided against the Government, and the vessel was restored to her owners (see page 350.) Sufficient evidence of the building of cruisers in France having come to the notice of the American minister in that country, he has laid the facts before the Government. Early in 1864, a document purporting to be the annual message of Mr. Mallory, the secretary of the navy, was published in many of the newspapers of the United States and Europe, and by its frank admissions of the contracts entered into with foreign shipbuilders, was supposed to confirm the above statements. It subsequently, however, proved to be a forgery.

NAVY OF THE UNITED STATES. The following table exhibits the number and capacity of the naval vessels of the United States, whether built or in the course of construction, at the date of the two last annual reports of the Secretary of the Navy:

	No. of vessels.	No. of guns.	Tonnage.
Navy at close of 1863	588	4,443	467,967
Navy at close of 1862	427	3,268	340,036
Inc. exclusive of vessels lost	161	1,175	127,931

Of the vessels placed under construction in 1863, 7 were double-end iron steamers, of 12 guns and 1,030 tons each; 20 were single-turret ironclads, of 2 guns and 614 tons each; 4 were double-turret ironclads, of 4 guns and 3,130 tons each; 12 were clipper screw sloops, of 8 guns and 2,200 tons each; 8 were spar deck screw sloops, of 20 guns and 2,200 tons each; and 7 were screw sloops of great speed, carrying each 8 guns, and of which 5 were of 3,200 tons each, and 2 of 3,000 tons each, making a total of 58 vessels, 452 guns, and 48,010 tons. This is exclusive of over 30 vessels commenced previous to 1863, and not yet completed. The remaining vessels added to the navy during the year, comprised over 50 steamers for blockading and supply purposes, of which at least 20 were captured while attempting to run into blockaded ports, beside tugs, tenders, storeships, &c. The classes of vessels, and aggregate armament and tonnage of the navy, including all the vessels building, at the close of 1863, were as follows:

	No. of vessels.	No. of guns.	Tonnage.
Ironclad steamers, coast service	46	150	62,518
Ironclad steamers, inland service	29	152	20,784
Sidewheel steamers	203	1,240	126,517
Screw steamers	198	1,578	187,892
Sailing vessels	112	1,323	70,256
Total	588	4,443	467,967

During the year there were removed from the navy by various casualties, 34 vessels, having an aggregate of 166 guns, and 15,985 tons. Of these 12 were captured by the enemy, 3 were destroyed to prevent their falling into the hands of the enemy, 4 were sunk in battle or by torpedoes, and 15 were lost by shipwreck, fire, and collision. In the last named category were the ironclads Monitor and Weehawken, which foundered at sea in stormy weather.

The fleet in active service at the close of 1863, comprised 384 vessels of all classes, distributed as follows: Potomac Flotilla, 19; North Atlantic Squadron, 72; South Atlantic Squadron, 76; Eastern Gulf Squadron, 39; Western Gulf Squadron, 68; Mississippi Flotilla, 85; West India Squadron, 3; East India Squadron, 2; Mediterranean Squadron, 1; Pacific Squadron, 7; Special service, 6; miscellaneous, &c., 6.

The number of officers of the higher grades, at the close of the year, was as follows:

	Active list.	Reserved list.	Retired list.
Rear Admirals	6	..	8
Do. Acting	5	..	..
Commodores	18	..	33
Captains	*36	10	15
Commanders	†72	15	7
Lieutenant-Commanders	144	..	..
Lieutenants	85	..	8

Increased facilities for building and repairing national vessels being imperatively demanded, a committee of naval and scientific gentlemen was appointed, under the authority of Congress, to examine and report upon League Island, in the Delaware river, near Philadelphia, and New London, as sites for new navy yards. A majority of the commission recommended New London, but no action was taken upon the subject by Congress previous to the close of the year.

The number of seamen in service on July 1st, 1863, including those on the Mississippi Flotilla, was about 34,000, and during the year enlistments averaged over 2,000 a month. In 1862 the average was 1,529 a month. The demand was altogether in excess of the supply of trained and experienced seamen, notwithstanding the marked decrease in the shipping business which the ravages of Confederate privateers had caused; and the men enlisted were, for the most part, of the class known as landsmen, having little or no knowledge of a seafaring life. Consequently, the number of landsmen in nearly every vessel greatly exceeded that of the classes known as seamen and ordinary seamen, and the reports of the commanding officers show that, in more than one instance, the want of proper material for crews was the cause of disaster. A few vessels intended for special service were provided with picked crews, but, with these exceptions, the quality was far below the average of the old navy. But even with the large body of men in the service, and the increase in the average of enlistments, there was, in the latter part of the year, such a deficiency of material that many vessels were reported at the national yards completely equipped and ready for sea, but unable to sail for the want of crews. At the same time, it was well understood that men could be obtained should the proper means be taken.

One cause for this deficiency was the operation of the Enrolment and Conscription Act of 1863, which provided no exemption for sailors or mariners, a class of men whom most nations foster and cherish by special laws, and who were formerly expressly exempted by act of Congress from militia duty. But the chief cause was to be found in the high bounties offered for enlistment into the army, under the influence of which many sailors, whose service would be much more valuable afloat than on shore, were induced to become soldiers. The

* Beside one not recommended for promotion.
† Beside 18 not recommended for promotion.

fishing towns of New England, which have been the chief nurseries of the American navy, sent a very considerable portion of their sea-faring population into the army, and in the great commercial seaports a similar practice prevailed. "While every able and sound man of proper age," says Secretary Welles, "can be made a soldier, and put into immediate service, there are comparatively few of our population who can be employed as sailors. The latter may be considered experts, and instead of bounties, allurements, or drafts to withdraw seamen from the element to which they belong, the reverse should be the fact." Acting on this suggestion, Congress has authorized bounties to be offered to sailors as well as to soldiers, and measures also have been taken to transfer sailors who had enlisted in the army into the naval service. The result has been to rapidly fill up the deficiencies in the quota of seamen, and to fill the receiving ships to overflowing. In the latter part of 1863 the practice was also introduced of putting on shipboard rebel prisoners who had taken the oath of allegiance to the United States, and desired to enter the national service, but were unwilling to subject themselves to the risk of summary execution if recaptured while serving in the Federal army.

The events of the year have afforded to some extent an elucidation of the several questions involved in the introduction into naval warfare of ironclad vessels, especially of the Monitor type, although no definite conclusions can be said to have been reached. "The Monitor class of armored ships," says the Secretary of the Navy, "with revolving turrets and few guns of heavy caliber, has proved itself to be well adapted for harbor defence and coast service, and in some emergencies these vessels, from their great powers of endurance, have shown themselves to be efficient and serviceable in offensive operations." The occasions upon which they have been most severely tested are described under OPERATIONS OF THE UNITED STATES NAVY. Of the advantages and defects of these vessels, as ascertained by actual test, a variety of opinions from professional men and officers are recorded; a few brief extracts from which are appended.

The repulse of the ironclads before Charleston, on April 7th, had the effect of creating an impression against the efficiency of this class of vessels almost as unreasonable as the prejudice in their favor had formerly been. This was in a measure occasioned by the unfavorable opinion of them, supposed to be entertained by Admiral Dupont, and by the reports made by commanding officers after that engagement. Thus Commander Worden, of the Montauk observed:

I desire to say that I experienced serious embarrassment in manœuvring my vessel in the narrow and uncertain channel, with the limited means of observation afforded from the pilot house, under the rapid and concentrated fire from the forts, the vessels of the fleet close around me, and neither compass nor buoys to guide me. After testing the weight of the enemy's fire, and observing the obstructions, I am led to believe that Charleston cannot be taken by the naval force now present, and that had the attack been continued, it could not have failed to result in disaster.

Commander Daniel Ammen, of the Patapsco, reports:

I am indebted to Acting Master Vaughan, transferred temporarily to this vessel, for valuable aid in avoiding collisions, as it is out of the question for one person to observe properly from the various lightholes. I think a want of vision one of the most serious defects of this class, making it impossible to fight them advantageously, to avoid dangers, or to make a satisfactory reconnoissance. Another question of great importance as relates to their efficient employment, is the character of the battery. It is proposed to batter down forts with a 15-inch gun, then it is quite plain that we have to come within distances at which heavy ordnance, if employed in heavy batteries against us, cannot fail in the end to injure or perhaps disable us.

Commander G. W. Rodgers, of the Catskill, reports:

I was surprised to find, even with this severe fire, that these vessels could be so much injured in so short a time, two or three having passed me during the action to which some disaster had happened. This vessel was struck some twenty times, but without any serious injury, except one shot upon the forward part of the deck, which broke both plates, the deck planking, and drove down the iron stanchion sustaining this beam about one inch, causing the deck to leak.

Commander Fairfax, of the Nantucket, reports:

Our fire was very slow, necessarily, and not half so observable upon the walls of the forts as the rain of their rifle-shot and heavy shell was upon this vessel. After the third shot from the 15-inch gun the port stopper became jammed, several shots striking very near the port and driving in the plating; it was not used again. * * * I am convinced that, although this class of vessels can stand a very heavy fire, yet the want of more guns will render them comparatively harmless before formidable earthworks and forts. I must say that I am disappointed beyond measure at this experiment of monitors overcoming strong forts. It was a fair trial.

On the other hand, Chief Engineer Stimers, who had witnessed the engagement from a position outside the bar, observes in his official report to Secretary Welles, under date of April 14th:

The firing on the part of the enemy was very terrific. He was not only able to keep up a very rapid fire from his numerous guns, but, I felt satisfied, was using reckless charges of powder, which it was clearly wisdom for him to do. I therefore expected to find on my visit to them (the ironclads) at least an approach to the destructive results which had been obtained by the chief of the Bureau of Ordnance in his experiments against iron targets in the ordnance yard at Washington. I was, however, agreeably disappointed to find, upon my inspection of the Monitor vessels next morning, that there were no clear passages through the decks and no penetrations through the sides of the vessels, or the pilot-houses. The blunt-headed shots had proved much less effective than the round shot, not only in confining their injury to the indentation made more distinctly than is the case with round shot, but the indentations themselves were less than those made by the spherical balls. On the other hand, I found casualties had occurred which occasioned loss of life in one instance, and disabled guns in others, through faults of design which only such experience

could point out, and which, I think, can be entirely removed in the new vessels now building.

In conclusion he says:

I take the liberty to express my firm opinion that the obstructions can be readily passed with the means already provided, and our entire fleet of ironclads pass up successfully to the wharves of Charleston, and that the Monitor vessels still retain sufficient enduring powers to enable them to pass all the forts and batteries which may reasonably be expected.

The Passaic, which was one of the most badly damaged of the ironclads in this affair, was sent to New York in May for repairs, and by direction of Secretary Welles a commission, headed by Captain J. C. Rowan, was appointed to examine and report upon the amount of injury she had received from the fire of the batteries or from the effects of the gale which she encountered on her passage north. They found that but 4 shots had damaged any part of the structure to an extent worthy of particular attention, and that only one of these, a 10-inch shot which disabled the working of one of the guns, by deranging the gun slides, had affected the fighting efficiency of the vessel. They also reported that the Passaic had not been strained or injured by the gale.

From a recently published report of Admiral Dahlgren, reviewing the service of the ironclads during 1863, we extract the following table showing their capacity for endurance:

	No. shots fired.		Total hits.
	15-in.	15-in.	
Katskill	138	425	106
Montauk	301	478	214
Lehigh	41	28	36
Passaic	119	107	134
Nahant	170	276	105
Patapsco	178	230	144
Weehawken	264	633	187
Nantucket	44	155	104
Ironsides	..	4,439	164
	1,255	6,771	1,194

	No. shots fired.		Wt. proj. fired, tons.	
By Ironsides		4,439		288½
11-in. by Mon'rs	2,332	3,587	151½	365
15-in. by Mon'rs	1,255		213½	
		8,026		653½

He adds:

What vessels have ever been subjected to such a test? It is not surprising that they should need considerable repair after sustaining such a severe pounding for so long a time, but only that they could be restored at all to a serviceable condition. The force of a 10-inch shot must be experienced to be appreciated. Any one in contact with the part of the turret struck, falls senseless, and I have been nearly shaken off my feet in the pilot house when engaging Moultrie. All the little defects of detail were marked by such a searching process. Decks were cut through, cannon were rooted out, side armor shaken, tops of pilot houses crushed, &c. But all these were reparable, and no vital principle was seriously touched. With such workshops and means as a northern navy yard includes, the repair of all monitors would have been speedily executed.

In respect to the powers of their ordnance he says:

In operations against earthworks, whose material cannot be damaged permanently, but only disturbed, and which are only to be dealt with by keeping down their fire, a much lighter projectile would be preferable, in order that the practice may be as rapid as possible. Hence a piece of 16,000 lbs. for 10-inch or 11-inch shot and shell. When a number of monitors are brought together, it would be better also to have guns of like kind in each turret, and bringing into action whichever might be preferable. Each of the monitors of this squadron had a 15-inch and a smaller gun, 11-inch or 8-inch rifle, and hence the rapidity of fire which was most desirable was not attained.

Of their sailing qualities he says:

The speed of the monitors is not great (seven knots), but it is quite respectable with a clear bottom, and is fully equal to that of the Ironsides. Their steerage is peculiar, but, when fully understood and rightly managed, not difficult of control. They pivot with celerity, and in less space than almost any other class of vessels. The number of men required to work them and the guns is only eighty, which is very moderate. In common with all ironclads the scope of vision is much restricted, for the plain reason that in such vessels apertures of any size must be avoided. There are some other defects, but they are not inherent, and it is believed are susceptible of being remedied wholly or in part.

The New Ironsides he considers a "fine, powerful ship," but defective in having her ends unplated. They are consequently easily damaged by a raking fire and involve to a certain degree the rudder and screw, while she can return no fire in either direction. The monitors, on the other hand, are almost equally well defended on all sides, and can fire in any direction. In summing up their respective offensive qualities, he says that the Ironsides is capable of a more rapid and concentrated fire than the others, and that on that account her guns are more effective than the 15-inch guns of the monitors.

On the other hand, she was restricted by draft to the mid-channel, was very vulnerable to the raking fire, and the direction of her own guns was very limited laterally. The monitors could operate in most of the channels, could direct their fire around the whole circle, and were almost equally well defended on all sides. The defects in both classes of vessels are susceptible of being remedied partially or entirely. The defence of the Ironsides could be made complete, and that of the monitors equally so. The armament of the monitors could be perfected so as to give all desirable rapidity of fire, but by no contrivance could the Ironsides be enabled to use much heavier guns than those mounted. Yet when such changes were made as experience suggested, there still would remain to the monitors the light draft, choice of guns from the heaviest to the lightest, defensibility, and direction of fire around the whole circle; consequently the ability to carry a heavy battery into the least depth of water, with equal power of offence and defence in any direction, and that with half the number of guns carried in broadside by another vessel.

He observes, in conclusion, with reference to the selection by the Government of vessels of the Monitor type:

It is evident that it was not designed to adopt any one style exclusively, for of the three vessels first ordered, two were of the ordinary broadside class—the Ironsides and the Galena. The latter was quickly proved to be absolutely inefficient, and so must any armored steamer of that size. It is universally admitted that plates of less than four and a half (4½) inches cannot stand the shock of heavy projectiles, and ves-

sels so armored must be of considerable tonnage. I presume the department only intended to build such vessels as were best adapted to the service at the scene of war.

Keeping in view the peculiar exigencies of the case, which required light draft and great ordnance power, it appears that the selection of the department could not have been more judicious in preferring a number of monitors to operate from a heavy frigate as a base; and if the intent of the department could have been carried out in regard to numbers, we should now have been in entire possession of the coast from the Capes of Virginia to New Orleans, including Wilmington, Charleston, Mobile, &c.

Many defects of both classes are easily remediable, but some of those in the monitors could only be determined by the test of battle; before that, approximation only was possible.

In response to a resolution of Congress, Secretary Welles transmitted to that body in April, 1864, a voluminous report on the efficiency of the ironclads, embodying the opinions of some of the first naval authorities in the country, including Rear-Admirals Dupont, Porter and Goldsborough, and Captain John Rodgers. Admiral Dupont adheres to the views previously expressed by him.

I am well aware, he says, that the results at Charleston were not all that were wished for, and I quite agree with the department that there was, nevertheless, much in them that was gratifying, particularly that the loss of life was so small, and that the capacity of the ironclads for enduring the hot and heavy fire brought to bear upon them, which would have destroyed any vessels of wood heretofore used in warfare, was made so evident. But I must take leave to remind the department that ability to endure is not a sufficient element wherewith to gain victories, that endurance must be accompanied with a corresponding power to inflict injury on the enemy; and I will improve the present occasion to repeat the expression of a conviction which I have already conveyed to the department in former letters, that the weakness of the Monitor class of vessels, in this important particular, is fatal to their attempts against fortifications having outlying obstructions, as at the Ogeechee and at Charleston, or against other fortifications upon elevations, as at Fort Darling, or against any modern fortifications before which they must anchor or lie at rest, and receive much more than they can return. With even their diminished surface they are not invulnerable, and their various mechanical contrivances for working their turrets and guns are so liable to immediate derangement that, in the brief though fierce engagement at Charleston, five out of eight were disabled, and, as I mentioned in my detailed report to the department, half an hour more fighting would, in my judgment, have placed them all *hors de combat.*

Rear-Admiral Porter, on the other hand, finds little to disapprove of, and much to praise, in the monitors. "I remember," he says, "pronouncing the first Ericsson Monitor a perfect success, and capable of defeating anything that then floated. I was looked upon at that time as something of an enthusiast, as my opinions were widely at variance with those of some scientific gentlemen. The results have justified me in forming a high estimate of the Monitor principle." He has a high opinion of the ironclads building on the Ohio at the commencement of 1864, and thinks one of them capable, when completed, of destroying every vessel on the Mississippi between Cairo and the Gulf. He adds:

I think too much has been expected of monitors heretofore, and the fact that two or three of them were not able to overcome obstacles formidable enough to keep out a large fleet of three-deckers, has, in a measure, weakened the confidence of the public (who generally know little or nothing about such matters) in them. But the monitors for harbor defence are just as valuable as they were on the day when the first one drove the leviathan Merrimac back to her hole, and saved the honor of the nation. I am sure that monitors would have done much better on this river than the old poop gunboats did, which were built for temporary purposes only, or until monitors could take their places. Earthworks on elevated positions are difficult to silence, it is true, except by a concentrated fire of many guns, and monitors are not well provided in numbers. No vessels have been more successful than the Mississippi gunboats, whenever they have been called upon to attack such works. Still they were very deficient in one respect, as they were very vulnerable, suffered a good deal, and proved that in the end the monitor principle, from its invulnerability, was the only thing that could be safely depended on. For this reason I often wished that I had been provided with one good monitor, with which at certain times I could have accomplished more than with a fleet of such boats as we have here.

The resistance of iron, he finds from personal observation, depends more on the wooden backing than on the thickness of the iron, and that two inches of iron on thirty-six inches of oak will resist more than three inches of iron on fifteen inches of oak. "I have, moreover, noticed," he observes, "that where there is a backing of wood covered with three-inch iron, and that iron with wood again, the resistance of the latter will prevent balls of heavy size from entering the iron. In fact it is hardly indented." He closes a warm tribute to the efficiency of the monitors in the following words:

Any professional man who will lay aside his prejudices, caused by the discomforts incident to the monitors, must admit that, as a harbor defence, they are the best and only vessels to be built, and I hope we shall see every harbor in the United States where there is a chance of an enemy penetrating, supplied with two or three of these floating batteries. If they have not been able to penetrate the harbor of Charleston, where fifty guns to one were opposed to them, and where they had to contend with obstructions placed in their way, impossible to be removed, it in no way detracts from their well-earned reputation for efficiency. They have done at Charleston what no other vessels ever built could possibly have accomplished, and though the army, as usual (when combined operations are carried on), has monopolized all the honors, it is a very certain fact that the monitors held their own as no other vessels could have done, and under their shelter the army was enabled to perform its work successfully.

Admiral Goldsborough thinks that, as experiments have shown that a seagoing vessel of war cannot be covered with iron throughout her vulnerable parts, so as to render her proof against large round-shot and rifle projectiles, the use of plating should be restricted to the most vitally exposed parts, and should be "of such practicable thickness as to secure immunity in those places against the explosive effect of shells generally, and against the damaging effect of other projectiles striking obliquely, or otherwise unfavorably to the material damage of the iron." A hull thus arranged, with water-tight bulkheads and turrets for the bat-

teries, he conceives to be "about all that can be done in the way of plating with iron, consistently with all the considerations involved." Celerity of turning should be one of the chief elements of efficiency, and "every ironclad, as a matter of course, should be an unexceptionable ram; or, in other words, susceptible herself of being used as a projectile." The value of rams at this moment, he thinks, cannot be overestimated, and a few of them in each prominent seaport would effectually prevent a blockade. His views on this point are embodied in the following paragraph:

Rams, intended purely for harbor defences, would be better without than with guns. They themselves are to be the projectiles; or, if you please, they are to be the shot, and the steam is to be the powder; and the effect of both, properly combined, would be absolutely irresistible. Guns, I repeat, would be detrimental to unity of purpose, and also in other respects; or, in short, be of more harm than good in the long run. Besides, to fit the rams for them, would be to swell the item of cost largely, and thus abridge their multiplication; and the distinctive plating which their protection would involve, could be used to more advantage elsewhere about the hull. The essential points to be secured in these rams, each to a degree as consistently with all the rest as practicable, are great strength throughout every part of the hull, not overlooking the bottom by any manner of means; every protection that supportable plating can afford; a high velocity; an ample security of machinery; the utmost rapidity in turning; a suitable bow.

Of the respective merits of the Monitor and New Ironsides types of ironclads, he speaks as follows:

The monitors we have already constructed and used in service, I am impelled to regard as open to the serious objections of a marked deficiency in ability for general naval purposes, and in strength of bottom, seaworthiness, speed, turning qualities, height of deck above the water, and habitability; yet for mere smooth-water harbor operations, the object, I suppose, for which they were intended, they undoubtedly do possess formidable offensive and defensive properties, viewed in a relative sense.

Their absolute worth, however, in these particulars, I cannot regard as entitled to the extravagant merit claimed for it, induced, I apprehend, in a great measure, by conclusions drawn from the encounters of the first monitor and the Weehawken, with the Merrimac and Atalanta, without a sufficient knowledge of the facts attending them, and without any (or more than an unwilling) reference to the cases of opposite results, as for instance the Ogeechee, and the repeated displays before Charleston.

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The New Ironsides I regard as a much more efficient type of ironclad than the monitors just discussed, because of her possessing decided advantages over them in the particulars of fitness for general purposes, seaworthiness, relative strength of bottom, or absolute capacity to endure vibration thereat; security against antagonist vessel getting astride of her; speed, and habitability. Had she been planned for turrets, instead of the use of guns at broadside ports, she would have been, I think, still more formidable; nor is she unexceptionable in other respects; and among them speed and turning qualities. It is necessary to try her more at sea, and more at closer quarters with an enemy, than she has yet been tried, in order to determine positively her relative merits in some highly important particulars.

Capt. John Rodgers, who participated in all the important actions of the monitors against the forts at Charleston, and also commanded the Weehawken in her contest with the Atlanta, thus sums up his conclusions after a careful comparison of the New Ironsides and the monitors:

I think that the Monitor class and the Ironsides class are different weapons, each having its peculiar advantages—both needed to an iron-clad navy—both needed in war; but that, when the Monitor class measures its strength against the Ironsides class, then with vessels of equal size, the Monitor class will overpower the Ironsides class; indeed, a single monitor will capture many casemated vessels of no greater individual size or speed; and as vessels find their natural antagonists in forts, it must be considered that upon the whole the Monitor principle contains the most successful elements for plating vessels for war purposes.

Of the sea-going qualities of the monitors, nearly every prominent naval officer speaks with distrust or with positive disfavor. *See* accounts of loss of Monitor and Weehawken, under OPERATIONS OF THE U. S. NAVY.

NAVY, U. S., OPERATIONS OF. During 1863 six squadrons were maintained by the United States Government along the Atlantic seaboard, and in the Western waters, viz.: 1, the North Atlantic Squadron, Acting Rear-Admiral S. P. Lee; 2, the South Atlantic Squadron, Rear-Admiral S. F. Dupont, who was relieved, July 6th, by Rear-Admiral J. A. Dahlgren; 3, the Eastern Gulf Squadron, Acting Rear-Admiral T. Bailey; 4, the Western Gulf Squadron, Rear-Admiral D. G. Farragut, who was temporarily relieved in July by his second in command, Commodore H. H. Bell; 5, the Mississippi Flotilla, Rear-Admiral D. D. Porter; 6, the Potomac Flotilla, Commodore A. A. Harwood. There were also small squadrons on the Pacific and East India stations, and a number of vessels were employed in searching for rebel privateers and on other special service.

1. *North Atlantic Squadron.*—The operations of this squadron have comprised chiefly blockade duties along the coasts of Virginia and North Carolina, where, according to the Secretary of the Navy, the officers in command "have been sleepless sentinels, and have exhibited examples of heroic bravery and daring, in repelling the rebels and protecting and succoring the army when in difficulty, which reflect honor on themselves and the service." So effective were their services that along the entire station all intercourse with the enemy was cut off, with the single exception of the port of Wilmington, the closing of which was difficult on account of its two inlets, thirty miles apart, flanked by extensive batteries. A few steamers from the Clyde and elsewhere, of light draught, succeeded, under cover of the darkness, in eluding capture, but most even of that description of vessels fell into the hands of the blockaders, or were run on shore and destroyed. Many of the operations of the blockading fleet were performed in connection with the land forces, and will be found described under that head. Those only will be mentioned here in which the navy performed the sole or the chief part.

On January 14th the screw steam gunboat, Columbia, Lieutenant Joseph O. Couthouoy, while cruising between Federal Point and Masonboro' inlet, was wrecked on the bar off the latter place, and, before assistance could be procured from her consorts, was too much broken up by the sea to be got off. On the afternoon of the 15th, the Penobscot anchored near her, and by means of a surf-line succeeded in rescuing about thirty of the crew; but a heavy gale setting in at nightfall, she was obliged to run to sea again. Early the next morning several rebel shore-batteries opened upon the Columbia, and later in the day the Penobscot, Cambridge, and Genesee approached her. The surf was too high, however, to enable them to render any assistance to Lieutenant Couthouoy, who, being helpless against the fire of the enemy, was compelled, in the afternoon, to surrender the remaining officers and crew, forty in number. He had previously spiked and thrown overboard his guns, drowned the powder in his magazines, and destroyed his signals.

On the morning of March 14th, an attack was made by the troops under General D. H. Hill upon Fort Anderson, an unfinished earthwork on the left bank of the Neuse, opposite Newbern, which was garrisoned by a single regiment of volunteers. The fort had no guns mounted, and the troops in Newbern were unable to render assistance. The gunboats Hunchback and Hetzel, however, assisted by the Shawsheen and some smaller vessels, came promptly to the rescue, and by a well directed fire silenced the enemy's artillery, consisting of 14 pieces, and by compelling the retreat of Hill saved the fort. A nine-inch shell from the Hetzel dismounted and broke a Parrott gun, and killed and wounded a number of rebels. The enemy were followed and harassed in their retreat up the Neuse river by several light-draught vessels.

During the attack on Suffolk, Virginia, in the latter half of April, the small fleet of U. S. gunboats on the Nansemond took a distinguished part. On the 14th the Mount Washington, Stepping Stones, and Commodore Barney, the first named being at the time disabled, succeeded, with but slight loss, in silencing a formidable battery; and on the 19th Lieut. R. H. Lamson, with the Stepping Stones, aided the land forces under General Getty in capturing a battery of five guns, manned by 161 men. These exploits are noticed under Army Operations.

The part taken by the navy during the investment of Washington, N. C., by General Hill, in March and April, being in intimate connection with the operations of the army, is described under that head.

In June and July a number of small gunboats coöperated in the expeditions up the York, Pamunkey, and Mattapony rivers undertaken for the purpose of occupying West Point and threatening Richmond. There were also during the year joint army and navy expeditions, chiefly in the nature of reconoissances, up the James, Piankatank, Ware, and other rivers of Virginia, and among the inlets between the York and the Rappahannock, most of which were attended by substantial successes. Similar operations were conducted at various times along the shallow sounds and inlets of North Carolina, and in the Roanoke and Chowan rivers.

During the latter half of the year, and particularly after the harbor at Charleston had been rendered inaccessible to blockade runners, Wilmington became the chief port of resort on the Atlantic coast for vessels of this class. The addition to the blockading fleet of several swift steamers, newly built at the national yards, or captured, greatly increased the risk of entering the Cape Fear river, by either inlet, and, in consequence, many valuable prizes were taken, and nearly as many vessels were driven ashore and destroyed. Although the enemy professed to receive constant supplies from abroad, through this source, captured documents written by persons engaged in blockade running showed that, in fact, very few of the vessels which attempted to run in succeeded in making the port. Many, also, upon arriving off Wilmington, and seeing how vigilant were the national cruisers, put back to the ports from which they had sailed, or kept further down the coast in the expectation of landing their cargoes in some obscure inlet. The hardships and perils encountered by the blockading squadron, whose station comprised one of the most inhospitable portions of the Atlantic coast, were cheerfully borne by officers and crews; but too often their well-deserved prize money was snatched from their grasp after they had driven vessels ashore, by the activity displayed by the enemy in destroying such vessels, or removing their cargoes. Two exploits, evincing the energy and daring of the fleet, are worthy of being recorded.

On July 12th the Penobscot, Lieut. Commander De Haven succeeded, after a short chase, in driving the iron steamer Kate ashore on Smith's Island, where she was immediately deserted by her officers and crew. A boat was sent in to get her off, but, as the tide was falling, this was found impossible, and arrangements were made to burn her, should the attempt to float her off at high water prove ineffectual. At noon a battery was brought to the beach by the rebels, the fire from which drove out the party from the Penobscot. Under these circumstances, the Kate was ordered to be set on fire by shells, and was rendered, as was supposed, totally unserviceable, together with her cargo. Upon the departure of the Penobscot the enemy immediately stripped the Kate, and on the night of the 31st succeeded in floating her off, the damage to her hull proving to be slight. On the morning of August 1st, she was discovered on her way to Fort Fisher, on Federal Point, the

northern side of New Inlet, towed by a number of small boats, and the Mount Vernon, James Adger, and Iroquois at once bore toward the shore to cut her out. The enemy abandoned her at the approach of the blockading vessels, and, the Mount Vernon running alongside, in the midst of a severe fire from the rebel batteries at New Inlet and Zuk's Island, fastened a hawser to her port bow and by great exertions towed her out of the range of the fire. The Kate proved to be a new steamer, very fast, and built entirely of iron. Her machinery had been removed, but her hull was scarcely injured.

At daylight, on Aug. 18th, the steamer Hebe attempted to run into Wilmington by the New Inlet entrance; but being intercepted by the Niphon, she headed for the shore, a few miles above Fort Fisher, and her crew escaped in boats. As it was blowing too hard to get her off, a boarding party was sent from the Niphon to destroy her. Two Whitworth guns soon after opened fire from the beach upon the ship, which was found to be hard aground in 7 feet of water. The boat from the Niphon having been swamped almost as soon as she reached the Hebe, and the violence of the gale preventing the blockading vessels from sending effective assistance, nearly the whole boarding party was compelled to wade ashore and surrender to a force of Confederate cavalry and riflemen which had meanwhile arrived. The Hebe was then set on fire by shells from the Shokokon, and burned to the water's edge. The enemy, however, succeeded during the next few days in discharging a portion of the cargo in a damaged state; whereupon the Minnesota, running up to within 600 yards of the wreck, drove the rebels from their battery and completed the destruction of the hull and machinery. A party then landed and brought off the two Whitworth guns.

The most serious disaster of the year on this station was the loss of the ironclad, Monitor, Commander Bankhead, the celebrated pioneer vessel of her class, which foundered at sea in a gale, south of Cape Hatteras, on the night of Dec. 30th, 1862. The Monitor left Hampton Roads in tow of the side wheel steamer Rhode Island, on the 29th, the weather being then pleasant, and until 7 P. M. of the 30th, the voyage was unattended by any special incident. At that hour the wind, previously light, hauled round to the southward, gradually increasing in violence until midnight, with a heavy sea. As the swell increased the Monitor began to tow badly, and the bilge pumps, which during the day had kept her free from water, were no longer available. At 8 P. M. she labored heavily, the seas completely submerging the pilot house, and washing over and into the turret, and at times into the blower pipes. It was observed that when she rose to the swell, the flat under surface of the projecting armor would come down with great force, causing a considerable shock to the vessel and turret, and thereby loosening the packing around its base. The Rhode Island was several times signalized to stop, with a view of ascertaining whether the Monitor would ride easier, but she immediately fell off into the trough of the sea, and the water in her hold continued to gain steadily. The centrifugal pump was then started, and notwithstanding it worked well, the water had by 10½ P. M. risen several inches above the level of the engine room floor. Signals of distress were now made to the Rhode Island, which despatched two boats to the assistance of the Monitor, and at considerable risk the steamers came alongside of each other. While getting the men into the boats (a very hazardous operation, in consequence of the heavy seas breaking entirely over the deck of the Monitor), the sharp bow of the ironclad came into such dangerous proximity to the Rhode Island, that the latter was obliged to steam ahead, to avoid being stove near her water line. During the absence of the boats the rapidly rising water put out the fires in the Monitor, and her engines having stopped, she rolled into the trough. By letting go her anchor her head was again brought to the sea and the remaining crew and officers were taken off, except a few who, stupefied by fear, refused to leave the ship and went down with her. Several men had previously been washed overboard and drowned. At about 1 A. M. of the 31st, she disappeared. One of the boats from the Rhode Island employed in the last trip from that vessel did not return, and was supposed to have been swamped. It was however picked up on the morning of the 31st, by the schooner A. Colby, and the crew were safely landed at Beaufort. The total casualties of the Monitor were four officers and twelve men missing.

"I am firmly of the opinion," says Commander Bankhead, in his official report of the disaster, "that the Monitor must have sprung a leak somewhere in the forward part, where the hull joins on to the armor, and that it was caused by the heavy shocks received as she came down upon the sea. The bilge pumps alone until 7 P. M. had easily kept her free, and when we find that all her pumps a short time after, with a minimum capacity of 2,000 gallons per minute, not only failed to diminish the water, but, on the contrary, made no perceptible change in its gradual increase, we must come to the conclusion that there are, at least, good grounds for my opinion."

On the morning of June 24th, the blockader Sumter, while cruising off Smith's Island in a dense fog, came into collision with the transport General Meigs, from the effects of which she soon after sunk, being very rotten. The officers and crew got off in boats, and were taken on board the schooner Jamestown, but everything else in the ship went down with her.

2. *South Atlantic Squadron.*—The field of operations embraced by this squadron com-

prised the coasts of South Carolina and Georgia and the northeast coast of Florida, and at the commencement of the year the greater part of the squadron was engaged in the blockade of Charleston, or stationed at Port Royal. Early in January the first instalment of ironclads destined to operate against Charleston arrived, and with a view of testing the efficiency of this class of vessels, Admiral Dupont ordered Commander Worden, with the Montauk, to enter Ossabaw Sound and attempt the capture of Fort McAllister, at Genesis Point, on the Great Ogeechee river, under cover of which was lying the steamer Nashville, recently fitted by the enemy for a privateer, and which was waiting to run the blockade. On the morning of January 27th, the Montauk, supported by several small gunboats, opened fire upon the fort, which proved to be a formidable casemated earthwork with bomb proofs, and mounting nine guns. The enemy's practice was excellent, but under the fire of the Montauk's 15 and 11-inch guns their fire slackened. Owing to obstructions in the river, the Montauk was unable to advance within effective range, and having expended her shells she retired. She was struck thirteen times but received no injury.

Early on the morning of January 29th the iron propeller Princess Royal, four days out from Bermuda, attempted to run past the blockading fleet into Charleston. The U. S. gunboat Unadilla, Lieut. Quackenbush, apprised of her approach by a blue light from the schooner Blunt, slipped her cable and stood in shore, firing a couple of shots at the Princess Royal. The latter was then run ashore and abandoned by her captain, supercargo, pilot, and some of the petty officers. A boat's crew from the Unadilla at once took possession of the prize, which several hours later, with assistance from other vessels of the blockading fleet, was got off without sustaining any injury. Her cargo proved to be one of the most valuable taken in the course of the war, consisting of two complete engines of great power, intended for ironclads, beside rifled guns, arms, ammunition, medicines, and a variety of miscellaneous articles. The Princess Royal was two days later taken to Port Royal and subsequently sent to Philadelphia for adjudication.

The loss of the Princess Royal was a severe blow to the enemy, who, ascertaining on the next day that she was still lying at anchor off Charleston harbor, organized a daring scheme to recover possession of her, and at the same time to inflict as much damage as possible upon the blockading squadron. Accordingly at 4 A. M. of the 31st the iron-clad steam rams Palmetto State, Lieut. Rutledge, and Chicora, Commander Tucker, in the former of which was Flag officer D. N. Ingraham, commanding the station, ran out from Charleston by the main ship channel, and aided by a thick haze commenced an onslaught on the blockaders. The latter at that time consisted of the steamers Housatonic, Mercedita, Ottawa, Unadilla, Keystone State, Quaker City, Memphis, Augusta, Stettin, and Flag, beside the pilot boat Blunt, and some smaller vessels. Most of these were of the light class of purchased vessels, the ironclads and two of the heaviest men-of-war, the Powhatan and Canandaigua, being at Port Royal coaling or repairing. The Mercedita, Captain Stellwagen, was the first vessel attacked, and was almost immediately rendered helpless by a 7-inch shell from the Palmetto State, which, entering her starboard side, exploded in the port boiler, blowing a hole in its exit from four to five feet square, and killing and wounding several men. So suddenly had the ram come upon her in the haze, that it was impossible to bring any of her guns to bear, and further resistance being useless, Captain Stellwagen, in reply to a demand for surrender, announced that he was in a sinking state. An officer from the Mercedita was immediately sent on board the ram and tendered the surrender of the officers and crew, who were paroled.

The Palmetto State, leaving the Mercedita to her fate, then made for the Keystone State, Commander Le Roy, which was also at the same time assailed by the Chicora. The Keystone State returned their fire vigorously, but having been set on fire in her forehold by the explosion of a shell, was obliged to keep off for a few minutes until the flames could be got under. Commander Le Roy then turned his ship and with a full head of steam bore down upon the nearest ram at a speed of twelve knots, intending to sink her. He also trained his guns for a plunging fire at the moment of collision; but before this could occur a shot passed through both steam chests of the Keystone State, rendering her powerless. Ten rifle shells also struck her, mostly in the hull, near or below the water line, and about the same time the fire in her forehold burst out again, and the engineers reported the ship taking in water rapidly. Commander Le Roy accordingly hauled down his flag, but finding that the enemy were still firing upon him, he directed the colors to be rehoisted and the fire to be resumed from the after battery. At this moment the Augusta, Memphis, and Quaker City came up, and by diverting the attention of the rams, enabled the Keystone State to get out of the range of the fire. Subsequently she was taken in tow by the Memphis and reached Port Royal in a very crippled state, about one fourth of her crew being killed and wounded. The Mercedita also arrived there on the same evening without assistance, having succeeded in temporarily stopping the hole in her side and in getting up steam in her uninjured boiler.

Meanwhile the rams carried on a sort of running combat with several of the blockading fleet, which, having no guns capable of making an impression on ironclads, kept prudently aloof. Upon the approach of the Housatonic, the only heavy man-of-war then on the station,

Flag-officer Ingraham deemed it prudent to retire, and at about 7½ A. M. both rams took refuge in the swash channel, and subsequently anchored in shoal water near the shore, to the eastward of Fort Moultrie. They remained here until 5 P. M., attended by several small steamers, and then disappeared behind Fort Moultrie. One of them, while returning into the harbor, had her pilot house carried away by a shot from the Housatonic. During this attack the Princess Royal, which was the principal object of contest on both sides, lay quietly at her anchorage. After the retreat of the rams she got to sea, and arrived safely at Port Royal.

The raid had failed of its object, and beyond the temporary disabling of two vessels of the blockading squadron, no practical advantage had been gained by the enemy. But as the latter maintained telegraphic communication with Richmond, and could send north their own statements of the occurrence several days in advance of despatches from the fleet, it was determined to forestall the Union accounts, and, if possible, induce foreign powers to believe that the fleet before Charleston had been dispersed and the blockade raised. Accordingly the Richmond papers of the 2d of February published despatches from Charleston announcing as the result of the naval engagement of Jan. 31st, two U. S. vessels sunk, four set on fire, and the remainder driven away. The following "official proclamation" was also given:

HEADQUARTERS LAND AND NAVAL FORCES,
CHARLESTON, S. C., *January* 31*st*, 1863.

At about five o'clock this morning the Confederate States naval force on this station attacked the United States blockading fleet off the harbor of the city of Charleston, and sank, dispersed, and then drove out of sight for a time the entire hostile fleet; therefore we, the undersigned commanders respectively of the Confederate States naval and land forces in this quarter, do hereby formally declare the blockade by the United States of the said port of Charleston, S. C., to be raised by a superior force of the Confederate States, from and after this 31st day of January, A. D. 1863.

[Signed] G. T. BEAUREGARD, Gen'l Com'g.
D. N. INGRAHAM, Flag-officer,
Commanding Naval Forces.
[Official] THOS. JORDAN, Chief of Staff.

"Yesterday evening (Jan. 31st)," said another despatch, "Beauregard placed a steamer at the disposal of the foreign consuls to see for themselves that no blockade existed. The French and Spanish consuls, accompanied by Gen. Ripley, accepted the invitation. The British consul with the commander of the British war steamer Petrel, had previously gone five miles beyond the usual anchorage of the blockaders, and could see nothing of them with glasses. Late in the evening four blockaders reappeared, but keeping far out. This evening a larger number of blockaders are in sight, but keep steam up, evidently ready to run." And it was subsequently announced that the consuls held a meeting on the night after the above proclamation was issued, and decided unanimously that the blockade had been legally raised.

The publication of these despatches caused considerable uneasiness at the North. It was not doubted indeed that despatches from Admiral Dupont would put an entirely different face upon the matter, but apprehensions were entertained in some quarters that statements of this kind going abroad, uncontradicted by other evidence, might be only too readily seized upon by unfriendly powers as a pretext for insisting that the blockade had been raised, and that having been once raised, it could not be declared renewed without formal notice from the United States authorities. These fears, however, proved groundless. Foreign journals or governments declined to be influenced by *ex-parte* statements, and despatches from the blockading fleet showed that nothing approaching a raising of the blockade had been effected.

For the purpose of fortifying his own statements, Admiral Dupont subsequently sent an official refutation of the Beauregard and Ingraham proclamation, and the rebel despatches, dated Feb. 10th, and signed by nearly all the commanding officers of vessels that were lying off Charleston harbor on the morning of Jan. 31st. "We deem it our duty," they observe, "to state that the so-called results are false in every particular—no vessels were sunk, none were set on fire seriously. * * * So hasty was the retreat of the rams that, although they might have perceived that the Keystone State had received serious damage, no attempt was ever made to approach her. The Stettin and Ottawa, at the extreme end of the line, did not get under way from their position till after the firing had ceased, and the Stettin merely saw the black smoke as the rams disappeared over the bar. The rams withdrew hastily toward the harbor, and on their way were fired at by the Housatonic and Augusta until both had got beyond reach of their guns. They anchored under the protection of their forts and remained there. No vessel, iron-clad or other, passed out over the bar after the return of the rams in shore. The Unadilla was not aware of the attack until the Housatonic commenced firing, when she moved out toward that vessel from her anchorage. The Housatonic was never beyond the usual line of the blockade." They also state that no vessel ran in or out of the port during the day, and that no attempt was made to run the blockade, and conclude as follows: "We do not hesitate to state that no vessel came out beyond the bar after the return of the rams, at between 7 and 8 A. M., to the cover of the forts. We believe the statement that any vessel came anywhere near the usual anchorage of any of the blockaders, or up to the bar, after the withdrawal of the rams, to be deliberately and knowingly false. If the statement from the papers, as now before us, has the sanction of the captain of the Petrel and the foreign consuls, we can only deplore

that foreign officers can lend their official positions to the spreading before the world, for unworthy objects, untruths patent to every officer of this squadron." Previous to the preparation of this paper the blockading fleet before Charleston had been strengthened by the New Ironsides, Powhattan, and Canandaigua.

On January 30th, the gunboat Isaac Smith, Lieutenant Conover, while engaged in reconnoitring the Stono river, was obliged to surrender to a rebel land force. She had passed some miles beyond Legaréville, as she had been in the habit of doing for weeks previous, and was on her way back, when three shore batteries, previously concealed, opened a concentrated fire upon her from heavy rifled guns. Lieut. Conover replied with vigor, and endeavored to steam down past the batteries, but a shot in the Smith's steam chimney effectually stopped the engine, and with no wind, little tide, and boats riddled with shot, she was left at the mercy of the enemy. Resistance appearing useless, the ship was surrendered, after 24 men had been killed and wounded. It subsequently appeared that, from information communicated by a deserter, the enemy had planned the ambuscade by which the Smith was captured, and had aimed at her boiler and machinery, which were very much exposed.

On the morning of Feb. 1st, the Montauk again engaged Fort McAllister, at a distance of about 1,400 yards, the water being too shoal to permit her to approach nearer. Some injury was done to the parapets of the fort, and the Montauk was hit 46 times, but without receiving material damage. For eight months previous the privateer Nashville had been lying under the protection of the fort, watching an opportunity to run the blockade; and to prevent any attempt by the gunboats to cut her out, the river had been staked and a line of torpedoes laid across the channel. She had been frequently observed close under the fort, ready to make a dash if the opportunity offered, or quietly waiting for an ironclad to tow her to sea. On the morning of the 27th, a reconnoissance discovered the Nashville aground, and Commander Worden seized the opportunity to bring the Montauk close up to the obstructions in the river, and commence a bombardment upon her. In less than 20 minutes the Nashville was in flames from exploding shells, and half an hour later her magazine blew up with terrific violence, leaving not a vestige of the vessel in sight. The Montauk was struck five times by shots from Fort McAllister, and while she was dropping down beyond the range of the enemy's guns a torpedo exploded under her, inflicting a slight amount of injury.

By this time several additional ironclads had arrived at Port Royal, and for the purpose of subjecting their various mechanical appliances to the full test of active service, before entering upon more important operations, Admiral Dupont ordered them to make a concentrated attack on Fort McAllister. This took place on March 3d, the Passaic, Capt. Drayton, the Patapsco, Commander Ammen, and the Nahant, Commander Downes, participating, under the command of Capt. Drayton. The Passaic, by skilful pilotage, was brought up to within about 1,000 yards of the fort, and for eight hours withstood its chief fire, retiring only when her ammunition was expended. Few of her shots failed to strike above the parapet of the fort; but beyond disfiguring the face of the work they effected no injury which a night's work would not repair; and, in the opinion of Capt. Drayton, the fort could "not be made untenable by any number of ironclads which the shallow water and narrow space would permit to be brought in position against it." The Passaic was struck 34 times in all, 9 shots being against her side armor, 13 against her deck, 5 against her turret, and 2 against her pilot house. In all these parts of the vessel the bolts were more or less started by the violence of the concussion; and indentations, varying from half an inch to 2 inches, were made in the armor. A 10-inch mortar shell, loaded with sand, fell on the deck over the bread room, crushing in the planking, and would have gone through, had it not struck on a beam. "Had it been loaded with powder instead of sand," said Capt. Drayton, "it might have set the vessel on fire. This certainly does not say much for the strength of the deck, the injury to which has been so much more serious than to that of the Montauk, that I must attribute it to a worse class of iron, unless heavier guns have been mounted since the attack made by Commander Worden." Everything about the guns and carriages was reported to have worked well, except that the concussion of the 15-inch gun broke all the bolts holding the side of the box to the turret. The Patapsco and Nahant were unable to approach so near the fort as the Passaic, and received but a slight fire from the enemy, who directed their efforts chiefly against the latter. The Patapsco was struck but once, and the Nahant not at all. Satisfied with the experiment (for such the engagement had been on the part of the ironclads), Capt. Drayton immediately returned to Port Royal, where the Passaic, and also the Montauk, underwent repairs.

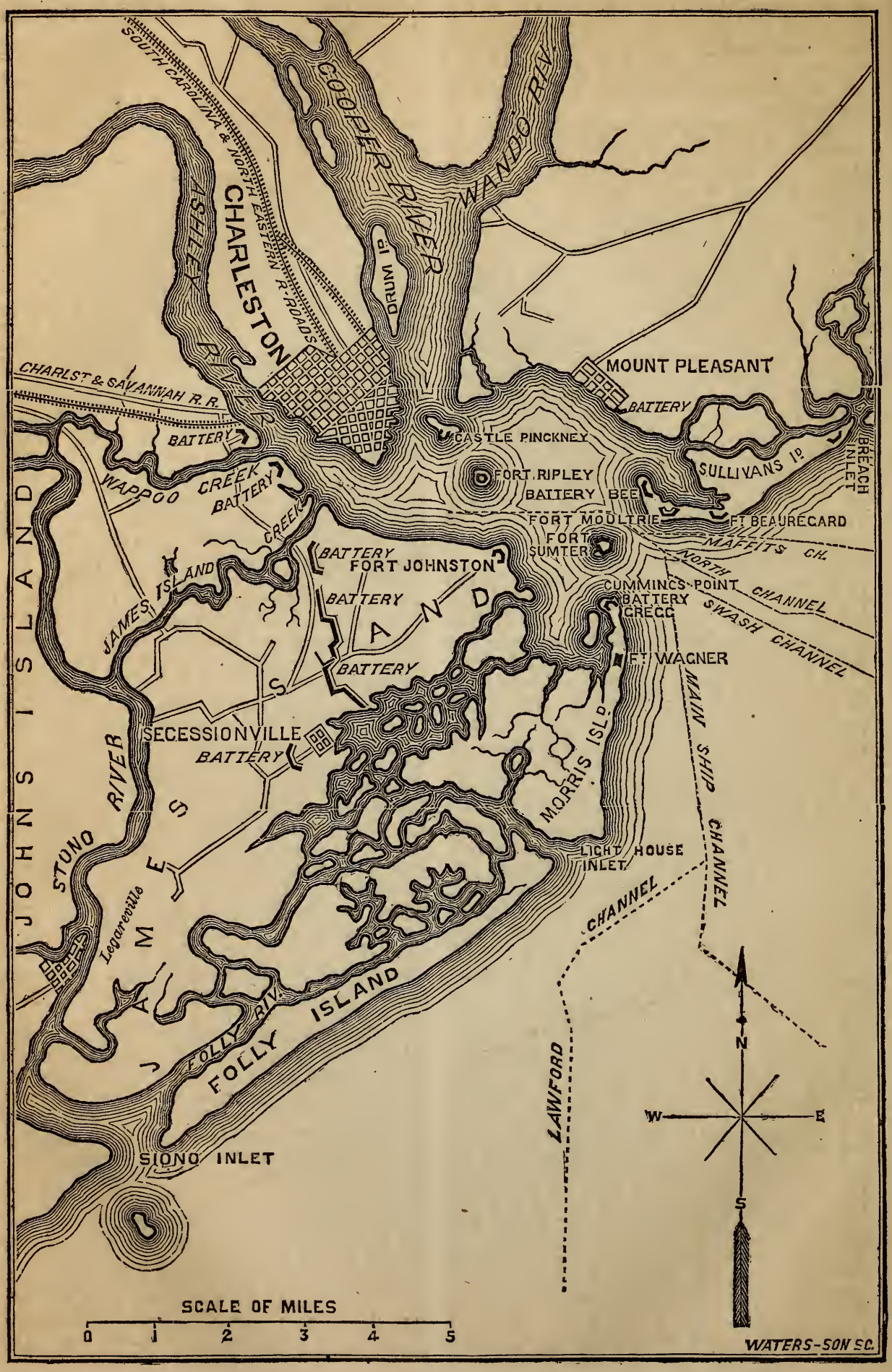
By the commencement of April, the preparations, which for many months previous had been making for a combined attack by the ironclads upon the fortifications of Charleston harbor, were completed, and on the morning of the 6th the whole fleet crossed the bar, with the intention of reducing Fort Sumter on the same day, and thence proceeding up to the city. But the weather becoming so hazy as to prevent the pilots from seeing the ranges, the attack was deferred until the next day, and the fleet anchored about five miles from Fort Sumter. At noon, on the 7th, this being the earliest hour at which, owing to the state of the tide, the pilots would consent to move, signal was given

by Admiral Dupont from his flag-ship, the New Ironsides, for the vessels to weigh anchor. According to the plan of attack the vessels were to form in the following order ahead, at intervals of one cable's length: 1. Weehawken, Capt. John Rogers; 2. Passaic, Capt. Percival Drayton; 3. Montauk, Commander John L. Worden; 4. Patapsco, Commander Daniel Ammen; 5. New Ironsides, Commodore Thomas Turner; 6. Catskill, Commander George W. Rodgers; 7. Nantucket, Commander Donald McN. Fairfax; 8. Nahant, Commander John Downes; 9. Keokuk, Lieut. Commander Alexander C. Rhind. The squadron was then to pass up the main ship channel without returning the fire of the batteries on Morris Island, unless signalized to do so, and was to take up a position to the northward and westward of Fort Sumter, and engage its northwest face at a distance of from 1,000 to 800 yards. A squadron of reserve, consisting of the Canandaigua, Unadilla, Housatonic, Wissahickon, and Huron, under the command of Capt. Joseph H. Green, of the Canandaigua, was ordered to remain outside the bar, and be in readiness to support the ironclads, when they should attack the batteries on Morris Island, which would be subsequent to the reduction of Fort Sumter.

The chief works erected by the enemy for the defence of Charleston may be thus briefly described: On the upper or north end of Sullivan's Island a powerful sand battery guarding Maffit's Channel; another large sand battery, called Fort Beauregard, between this and the Moultrie House; Fort Moultrie, which had been greatly strengthened since the commencement of the war; Fort Sumter, built upon an artificial island in the middle of the channel, near the entrance of the inner harbor, and about 1½ miles west of Fort Moultrie; Battery Bee, adjoining Fort Moultrie, on the western extremity of Sullivan's Island; the Mount Pleasant battery on the mainland between Sullivan's Island and Cooper river; Castle Pinckney, built on an island about a mile distant from Charleston; all, with the exception of Sumter, being on the right or northerly side of the harbor. On the other side of the harbor, in the immediate vicinity of the city, was the Wappoo battery on James Island, commanding the embouchure of Ashley river; next to which was Fort Johnson, and between it and Castle Pinckney, Fort Ripley, a work erected on an artificial island in what is known as the "Middle Ground." On Cumming's Point, Morris Island, opposite Fort Moultrie, was Battery Gregg, and a mile south of this Fort Wagner, an extensive sand battery of the most powerful construction. Finally, at Light House Inlet, which divides Morris Island from Folly Island, was another fortification covering the landing at that place. Within a few days of the attack the enemy also erected a new sand work between the two last mentioned. The number of guns mounted on these works was estimated at several hundred, comprising the heaviest smooth-bore ordnance, and many rifled pieces of English manufacture; and as an additional means of protection, the channel between Fort Sumter and Sullivan's Island was obstructed by rows of floating casks supporting torpedoes and other submarine obstacles, and in that between Sumter and Cumming's Point were no less than four rows of piles extending nearly up to Charleston.

At half past twelve the fleet began to move, the Weehawken, the leading ship, having a pioneer raft attached to her bows for the purpose of exploding torpedoes and clearing away obstructions. Almost immediately her raft became deranged, and nearly an hour was consumed in putting it in position. At half past one the vessels were again under way and moved slowly up toward Fort Sumter, passing the works on Morris Island, which held an ominous silence. They then steered toward the entrance of the inner harbor, intending to pass between Fort Sumter and Sullivan's Island, and shortly before 3 o'clock came within effective range of these positions. At 2.50 P.M. the guns of Fort Moultrie opened upon the Weehawken, followed shortly after by all the batteries on Sullivan's Island and Morris Island, and by Fort Sumter. The remainder of the squadron followed steadily in the wake of the leading ship, which, however, upon reaching the entrance of the channel between Sumter and Sullivan's Island, encountered obstructions of so formidable a nature, that Capt. Rodgers considered it impossible to pass through them. He accordingly turned his ship to gain a better position for attack, and his movements being followed by the vessels immediately behind him, the line, in consequence of the narrowness of the channel, and the force of the tide, was thrown into some confusion. The New Ironsides, in attempting to turn, was caught in the tideway, refused to obey her rudder, and became in a degree unmanageable; while, to add to the complication, the Catskill and Nantucket, which kept in her wake, fell foul of her, and for fifteen minutes the three vessels were in a dead lock. On this occasion, and once subsequently, the Ironsides was obliged to come to anchor to avoid drifting ashore, in which case she would inevitably have been lost.

Nothing now remained but for the admiral to make signal to the fleet to disregard the movements of the flag-ship, and take up such positions as might seem most available. This was at once done, and shortly before 4 o'clock the remaining eight vessels were ranged opposite the northeast front of Sumter, at distances varying from 550 to 800 yards. The enemy during this time had not been idle, and from Forts Beauregard, Moultrie, and Sumter, Battery Bee and Fort Wagner, the concentrated fire of 300 guns was poured upon the devoted fleet, exceeding probably in rapidity and power any cannonade previously known in warfare. To this the eight ironclads could oppose but 16 guns. During the climax of the fire 160 shots


SOUTH CAROLINA & NORTH EASTERN R. ROADS
COOPER RIVER
WANDO RIV.
ASHLEY RIVER
CHARLESTON
DRUM Ip.
CHARLST & SAVANNAH R.R.
MOUNT PLEASANT
BATTERY
CASTLE PINCKNEY
FORT RIPLEY
BATTERY BEE
SULLIVANS Ip.
BREACH INLET
FORT MOULTRIE
FT BEAUREGARD
FORT SUMTER
MAFFITS CH.
NORTH CHANNEL
SWASH CHANNEL
CUMMINGS POINT
BATTERY GREGG
FT WAGNER
MAIN SHIP CHANNEL
BATTERY
WAPPOO CREEK
BATTERY
CREEK
JAMES ISLAND
BATTERY
FORT JOHNSTON
BATTERY
JAMES ISLAND
BATTERY
SECESSIONVILLE
BATTERY
MORRIS ISLD.
LIGHT HOUSE INLET
JOHNS ISLAND
STONO RIVER
Legareville
JAMES ISLAND
FOLLY RIV.
FOLLY ISLAND
CHANNEL
LAWFORD
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WATERS-SON SC.

were counted in a single minute, and officers described the projectiles as striking their vessels sometimes as rapidly as the ticking of a watch. It is estimated that from first to last the enemy fired not less than 3,500 rounds of ammunition.

Placed in the focus of this tremendous fire, the ironclads fought at a disadvantage which rendered their offensive power of little effect. The confined space in which they were obliged to manœuvre called for unusual vigilance on the part of their commanders in avoiding collisions, as also in keeping clear of the floating obstructions and submerged batteries against which the tide was constantly bearing them. The dense clouds of smoke which hung over the water proved an additional source of embarrassment. They, nevertheless, entered resolutely upon the work before them, and directed their principal attack against Fort Sumter. Upon receiving the order to disregard the movements of the flag-ship, Lieut. Commander Rhind gallantly ran his vessel, the Keokuk, up through the others to within 550 feet of the fort, where she became a special target for the enemy. During the short period that she was able to retain this position, she was struck 90 times in the hull and turrets, 19 shots piercing her at and below the water line, and others entering her turret. The vessel was in fact so completely riddled, that her commander, fearing she could not much longer be kept afloat, withdrew from action at the end of half an hour, and succeeded in getting her to anchor out of range of fire. She was kept afloat during the night by means of her pumps, but sank the next morning. The Keokuk was only able to fire three times during the engagement, one of her guns having been almost immediately disabled, and the other rendered unavailable by casualties to the crew. She differed in construction and strength from the other ironclads of the squadron, and her side and turret armor of an average thickness of $5\frac{1}{2}$ inches, proved entirely insufficient to withstand the terrible fire to which she had been subjected.

The remaining vessels, though suffering no calamity comparable in extent with that of the Keokuk, were more or less damaged by the fire from the forts. The Nahant had her turret so jammed as effectually to prevent its turning, and the pilot house became nearly untenable in consequence of flying bolts and nuts. The Passaic was unable to use her 11-inch gun after the fourth fire, and had her turret temporarily jammed. The Patapsco lost the use of her rifle gun after the fifth fire, owing to the carrying away of her forward cap square bolts; and the Nantucket had her 15-inch gun permanently disabled after the third fire. The Weehawken, Montauk, and Catskill were obstructed in the use of their guns only by the obstacles to navigation above mentioned. The New Ironsides never got nearer than within 1,000 yards of the enemy's fire, and directed her chief attention to Fort Moultrie, against which, however, she was unable to discharge but a single broadside.

At 4.30 P. M. Admiral Dupont observing signs of distress on the part of several of his ships, made signal to withdraw from action, intending to resume the attack the next morning. The reports, however, which the different commanders made on that evening respecting the injuries to their vessels, the character of the obstructions in the inner harbor, and the number and weight of the enemy's guns, convinced him of the "utter impracticability of taking the city of Charleston with the force under his command." During the forty-five minutes that the fleet had been under the hottest concentrated fire of the enemy, one vessel had been wholly, and four partially disabled, and in the opinion of the admiral another half hour would have sufficed to put the remainder *hors de combat*. To compensate for these damages, nothing had been effected by the ironclads beyond some injuries to the east wall of Fort Sumter —a result which confirmed the admiral in his opinion that the opposing forces were too unequal to justify him in renewing the contest. The nine ships of the squadron had been able to fire but one hundred and thirty-nine shots against Fort Sumter in reply to the thousands of shells, solid shot, and steel pointed bolts hurled against them from six or seven different forts; and there was good reason to suppose that even had Sumter been silenced, the obstructions beyond would have been impassable, and the fire from the forts have sunk every vessel attempting to go up the harbor. This opinion, however, was not shared by all. Under these circumstances Admiral Dupont not only determined not to renew the fight, but to recross the bar and return with the ironclads to Port Royal; being prompted to the latter course partly by the necessity of making repairs, and partly by his belief that the anchorage inside or outside the bar was unsafe for vessels of the Monitor class. On the 12th the whole fleet, with the exception of the New Ironsides, which anchored outside Charleston bar, returned to Port Royal.

The casualties of the fleet were remarkably few, considering the fierceness of the enemy's fire, and resulted in almost every case from flying bolts and concussions within the turrets. But one man died of injuries received, and about twenty-five were wounded, principally on the Keokuk and Nahant. In some of the vessels no casualities whatever were reported. The Passaic was struck 35 times, the Nahant, 36 times, the Patapsco, 47 times, the Nantucket, 51 times, the Montauk, 14 times, and the Catskill, 20 times. Many of the shots made but slight indentations in the turrets and side armor, but in every ship repairs of greater or less extent were considered necessary. The Ironsides escaped with comparatively little injury, having during the whole engagement been out of range of the severest fire. The capabilities of the ironclads in contests of this

nature, and the opinions of their officers and of other naval commanders, are stated under the head of NAVY OF THE U. S.

In explanation of his failure to renew the attack, Admiral Dupont wrote as follows to the Navy Department, on the 15th:

Any attempt to pass through the obstructions I have referred to, would have entangled the vessels and held them under the most severe fire of heavy ordnance that has ever been delivered; and while it is barely possible that some vessels might have forced their way through, it would only have been to be again impeded by fresh and more formidable obstructions, and to encounter other powerful batteries, with which the whole harbor of Charleston has been lined. I had hoped that the endurance of the ironclads would have enabled them to have borne any weight of fire to which they might have been exposed; but when I found that so large a portion of them were wholly or one half disabled, by less than an hour's engagement, before attempting to overcome the obstructions, or testing the power of the torpedoes, I was convinced that persistence in the attack would only result in the loss of the greater portion of the ironclad fleet, and in leaving many of them inside the harbor, to fall into the hands of the enemy. The slowness of our fire, and our inability to occupy any battery that we might silence, or to prevent its being restored under cover of the night, were difficulties of the gravest character, and until the outer forts should have been taken, the army could not enter the harbor or afford me any assistance.

On the 13th, the President despatched the following telegram to Admiral Dupont:

Hold your position inside the bar near Charleston; or, if you shall have left it, return to it and hold it until further orders. Do not allow the enemy to erect new batteries or defences on Morris Island. If he has begun it, drive him out. I do not herein order you to renew the general attack. That is to depend on your own discretion or a further order. A. LINCOLN.

And by another order, dated on the succeeding day, he directed him, should he not succeed in taking the batteries on Morris Island or Sullivan's Island, to continue the demonstration for a time, and to make "the attempt a real one, though not a desperate one, if it affords any considerable chance of success." In reply, Admiral Dupont said that he should use every exertion to push forward the repairs of the ironclads, and get them inside the bar. "I think it my duty, however," he observed, "to state to the department that this will be attended with great risk to these vessels from the gales which prevail at this season, and from the continuous fire of the enemy's batteries." He urged various objections to a further employment of them against the works on Morris Island, but expressed his willingness to obey all orders with the utmost fidelity, even should his judgment be opposed, and to renew, if necessary, the attack on Charleston, although he thought such a measure "would be attended with disastrous results, involving the loss of the coast."

In the early part of June, Admiral Dupont, having reason to believe that the Atlanta and other rebel ironclads at Savannah were meditating an attack upon the blockading vessels in Warsaw Sound, despatched the Weehawken, Captain John Rodgers, and the Nahant, Commander J. Downes, thither to prevent any disaster to the fleet. The Atlanta, originally a swift and powerful British steamer called the Fingal, had early in the war run the blockade of Savannah, and been converted by the enemy into an ironclad at a great expense. She was 191 feet in length, and 40 feet beam, somewhat over 1,000 tons in measurement, and had a low deck, with a casemate or covered iron-plated house in the centre, with sloping sides and ends, in which was her battery, consisting of two 6-inch and two 7-inch rifled guns. Of these the former were broadside guns, and the latter worked on a pivot, either as broadside or bow and stern guns. She was further armed with a powerful ram, and had attached to her bow a submarine torpedo, charged with about fifty pounds of powder. No efforts had been spared to render her formidable, and it was believed by the enemy that her speed, her heavy armament, and her ram, would render her more than a match for any two vessels of the Monitor type. They therefore boldly steamed down the sound at dawn of June 17th, followed by several small steamers conveying pleasure parties who were to be the witnesses of her triumph. At a few minutes past four she was perceived by the Federal ironclads, which were lying at anchor near the mouth of Wilmington river, and they at once prepared for action. The Weehawken, being nearest the enemy, got under way first and stood up the sound, followed by the Nahant, which, having no pilot, was ordered by Captain Rodgers to keep in the wake of his vessel. A few minutes before five, the Atlanta, which was then lying across the channel awaiting the attack of the Federal steamers, fired a single shot at the Nahant, which failed to take effect. The Weehawken steamed steadily toward the Atlanta, and when about 300 yards distant opened upon her with her 15-inch gun. Drifting 100 yards nearer, she discharged both her guns, upon which the Atlanta hauled down her colors, and ran up a white flag in token of surrender. The signal was not understood until after another discharge from the Weehawhen, when all firing ceased, and the prize was taken possession of, after a contest of scarcely fifteen minutes, in which the Weehawken alone had participated.

On examination it was found that the enemy had been struck four times. The first shot knocked a hole in her casemate, without, however, going through, and scattered over the enclosed decks great quantities of wood and iron splinters, by which upward of 40 men were stunned and wounded, one of whom subsequently died. This is believed to have been the first shot from a 15-inch gun fired in a naval combat, and according to the rebel officers its effect was to demoralize the whole crew of the Atlanta. The second shot struck the edge of the overhang; the third knocked off the top of the pilot house, wounding two pilots and stunning the men at the wheel, and

the fourth struck a port stopper in the centre, breaking it in two and driving the iron fragments through the port. The first and third shots decided the battle, the former, as Captain Rodgers observed, having taken away the desire to fight, and the latter the ability to get away. The captured prisoners amounted to 145, officers and men, and the hull of the Atlanta was so little injured that in a short time she was enabled to take her place among vessels of her class in the United States navy.

The combat was characterized by the Secretary of the Navy as "the most marked and extraordinary in the service during the year, and in some respects one of the most significant and instructive naval battles of the war." Whatever opinions may have been entertained of the efficacy of ironclads against forts of masonry or sand, few could doubt after this that when ironclads were pitted against ironclads their execution could be of the most decisive character. The Monitor class of vessels, which had fallen into temporary disfavor after the attack on Fort Sumter, became again popular, and were recognized as likely to be of the highest value in harbor or coast defence. The brevity of the conflict and the complete disabling of the Atlanta also reconciled many to the heavy ordnance carried by these vessels, the efficacy of which had been a subject of some dispute among professional men.

Notwithstanding the failure of the attack of April 7th, the Government was unwilling to relinquish further efforts against Charleston, and as the tone of Admiral Dupont's letters indicated that he was opposed to a renewed attack upon the forts, it was determined to relieve him by the appointment of Rear-Admiral Foote. That officer dying in New York before his departure, Rear-Admiral Dahlgren was appointed to the command of the squadron, and entered upon his duties on July 6th. Previous to this date the demonstrations against Charleston had been exclusively naval, but with the arrival of General Gillmore as commander-in-chief of the military department of the South, arrangements were made for combined operations by the land forces and the ironclads.

On July 10th, the Catskill, Montauk, Nahant, and Weehawken coöperated with the land attack upon the rebel works on Morris Island, and during the greater part of the day maintained a vigorous fire upon Fort Wagner. The Catskill, which was selected as a special mark by the enemy, was struck 60 times, but came out of action in good working order. The other ironclads escaped with trifling injury. A few days later the New Ironsides was brought over the bar, and on the 18th she with the four vessels above mentioned and the Patapsco was laid abreast of Fort Wagner, to coöperate in the intended assault by the troops. The fort was completely silenced during the day, but darkness having come on before the assault was made, Admiral Dahlgren was obliged to discontinue his fire, not being able to distinguish whether it took effect on friend or foe. The enemy were in consequence enabled to return to their guns, and the assault was repelled with great slaughter. On the 16th an attack was made by shore batteries on the gunboats Pawnee and Marblehead, in the Stono river, but was repulsed after an animated contest.

For upward of a month after this no important action took place. General Gillmore was engaged in pushing his intrenchments toward Fort Wagner, and the navy was unable to effect anything without coöperation from the land forces. Every day two or three of the ironclads bombarded Fort Wagner and Battery Gregg, on Cumming's Point, to divert the attention of the enemy, but escaped any serious casualty. The Ironsides was struck repeatedly by 10-inch shot, at a distance of 1,200 to 1,400 yards, without material impression. Early on the morning of August 17th, General Gillmore opened all his batteries upon Fort Sumter, firing over Fort Wagner and the intervening space; and about the same time Admiral Dahlgren brought the Ironsides, Weehawken, Catskill, Nahant, and Montauk abreast of Fort Wagner, which was effectually silenced by them during that day. The Passaic and Patapsco, having rifled guns, took a position about 2,000 yards from Sumter, and coöperated with the shore batteries in the attack upon it. No material damage was done to the ironclads, but the navy suffered a severe loss in Capt. George W. Rodgers, of the Catskill, chief of staff to Admiral Dahlgren, who was killed while in the pilot house by a flying piece of fractured plating. Shortly before dawn, on the morning of the 23d, five ironclads opened fire upon Sumter at a distance of about 800 yards, but retired at about 6 A. M., after inflicting considerable damage upon the fort. By the 1st of September Sumter was almost entirely disabled, and with a view of removing the obstructions between it and Fort Moultrie, the ironclads were on that night brought up to within 500 yards of the former work, and for several hours a steady fire was maintained, which was answered by Fort Moultrie and the batteries on Sullivan's Island. The ebb tide setting in before daylight, the ironclads retired.

On the night of September 6th the enemy evacuated Fort Wagner and Battery Gregg, and on the succeeding day Admiral Dahlgren sent a demand to Gen. Beauregard for the surrender of Fort Sumter. Receiving no reply he put in operation a plan to capture the fort, by sending the Weehawken in by a narrow channel winding about Cumming's Point to cut off all communications in that direction. In making this movement she got hard aground, and so remained for many hours. Late in the day the admiral with the remaining ironclads moved up to feel and, if possible, to pass the obstructions between Forts Moultrie and Sum-

ter. A severe cannonade ensued between the vessels and the forts with no definite results. Early on the morning of the 8th the enemy perceived the condition of the Weehawken and opened upon her from Fort Moultrie, in consequence of which the admiral ordered the ironclads to cover her. The Weehawken however gallantly replied to the enemy's fire, and the second shot from her 15-inch gun exploded a magazine in the fort, which was silent for some time afterward. She received no further molestation from the batteries on Sullivan's Island until the afternoon, when, in the face of a heavy fire, she succeeded in getting afloat and returned to her anchorage.

The evacuation of Morris Island by the enemy seemed to Admiral Dahlgren to afford an opportunity to assault Fort Sumter, which was well broken on the gorge and southeast face, and thus to pass the obstructions in the main channel. The night of the 8th was selected for the undertaking, and the storming party, comprising 34 officers and 413 men, who volunteered for the duty, was put under the command of Commander T. H. Stevens, of the Patapsco. The expedition started in twenty boats soon after 10 P. M., with the intention of assailing the fort at two points, one party landing at the gorge wall and mounting up over the ruins to the parapet, while another was to attempt an entrance through the lower embrasures. At about half past one o'clock the first line of boats was challenged by the sentry on the fort, from which a sharp fire of musketry was immediately opened. At a signal from the fort all the rebel batteries bearing on Sumter began to fire on the boats, the garrison aiding the gunners to obtain the range by throwing lights upon the water. A rebel ram also came up and attacked the boats at close quarters. Seven boats nevertheless reached the gorge wall, amidst a storm of musketry, grape, canister and hand grenades, only to encounter unforeseen difficulties of a formidable nature. Instead of the débris up which the stormers expected to ascend, they discovered a solid wall of sand bags 12 feet high, from which the enemy fired upon them with deliberate aim. No scaling ladders had been provided, and the men could neither advance nor retreat. Under these circumstances orders were given to withdraw, and four of the boats succeeded in making their escape. The other three were swamped by the enemy's guns, and the whole number who landed, 10 officers and 104 men, were either killed or taken prisoners. Several of the boats were driven off by the ram and took no part in the assault, which may be considered a fortunate circumstance, as, had the whole force landed, they would doubtless have been cut off to a man. (*See* ARMY OPERATIONS.)

With this attempt ended the important operations before Charleston, in which the navy bore a prominent part. The ironclads coöperated with General Gillmore's batteries in completing the destruction of Fort Sumter, but no further effort was made by them to pass into the inner harbor, notwithstanding many of the obstructions were torn up and washed ashore by the violence of the December gales. Subsequent to the evacuation of Morris Island by the enemy, a line of interior blockade was established by Admiral Dahlgren, extending from the island to a point off Fort Moultrie. The ironclads were placed on this line, each taking its turn of picket duty, near the entrance of the inner harbor, and as they thereby commanded Maffit's Channel, through which the greater part of the blockade runners had entered Charleston, the harbor was thenceforth effectually closed. "Not a single blockade runner," says Secretary Welles, in his annual report, "has succeeded in reaching the city for months, and the traffic which had been to some extent, and with large profits, previously carried on is extinguished. As a commercial mart, Charleston has no existence."

On the night of October 5th, the New Ironsides, while lying at her moorings off Morris Island, was struck by the rebel torpedo steamer David, whose apparatus exploded at the moment of contact, giving the ship a severe shock, and throwing a column of water upon her spar deck and into her engine room. No perceptible injury was done to her armor or hull. The David, a cigar-shaped vessel, fifty feet long by five in diameter, is supposed to have been sunk by the shock of the torpedo, as nothing was subsequently seen of her. She had a crew of four persons, two of whom were picked up out of the water.

Early on the morning of Christmas day, the gunboat Marblehead, Lieut.-Commander R. W. Meade, jr., while lying on the Stono river, opposite Legaréville, was fired upon by two batteries of field and siege pieces, the latter being posted in a thick wood. A spirited contest of over an hour ensued, at the end of which the enemy retired in disorder, leaving behind them two 8-inch howitzer iron guns and caissons. As the practice of the Marblehead was excellent, their loss is supposed to have been severe. The gunboat received twelve shots in her hull, and was considerably injured in her upper works and rigging. She had three men killed and four wounded. The Pawnee came up at the conclusion of the fight and annoyed the retreat of the enemy.

The chief maritime disaster on this station was the loss of the Weehawken, which sank at her moorings on the morning of December 6th, during the prevalence of a northwesterly gale, carrying with her to the bottom four of her engineers and twenty-six of her crew. The remainder of the ship's company escaped in the boats, or by jumping overboard at the moment of going down. The most of those who perished were probably drowned in the turret and immediately below it, while seeking to force their way through the narrow openings which afford the only means of escape. The disaster was at the time attributed to her hatches.

being unclosed. Having a full supply of coal and ammunition on board, and lying low in the water, it was supposed she was put out of trim by shipping a sea in her hold through the open hatches, and before the pumps could be got to work, careened over and went down. From the evidence given before the court of enquiry ordered by Admiral Dahlgren, however, it would appear that the cause of her foundering was a rupture between the overhang and the hull of the vessel, produced, as in the case of the Monitor, by the incessant pounding of the overhang against the waves as the vessel rose and fell in a heavy sea. She lay in twenty feet of water, and measures have been taken to raise both her and the Keokuk.

3. *Eastern Gulf Squadron.*—The cruising ground of this squadron comprised the coast of Florida, from Cape Canaveral to Pensacola, and as no important military operations were conducted on this line during the year, the vessels were employed almost exclusively in blockading duties, and by their vigilance succeeded in capturing upward of a hundred prizes. Among the incidents which relieved the monotony of this service were several boat expeditions for the purpose of destroying salt works, or cutting out or destroying vessels. One of these was sent, in the middle of December to West Bay, where the Confederate Government had extensive salt works producing 400 bushels daily. At this place 27 buildings, 23 large boilers, and 200 kettles were destroyed, together with 5,000 bushels of salt, and store houses containing three months' provisions, the whole estimated at half a million dollars. From this point the expedition proceeded down the bay, destroying private salt works, which lined each side for a distance of seven miles, to the number of 118 different establishments, averaging 2 boilers and 2 kettles to each. 507 kettles were dug up and rendered useless, and over 200 buildings were destroyed. The entire damage to the enemy is estimated at $3,000,000.

4. *Western Gulf Squadron.*—The proper station of this squadron is along the Gulf coast from Pensacola to the Rio Grande, but owing to military movements, in Mississippi and Louisiana, Rear-Admiral Farragut was obliged to employ many of his vessels in the Mississippi and Red rivers, in active coöperation with the land forces. For the same reason he gave his chief attention to this portion of his squadron, leaving the blockade of the coast to his subordinates. The inland operations of the navy, having been for the most part intimately connected with those of the army, have been treated under that head, and it will be necessary to give here but a brief outline of what was done.

In the latter part of January, the army of General Grant and the Mississippi Flotilla under Rear-Admiral Porter commenced the siege of Vicksburg, and, for the purpose of hastening the reduction of that place, Admiral Farragut was ordered to move up the river and open communications with Grant and Porter, who were operating above Vicksburg. On the night of March 14th he passed the batteries of Port Hudson, with his own ship (the Hartford) and the Albatross, the remainder of his fleet being driven back, and the Mississippi destroyed. He then succeeded in approaching to within a short distance below Vicksburg, and communicating across the Peninsula with the Union commanders, after which he blockaded the Red river for several weeks, effectually intercepting the supplies from Texas destined for Vicksburg and Port Hudson. Having been relieved from this duty early in May by Admiral Porter, who had run the batteries at Vicksburg with a portion of his fleet, he returned to New Orleans by way of the Atchafalaya, and, until the surrender of Port Hudson, directed the naval operations against that place. He then turned over the entire control of the Western waters, above New Orleans, to Admiral Porter. (*See* ARMY OPERATIONS.)

The capture of the U. S. gunboat Hatteras, by the privateer Alabama, is related under the head of OPERATIONS OF THE CONFEDERATE NAVY (vol. II. of this work, p. 604); and that of the Harriet Lane under TEXAS (vol. II., pp. 774–775).

On Jan. 21st, the bark Morning Light and the schooner Velocity, of the blockading fleet off Sabine Pass, were captured during a dead calm by two cotton-fortified steamers. The gunboats Cayuga and New London subsequently pursued and overtook the Morning Light near the entrance of the pass, but found her in flames. She was totally destroyed, but the enemy were unable to secure her guns. The commanding general, Magruder, immediately issued a proclamation stating that, as the port of Sabine Pass had "ceased to be actually blockaded, by the capture of the enemy's fleet near the same," friendly nations were invited to resume commercial intercourse with it, until an actual blockade should be reëstablished with the usual notice required by the law of nations. To this Commodore Bell, commanding the U. S. fleet on the coast, replied by a counter-proclamation, warning all concerned that Sabine Pass, as well as the whole coast of Texas, was under an actual blockade, and that merchant vessels appearing off any part of the coast, or attempting to pass out of a port, would be seized as lawful prizes.

On the morning of September 8th the light-draught gunboats Clifton, Sachem, Granite City, and Arizona crossed the bar of Sabine Pass, convoying a fleet of transports on which were 4,000 troops under General Franklin. Somewhat later in the day the Clifton and Sachem engaged a six-gun battery on shore, but, getting aground and becoming disabled, were compelled to surrender. The remaining gunboats and other transports succeeded, with some difficulty, in retiring. (*See* ARMY OPERATIONS.)

Other casualties to the squadron were the destruction by fire of the sailing sloop Preble, of the old navy, at Pensacola, on April 27th; and the sinking of the gunboat Kinsman, from striking a snag in the Mississippi river on the night of Feb. 23d.

5. *Mississippi Flotilla.*—The operations of this fleet, like those of the preceding, were almost exclusively undertaken in conjunction with the land forces, and are described under ARMY OPERATIONS. It may be stated briefly that Admiral Porter coöperated in the capture of Arkansas Post, Jan. 11th, in the protracted and hazardous movements, extending over a period of nearly six months, which led to the fall of Vicksburg and Port Hudson, and in various important expeditions up the White and Red rivers, in all of which the gunboats acquitted themselves with distinction. An expedition up the White river in the latter part of August made important discoveries respecting the strength and movements of the enemy in Arkansas. Important services were also rendered by the gunboats in patrolling the Tennessee and Cumberland rivers, and dispersing the guerillas who fired upon supply steamers and transports. To the gunboats on the Ohio, which in July coöperated with the land forces in the pursuit of Morgan, was in a considerable degree due the capture of that leader and his force.

The flotilla on the Mississippi numbered at the close of the year upward of a hundred vessels, carrying 462 guns, with crews amounting in the aggregate to 5,500 men. Thirteen of these were efficient ironclads, 33 "tinclads," so called from being less heavily plated than the others, and the remainder consisted of despatch and auxiliary vessels, rams, &c. There were also a number of iron and tinclads in the course of construction.

6. *Potomac Flotilla.*—The vessels of this squadron are principally light-draught river steamboats and tugs, and their field of operations comprised Chesapeake Bay and the Potomac and Rappahannock rivers, where they were employed to prevent contraband traffic between Maryland and Virginia and perform other police duties. By their vigilance they succeeded in capturing many petty blockade runners and in intercepting rebel mails; and during the invasion of Maryland and Pennsylvania by the enemy in June and July vessels were stationed at Havre de Grace, Wilmington, Del., Annapolis, and other salient points of attack. In the latter part of August the gunboat Satellite and tug Reliance were surprised and captured by a party of the enemy near the mouth of the Rappahannock; but subsequently they were attacked and destroyed by a land force under command of Gen. Kilpatrick.

The chief naval incident on foreign stations was the attack by the Wyoming, Commander McDougal, upon several Japanese batteries and armed vessels at Simonosaki, on July 16th, in retaliation for an outrage upon an American steamer. In an action of an hour the vessels were partially destroyed and the batteries much injured. The Wyoming lost 11 killed and wounded, and was hulled 11 times. *See* JAPAN.

The number of vessels captured by the several squadrons from the commencement of the war to Nov. 1st, 1863, was 1,045, classified as follows: steamers, 179; ships, 15; barques, 26; brigs, 30; schooners, 547; sloops, 131; yachts and small boats, 117. The value of all the prizes sent to admiralty courts for adjudication is estimated by Secretary Welles at upward of $13,000,000; and the value of those condemned, the costs and amounts distributed are shown in the following table:

	No. of cases.	Gross amount of sales.	Costs and expenses.	Net amount for distribution.
Boston.....	13	$864,322 15	$25,188 44	$839.133 71
New York...	89	2,218,263 29	281,162 07	1,937,735 21
Philadelphia	57	*1,859,434 76	149,806 06	1,670,512 97
Key West....	71	1,432,952 30	133,291 55	1,304,053 51
Washington..	44	72,091 62	11,966 12	60,909 08
Illinois.....	11	91,619 28	5,993 40	85,625 88
Total....	285	$6,538,683 40	607,407 64	$5.897.970 36

The number of prizes captured in 1863 by the four principal coast squadrons considerably exceeded 300, of which about one third were steamers, in many cases built expressly for blockade running, and loaded with valuable cargoes.

NELSON, WOLFRED, M. D. Dr. Nelson was born at Montreal in July, 1802, and was the son of an English commissariat officer. Educated to the medical profession, he was admitted to practice in 1811, and established himself at St. Denis on the Richelieu river. In the war with the United States which shortly after ensued, he volunteered and served as surgeon of the battalion raised in that district. In 1827 he successfully contested the representation of Sorel with the then Attorney-General—afterward Chief Justice Stuart, and was after that a prominent man in the political world. Whatever objects others may have proposed to themselves, his was to obtain for British subjects in Canada the right enjoyed by their fellow subjects in Great Britain. Conceiving those rights to have been unjustly infringed, he took up arms in 1837 to enforce them, and fought bravely, however rashly, in the cause he had adopted. He won the one victory at St. Denis, which served to gild the desperate fortunes of the insurgents. When the advance of the victorious troops of Colonel Wetherall rendered further resistance hopeless, he fled, and sought by pursuing back roads and traversing forests to make his way to the United States. He was captured upon the frontier, and carried to Montreal and imprisoned. Even his adversaries of those days respected him for bravery and consistency. His life was spared, and he was sent into exile. Released from Bermuda, he settled in the United States, and came to live as near Canada as possible—at Plattsburg, N. Y. As soon as the amnesty permitted, he returned to his na-

* The sum of $39,115.73 allowed to claimants by decree of court.

tive country, and resided in Montreal during his remaining days. In the year 1844 he was elected by his old friends on the Richelieu to represent the county of that name, and was re-elected to the next parliament. He became the ardent friend of the party essaying to work the British Constitution in its fulness in Canada. Declining a third election, he was appointed in 1851 an inspector of prisons—an office for which his professional career and his earnest philanthropy fitted him. In 1859 he became chairman of the Board of Inspectors. During the ship fever of 1847, he had rendered great service to the poor, sick and dying immigrants, at the risk of his own life, and during the cholera years, as chairman of the Board of Health, he was also most zealous. He has been once or twice elected President of the College of Physicians and Surgeons for Lower Canada. He died on the 17th of June, 1863. Through a life full of adventures as that of a hero of romance, he preserved a name unsullied by any baseness. He carried into politics and official life a heart tender as a child's, excitable and romantic as a woman's. Possessed once of wealth, he sacrificed it on the altar of (what he esteemed) his duty to his country—and in his later years, when other men were accused of enriching themselves at the expense of the country, his escutcheon ever escaped unstained.

NEW HAMPSHIRE. The election in New Hampshire for State officers was held on the 10th of March. There were three candidates for governor, viz.: Ira A. Eastman, Democratic; Joseph A. Gilmore, Republican, and —— Harriman, Union. The total vote cast was 66,240. In 1860 the total vote was 65,923. The result was as follows:

Eastman.	Gilmore.	Harriman.
32,833	29,035	4,372

No one received a majority, and Gilmore was subsequently chosen by the Legislature, which was divided as follows:

	Senate.	House.
Republicans	9	189
Democrats	3	142

The vote for members of Congress was as follows:

	Republican.		Democrat.
1st District,	Eastman.. 11,979	Marcy	12,059
2d "	Rollins.... 10,365	George	9,999
3d "	Patterson. 10,847	Burns	10,571

On the 26th, the following order was published in the "Independent Democrat," at Concord:

Special Orders, No. 119.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE, WASHINGTON, *March* 13*th*, 1863.

To the Governor of New Hampshire:

[EXTRACT.]

34. By direction of the President, the following officers are hereby dismissed from the service of the United States. * * * * * Lieut. A. J. Edgerly, 4th New Hampshire volunteers, for circulating Copperhead tickets, and doing all in his power to promote the success of the rebel cause in his State.

By order of the Secretary of War.

L. THOMAS, Adjutant-General.

Edgerly was a lieutenant of the 4th New Hampshire regiment, which had been in Florida.

On the 3d of June the Legislature assembled at Concord, and elected not only Gilmore as governor, but Allen H. Tenney, Secretary of State, and Peter Sanborn, State Treasurer, and other officers.

The revenue of the State during 1863 was: taxes, $137,065.61; loans, $239,300; total, $376,385.61. The expenses amounted as follows: ordinary, $210,539.32; aid to families of volunteers, $183,810.56; total, $394,349.88. The debt of New Hampshire, at the end of the fiscal year 1862, was $735,100. During 1863 additional loans have been negotiated to the amount of $239,300 for the temporary use of the State, and $482,300 for military purposes. The amount paid out by the State on account of the war to June 1st, 1863, was $1,305,835, a portion of which had been paid back by the Federal Government. The number of men which the State had furnished at that date was 17,788, being her quota upon every previous call. Gov. Gilmore, in his message, stated that the State banks, with a capital of over four and a half millions, had over a million and a quarter of State and National securities. The railroads in the State had done a fair business during the year which had passed. The mutual insurance companies had proved a failure in the State. The State prison, insane asylum, house of reformation and other benevolent and reformatory institutions, were described to be in an excellent condition. The same was the state of the educational institutions. The general condition of the State was represented to be prosperous. All departments of business had flourished, produce had increased, and industry had gained its reward.

A bill was proposed in the Legislature giving to soldiers in the field the privilege of voting. The opinion of the Supreme Court was, that it was opposed to the spirit and letter of the State Constitution, as well as the law, which requires the presence of the voter at the polls.

Some popular disturbances arose in the State during the draft for soldiers. Some of the towns of the State had previously furnished an excess above their quota, and considered the draft upon them under such circumstances as peculiarly burthensome. Upon the representation of the facts to the War Department, the promise was given by the provost-marshal-general that the surplus men should be discharged in such towns from the number taken by the draft. The governor thereupon promised this remittance to the towns. But when the attempt was made to carry out this plan the difficulties were found to be so great that it was impossible to execute it. At Jackson a mob burned the Forest Vale House, half way between the Crawford and Glen Houses, and stoned the agents of the marshal engaged in notifying the drafted men. The loss of property was valued at $8,000. In Portsmouth a

disturbance also took place. (*See* RIOTS.) The decision of the department was, however, acquiesced in when the circumstances were fully understood.

NEW JERSEY. At the session of the Legislature at the commencement of the year a series of resolutions were passed which were intended to express the views of the majority of the voters on public affairs. The series passed the Senate by a vote of 12 yeas to 8 nays, and the House by 38 yeas to 13 nays. The resolutions declare that the State in promptly answering all the calls for troops, believed and confided in the declarations of the President made in his inaugural address, and in the resolutions of Congress passed July, 1861; and that, having waited with patience and forbearance for the redemption of these pledges, she conceives it to be her solemn duty to urge upon the President and Congress in the most respectful but decided manner the redemption of the pledges under which the troops of the State entered upon and have continued in the contest; and as the devotion of the State to the sacred cause of perpetuating the Union and maintaining the Constitution has been untainted, in any degree, by infidelity, bigotry, sectionalism, or partisanship, she now, in view of the faith originally plighted, of the disasters and disgrace that have marked the steps of a changed and changing policy, and of the imminent dangers that threaten the national existence, urges upon the President and Congress a return and adherence to the original policy of the administration, as the only means by which the Union can be restored, and the nation saved. The other resolutions were thus expressed:

3. *And be it resolved*, That it is the deliberate sense of the people of this State that the war power within the limits of the Constitution is ample for any and all emergencies, and that all assumptions of power, under whatever plea, beyond that conferred by the Constitution, is without warrant or authority, and if permitted to continue without remonstrance will finally encompass the destruction of the liberties of the people and the death of the republic; and, therefore, to the end that in any event the matured and deliberate sense of the people of New Jersey may be known and declared, we their representatives, in Senate and General Assembly convened, do, in their name and in their behalf, make unto the Federal Government this our solemn protest:

Against a war waged with the insurgent States for the accomplishment of unconstitutional or partisan purposes;

Against a war which has for its object the subjugation of any of the States, with a view to their reduction to territorial condition;

Against proclamations from any source by which, under the plea of "military necessity," persons in States and Territories, sustaining the Federal Government, and beyond the necessary military lines, are held liable to the rigor and severity of military law;

Against the domination of the military over the civil law in States, Territories, or districts not in a state of insurrection;

Against all arrests without warrant; against the suspension of the writ of *habeas corpus* in States and Territories sustaining the Federal Government, "where the public safety does not require it," and against the assumption of power by any person to suspend such writ, except under the express authority of Congress;

Against the creation of new States by the division of existing ones, or in any other manner not clearly authorized by the Constitution, and against the right of secession as practically admitted by the action of Congress in admitting as a new State a portion of the State of Virginia;

Against the power assumed in the proclamation of the President made January 1st, 1863, by which all the slaves in certain States and parts of States are forever set free; and against the expenditure of the public moneys for the emancipation of slaves or their support at any time, under any pretence whatever;

Against any and every exercise of power upon the part of the Federal Government that is not clearly given and expressed in the Federal Constitution—reasserting that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

4. *And be it resolved*, That the unequalled promptness with which New Jersey has responded to every call made by the President and Congress for men and means, has been occasioned by no lurking animosity to the States of the South or the rights of her people; no disposition to wrest from them any of their rights, privileges, or property, but simply to assist in maintaining, as she has ever believed and still believes it to be her duty to do, the supremacy of the Federal Constitution; and while abating naught in her devotion to the Union of the States and the dignity and power of the Federal Government, at no time since the commencement of the present war has this State been other than willing to terminate, peacefully and honorably to all, a war unnecessary in its origin, fraught with horror and suffering in its prosecution, and necessarily dangerous to the liberties of all in its continuance.

5. *And be it resolved*, That the Legislature of the State of New Jersey believes that the appointment of commissioners upon the part of the Federal Government to meet commissioners similarly appointed by the insurgent States, to convene in some suitable place for the purpose of considering whether any, and if any what plan may be adopted, consistent with the honor and dignity of the National Government, by which the present civil war may be brought to a close, is not inconsistent with the integrity, honor, and dignity of the Federal Government, but, as an indication of the spirit which animates the adhering States, would in any event tend to strengthen us in the opinion of other nations; and hoping, as we sincerely do, that the Southern States would reciprocate the peaceful indications thus evinced; and believing, as we do, that under the blessing of God great benefits would arise from such a conference, we most earnestly recommend the subject to the consideration of the Government of the United States and request its cooperation therein.

No draft took place in the State. The quota at the time the draft was made was 8,783; these were raised by volunteering. Up to the 1st of January, 1863, the number of troops which the State had been called upon to furnish was 27,199, and the number of men furnished up to that time was 30,214. Liberal bounties were paid by the counties and cities, which were to be reimbursed by the State. An enrolment of the citizens made in anticipation of a draft, returned the number in the State liable to military duty 71,697.

No election for State officers was held during the year. County officers and members of the Legislature were chosen, comprising one third of the Senate and the Assembly. This body was divided as follows:

	Senate.	Assembly.
Republicans	7	20
Democrats	14	40

The balance in the State Treasury at the beginning of the year was $92,084. The State has no debt of consequence except that contracted as war expenses. The local institutions were prosperous during the year. On the invasion of Pennsylvania, the troops of the State were promptly sent to repel the enemy. (*See* ARMY OPERATIONS.)

The railroad system of the State has attracted much attention. Situated geographically as the State is, between the great cities of New York and Philadelphia, and the States in which those cities are located, the route of communication necessarily passes over her territory. This embraces likewise the principal portion of the communication by land between the north and the central and southern part of the country. Four rivers of some importance intersect this route, viz.: the Hackensack, the Passaic, Raritan and Delaware. The necessity of an easy communication between the above cities was so manifest in the war of 1812, as to be considered a work of national importance, and deserving the aid of the Federal Government. Congress, however, refused to authorize any expenditure for such an object. Thirty years ago, when the Delaware and Raritan canal and the Camden-Amboy railroad were chartered, the projects were considered to be so visionary that the charters could with great difficulty be given away by the State. Indeed they could not be given away upon terms on which capitalists were then willing to accept them unless they were impregnably protected from competition. This protection was thus given from the necessity of the case, as without it neither railroad nor canal would have then been built. On the fares paid by passengers and merchandise which pass over the railroad and canal a percentage is paid, which amounts to $200,000 on the thousands of passengers and hundreds of millions of merchandise thus transported. In principle the tolls which are paid into the treasury of New York from the business done on her canals, is similar to those which New Jersey exacts for the business done on her public works. The fares on these routes are as low or lower than those on any other works in the country. The final success of the companies chartered in 1830 has been such as enabled them to assist in the construction of railroads in all parts of the State.

An application was made to Congress at the session commencing in December, 1863, to declare the Delaware and Raritan railroad a post and military road of the United States. This road runs from Keyport, on Raritan Bay, to the Delaware river opposite Dover, but is completed to its intersection with a road from Philadelphia to Atlantic City. A committee of the House reported unanimously in favor of the application. The question involved the important consideration as to the right of the Federal Government to enter a State and give certain privileges to a corporation controlled by its local laws. By means of their route the Delaware and Raritan Company had transported troops and freight from Philadelphia to New York, but were enjoined from continuing to do the same by the chancellor of New Jersey, who ordered the payment to the Camden and Amboy Railroad Company of all sums received by said Delaware and Raritan Company, on the ground that an act of the State makes it unlawful for any road to be constructed during the existence of the Camden and Amboy charter, "which shall be intended to carry passengers and merchandise between New York and Philadelphia," without the consent of the said Camden and Amboy Company.

According to their report the committee of Congress find that from September 1st, 1862, to June 1st, 1863, there were transported over the Delaware and Raritan Bay Company's road seventeen thousand four hundred and twenty-eight men, six hundred and forty-nine horses, and eight hundred and six thousand two hundred and forty-five pounds of freight, by order of the Government.

They also find that Congress has five times exercised the power of establishing post-roads. 1st. In the case of the bridges across the Ohio at Wheeling and Bridgeport, Virginia, which law was sustained by the Supreme Court. 2d. In a special law of Congress declaring that all railroads in the United States shall be post-routes. 3d. Act of 1863, where that legislation is reaffirmed. 4th. In an act declaring a bridge partly constructed across the Ohio river at Steubenville, Ohio, to be a lawful structure. 5th. In the act of 1863, authorizing the President to seize any railroad when the public safety may require it, so that it shall be considered a part of the military establishment of the United States, as well as a post-road. The committee then proceeded to argue from article 1, section 8, Constitution of the United States, that Congress "shall have power to regulate commerce with foreign nations and among the several States, and with the Indian tribes," and quote at length views of the Supreme Court in cases arising under that clause. The committee then present a record of the action of Congress, the various State Legislatures, etc., for better railway connection from New York to Washington.

NEW YORK. On the first day of 1863, Horatio Seymour, who had been previously elected, was inaugurated governor of New York. On this occasion, in his brief inaugural address, after complimenting Governor Morgan (then retiring) on the manner in which he had discharged his duties, Governor Seymour said:

Fellow citizens: In your presence I have solemnly sworn to support the Constitution of the United States, with all its grants, restrictions, and guarantees, and I shall support it.

I have also sworn to support another Constitution—the constitution of the State of New York—with all its powers and rights. I shall uphold it.

I have sworn faithfully to perform the duties of the office of Governor of this State, and with your aid they shall be faithfully performed. These Constitutions and laws are meant for the guidance of official conduct and for your protection and welfare.

The first law I find recorded for my observance is that which declares "it shall be the duty of the Governor to maintain and defend the sovereignty and jurisdiction of this State," and the most marked injunction of the Constitution to the Executive is, that he "shall take care that the laws are faithfully executed."

These Constitutions do not conflict; the line of separation between the responsibilities and obligations which each imposes is well defined. They do not embarrass us in the performance of our duties as citizens or officials.

After a brief allusion to the quiet transfer of power from one political organization to another, and the expression of the hope that, before the end of two years, the nation would be again united and glorious, and thanks to the assemblage, the governor withdrew. During the year which he had thus commenced, the governor was called upon to encounter some new questions in the administration of the affairs of the State. The most exciting of these arose out of the orders of the Federal Government for a draft of men for the army. The number of men to be taken by the draft was ordered to be one fifth of the number enrolled in each congressional district who belonged to the first class, or were between the ages of twenty and thirty-five, with the unmarried between thirty-five and forty-five. It was always admitted as a fundamental principle in raising troops, and so provided by the Enrolment Act that the burden should be borne equally by all parts of the country. The obligations of a State should be in proportion to the number of its citizens liable to military duty. It happened that, under the system of volunteering in 1861 and 1862, some States had contributed proportionally more men than other States; and parts of some States had contributed proportionally more than the remainder. The first question to be determined by the Federal Government was the credit for volunteers which each State was entitled to receive. Great difficulties arose in solving this problem, from the manner in which volunteers had been obtained. (*See* ENROLMENT.) Other difficulties arose from the unequal proportions of similar ages in various States. Thus New England, whose youth emigrate in large numbers, would show a smaller number liable to military duty, in proportion to her population, than other portions of the Union. So New York City, which is the headquarters of European emigration, would show a greater proportion of the military age than was really subject to military duty. The commencement of the draft in New York City, in July, was accompanied with a riot, and it was suspended until August. (*See* RIOTS.) A correspondence then ensued between the governor and President Lincoln. On the 3d of August the governor, in a letter to the President, referred to the provision of the Enrolment Act, which requires that the quotas should be so assigned as to equalize the number among the districts of the several States, allowing for those already furnished, and for the time of service. New York had hitherto furnished a surplus, and was entitled to credit, said the governor, but the statement of the provost-marshal did not agree with the records of the State adjutant-general's office. He therefore asked that the records of the two offices might be compared. He also asked that the draft might be suspended, as it had been elsewhere, until the results of recruiting, then actively going on in the State, should be apparent. He also stated that "it was believed by at least one half of the people of the loyal States that the Conscription Act was in itself a violation of the Supreme Constitutional Law," and therefore "earnestly urged that the Government interpose no obstructions to the earliest practical decision upon this point." He said: "Our accustomed procedures give to our citizens the right to bring all questions affecting personal liberty or compulsory service in a direct and summary manner, to the judges and courts of the State or nation. The decisions which would thus naturally be rendered within a brief period, and after full and ample discussion, would make such a current of judicial opinion as would satisfy the public mind that the act is either valid or void."

On the 7th of August the President briefly replied, as follows:

EXECUTIVE MANSION, WASHINGTON, *August 7th*, 1863.

His Excellency Horatio Seymour, Gov. of New York:

Your communication of the 3d instant has been received and attentively considered.

I cannot consent to suspend the draft in New York, as you request, because, among other things, time is too important.

By the figures you send, which I presume are correct, the twelve districts represented fall into two classes, of eight and four respectively. The disparity of the quotas for the draft, in these two classes, is certainly very striking, being the difference between an average 2,200 in one class and 4,864 in the other. Assuming that the districts are equal one to another, in entire population, as required by the plan on which they were made, this disparity is such as to require attention.

Much of it, however, I suppose, will be accounted for by the fact that so many more persons fit for soldiers are in the city than in the country, who have too recently arrived from other parts of the United States, and from Europe, to be included in the census of 1860, or to have voted in 1862. Still, making due allowance for this, I am yet unwilling to stand upon it, as an entirely sufficient explanation of the great disparity.

I shall direct the draft to proceed in all the districts, drawing, however, at first, from each of the four districts, to wit: second, fourth, sixth and eighth, only 2,200, being the average quota of the other class.

After this drawing, these four districts, and also the seventeenth and twenty-ninth, shall be carefully re-enrolled, and, if you please, agents of yours may witness every step of the process. Any deficiency which may appear by the new enrolment, will be supplied by a special draft for that object, allowing due credit for volunteers who may be obtained from these districts,

respectively, during the interval. And at all points, so far as consistent with practical convenience, due credit will be given for volunteers, and your excellency shall be notified of the time fixed for commencing the draft in each district.

I do not object to abide a decision of the United States Supreme Court, or of the judges thereof, on the constitutionality of the draft law. In fact, I shall be willing to facilitate the obtaining of it, but I cannot consent to lose the time while it is being obtained. We are contending with an enemy, who, as I understand, drives every able-bodied man he can reach into his ranks, very much as a butcher drives bullocks into a slaughter pen. No time is wasted, no argument is used.

This produces an army which will soon turn upon our now victorious soldiers, already in the field, if they shall not be sustained by recruits as they should be. It produces an army with a rapidity not to be matched on our side, if we first waste time to reëxperiment with the volunteer system, already deemed by Congress, and palpably, in fact, so far exhausted as to be inadequate; and then more time to obtain a court decision as to whether a law is constitutional which requires a part of those not now in the service to go to the aid of those who are already in it; and still more time to determine with absolute certainty that we get those who are to go in the precisely legal proportion to those who are not to go.

My purpose is to be in my action just and constitutional, and yet practical, in performing the important duty with which I am charged, of maintaining the unity and the free principles of our common country.

Your obedient servant, A. LINCOLN.

On the 8th, the governor replied, expressing regret that the draft could not be suspended until a judicial decision could be had, and forwarding a report of the judge-advocate-general. The governor said:

I wish to call your attention to the tables on pages 5, 6, 7, and 8, which show that in the nine congressional districts in Manhattan, Long, and Staten Islands, the number of conscripts called for is 33,729, while in nineteen other districts the number of conscripts called for is only 39,626. This draft is to be made from the first class; those between the ages of twenty and thirty-five. It appears by the census of 1860, that in the first nine congressional districts there were 164,797 males between 20 and 35. They are called upon for 33,729 conscripts. In the other nineteen districts, with a population of males between 20 and 35 of 270,786, only 39,626 are demanded.

Again, to show the partisan character of the enrolment, you will find in the 21st page of the military report, that in the first nine congressional districts, the total vote of 1860 was 151,243. The number of conscripts now demanded is 33,729. In the nineteen districts, the total vote was 457,257; yet these districts are called upon to furnish only 39,626 drafted men. Each of the nine districts gave majorities in favor of one political party, and each of the nineteen districts gave majorities in favor of the other party.

On the 11th, the President briefly replied as follows:

EXECUTIVE MANSION, WASHINGTON, *August 11th*, 1862.

His Excellency Horatio Seymour, Gov. of New York:

Yours of the 8th inst., with Judge Advocate-Gen. Waterbury's report, was received to-day. Asking you to remember that I consider the time as being very important, both to the general cause of the country and to the soldiers in the field, I beg to remind you that I waited at your request from the 1st until the 6th inst., to receive your communication dated the 3d. In view of its great length and the known time and apparent care taken in its preparation, I did not doubt that it contained your full case as you desired to present it. It contained the figures for twelve districts, omitting the other nineteen, as I supposed, because you found nothing to complain of as to them. I answered accordingly. In doing so, I laid down the principle to which I propose adhering, which is to proceed with the draft, at the same time employing infallible means to avoid any great wrong.

With the communication received to-day, you send figures for twenty-eight districts, including the same sent before, and still omitting three, for which I suppose the enrolments are not yet received. In looking over the fuller lists of twenty-eight districts, I find that the quotas for sixteen of them are above 2,000 and below 2,700, while of the rest, six are above 2,700, and six are below 2,000.

Applying the principle to these new facts, the 5th and 7th districts must be added to the four in which the quotas have already been reduced to 2,200 for the first draft, and with these four others must be added to those to be reënrolled. The correct case will then stand: the quotas of the 2d, 4th, 5th, 6th, 7th, and 8th districts, fixed at 2,200 for the first draft.

The provost-marshal-general informs me that the drawing is already completed in the 16th, 17th, 18th, 22d, 24th, 26th, 27th, 28th, 29th, and 30th districts. In the others, except the three outstanding, the drawing will be made upon the quotas as now fixed. After the first draft, the 2d, 4th, 5th, 6th, 7th, 8th, 16th, 17th, 21st, 25th, 29th, and 31st, will be reënrolled, for the purpose and in the manner stated in my letter of the 7th inst. The same principle will be applied to the now outstanding districts when they shall come in. No part of my former letter is repudiated by reason of not being restated in this, or for any other cause.

Your obedient servant, A. LINCOLN.

The governor insisted also that the enrolment presented great inequality, and laid the following statement before the War Department:

The average ratio of enrolment to the male population in the Western States, is.....	19 per ct.
In New Jersey.....	20 "
In Pennsylvania.....	18¾ "
In the New England States, it is.....	17 "
In the State of New York, it is.....	22 "
Massachusetts, with ten congressmen and a population of 1,231,066, has to furnish, under the recent call for 300,000 men.....	15,126
The first nine congressional districts of the State of New York, with a population of 1,218,949, are called upon for.....	25,166
Excess in the nine congressional districts in New York over ten congressional districts in Massachusetts.....	10,040
The quota of Vermont and New Hampshire, with a united population of 641,171, and six representatives in Congress, and four senators, is.....	7,099
The quota of two congressional districts in New York, the 4th and 6th, with a population of 283,229, is.....	7,628

The wrong was partially corrected by reducing the numbers called in those districts of New York where they were excessive, to the average number in the other districts of the State. At the same time, the Secretary appointed Wm. F. Allen, of New York, John Love, of Indiana, and Chauncey Smith, of Massachusetts, as a commission, to determine upon some fair mode of correcting these inequalities.

Meantime the draft was carried forward in the western districts of the State nearly to completion, although in the city of New York and Brooklyn it had been suspended at the time of the riots, July 13th. In preparation for resuming it the following correspondence took place:

His Excellency Horatio Seymour, Governor of the State of New York:

HEADQUARTERS, DEPARTMENT OF THE EAST,
NEW YORK CITY, *July 30th*, 1863.

SIR: As the draft under the Act of Congress of March 3d, 1863, for enrolling and calling out the national forces, will probably be resumed in this city at an early day, I am desirous of knowing whether the military power of the State may be relied on to enforce the execution of the law, in case of forcible resistance to it. I am very anxious that there should be perfect harmony of action between the Federal Government and that of the State of New York; and if under your authority to see the laws faithfully executed, I can feel assured that the act referred to will be enforced, I need not ask the War Department to put at my disposal for the purpose, troops in the service of the United States. I am the more unwilling to make such a request as they could not be withdrawn in any considerable number from the field without prolonging the war and giving aid and encouragement to the enemies of the Union, at the very moment when our successes promise, with a vigorous effort, the speedy suppression of the rebellion.

I have the honor to be, very respectfully, your obedient servant, JOHN A. DIX, Maj.-Gen.

ALBANY, Monday, *August 3d*, 1863.

To Maj.-Gen. John A. Dix, Commanding Eastern Department, &c.:

SIR: I received your letter on Saturday. I have this day sent to the President of the United States a communication in relation to the draft in this State. I believe his answer will relieve you and me from the painful questions growing out of an armed enforcement of the Conscription law in this patriotic State, which has contributed so largely and freely to the support of the national cause during the existing war. When I receive the President's answer, I will write to you again upon the subject of your letter.

Truly yours, &c.,
HORATIO SEYMOUR.

On the 8th of August, Gen. Dix again addressed the governor, saying:

It is my duty now as commanding officer of the troops in the service of the United States in the department, if called on by the enrolling officers, to aid them in resisting forcible opposition to the execution of the law; and it was from an earnest desire to avoid the necessity of employing for the purpose any of my forces, which have been placed here to garrison the forts and protect the public property, that I wished to see the draft enforced by the military power of the State in case of armed and organized resistance to it. But holding such resistance to the paramount law of Congress to be disorganizing and revolutionary, leading, unless effectually suppressed, to the overthrow of the Government itself, to the success of the insurgents of the seceded States, and to universal anarchy, I designed, if your coöperation could not be relied on, to ask the General Government for a force which should be adequate to ensure the execution of the law, and to meet any emergency growing out of it.

To this letter Gov. Seymour, who had, in the meantime, failed to obtain from the President a suspension of the draft, replied on the 15th, saying:

As you state in your letter that it is your duty to enforce the act of Congress, and as you apprehend its provisions may excite popular resistance, it is proposed you should know the position which will be held by the State authorities. Of course, under no circumstances, can they perform duties expressly confided to others; nor can they undertake to relieve others from their proper responsibilities. But there can be no violations of good order or riotous proceedings, no disturbances of the public peace, which are not infractions of the laws of the State, and those laws will be enforced under all circumstances. I shall take care that all the executive officers of this State perform their duties vigorously and thoroughly, and, if need be, the military power will be called into requisition.

As you are an officer of the General Government, and not of the State, it does not become me to make suggestions to you with regard to your action under a law of Congress. You will, of course, be governed by your instructions, and your own views of duty.

On the 18th, Gen. Dix again wrote to the governor, saying:

Not having received an answer from you, I applied to the Secretary of War on the 14th instant, for a force adequate to the object. The call was promptly responded to, and I shall be ready to meet all opposition to the draft.

Gov. Seymour replied on the 20th, stating that no notice had been sent to him when the draft would take place; neither had there been of the previous one; and that he expected some interval between the notice and the draft. He said:

You will see that no time was allowed for getting credits for volunteers, for making suggestions or preparations. I do not know that the fault rests with Col. Fry, but it is proper for me to state these facts.

The specific objections of the governor were, that New York City and Brooklyn did not get due credit for the past, and that the enrolments were excessive, as compared with other portions of the State; and that the draft, as proposed, would throw upon the eastern portion of the State, comprising less than one third of the congressional districts, more than one half of the burdens of the conscription. Figures were presented to sustain these objections. So far as related to any political comparison of the congressional districts, the judge-advocate-general said:

The nine anti-Lincoln districts are required to furnish nearly as many conscripts as the nineteen Lincoln districts, although the latter polled more than three times as many votes; as follows:

1860.

Lincoln Districts.			Anti-Lincoln Districts.		
District.	Total vote.	Cons. requir'd.	District.	Total vote.	Cons. requir'd.
12	22,664	2,013	1	19,194	2,212
13	19,698	2,006	2	17,169	4,146
15	25,540	2,370	3	19,297	2,697
16	17,167	1,493	4	17,253	5,881
17	20,874	1,818	5	15,731	3,390
18	27,389	2,310	6	17,056	4,538
19	29,188	2,387	7	14,832	3,452
20	28,522	2,448	8	19,440	4,892
21	21,519	1,746	9	11,271	2,521
22	23,995	2,068			
23	24,070	2,088	Totals	151,243	33,729
24	28,497	2,202			
25	22,317	1,936			
26	25,566	2,152			
27	27,673	2,419			
28	24,204	2,051			
29	22,541	1,767			
30	23,315	2,539			
31	21,518	1,753			
Totals	457,257	39,626			

The three districts to which a quota has not been assigned each gave an anti-Lincoln majority.

The whole matter was referred for investigation by the Secretary of War to the committee, above mentioned, whose report sustained the

objection of Governor Seymour as to an excess of enrolment, and the allowance of 13,000 men was promptly made by the War Department. The Legislature, at its subsequent session, passed a vote of thanks to the governor for his successful management of this matter.

The quota of New York under the draft, after deducting credits on former calls, was 68,000 men. At the time for the draft to be completed in New York and Brooklyn, the governor issued the following proclamation:

EXECUTIVE CHAMBER, ALBANY, *Aug.* 18*th*, 1863.

I have received information that the draft is about to be made in the cities of New York and Brooklyn, and I understand that there is danger of disorderly and riotous attacks upon those who are engaged in executing the law of Congress.

I cannot believe that any considerable number of citizens are disposed to renew the shameful and sad scenes of the past month, in which the lives of so many, as well of the innocent as of the guilty, were destroyed. Our courts are now consigning to severe punishment many of those who were then guilty of acts destructive of the lives and property of their fellow-citizens. These events should teach all that real or imaginary wrongs cannot be corrected by unlawful violence. The liberties of our country and the rights of our citizens can only be preserved by a just regard for legal obligations, and an acquiescence in the decision of judicial tribunals.

While I believe it would have been a wise and humane policy to have procured a judicial decision, with regard to the constitutionality of the Conscription Act, at an earlier day and by a summary process, yet the failure to do this in no degree justifies any violent opposition to the act of Congress. Until it is set aside by the decision of judicial tribunals, it must be obeyed like any other act of the State or National Legislature.

The following rule of duty in this respect was laid down in the farewell address of Andrew Jackson. This view has always been accepted by the friends of our Union and the upholders of our Constitution:

> Unconstitutional or oppressive laws may, no doubt, be passed by Congress, either from erroneous views or the want of due consideration. If they are in reach of judicial authority, the remedy is easy and peaceful; and, if from the character of the law, it is an abuse of power not within the control of the judiciary, then free discussion and calm appeals to reason, and to the justice of the people, will not fail to redress the wrong. But until the law shall be declared void by the courts or repealed by Congress, no individual or combination of individuals can be justified in resisting its execution.

The antagonistic doctrine that men may rightfully resist laws opposed to their own ideas of right or duty has not only led to great disorders and violence, but is one of the chief causes of the destructive civil war which has wasted the blood and treasure of our people. Disregard for the sacredness of the Constitution, for the majesty of the law, and for the decisions of the judiciary, is, at this time, the greatest danger which threatens American liberty.

This spirit of disloyalty must be put down. It is inconsistent with social order and social security, destructive to the safety of persons and property, and subversive of the liberty of the citizen and the freedom of the nation. Those who fear that there are designs in any quarter to overthrow the rights of the citizen, or to obstruct the accustomed administration of our laws, or to usurp any power in violation of constitutional restraints, should bear in mind that all acts of violence, all public disorders, pave the way for these very usurpations, and that they will be regarded with satisfaction by those who, for any cause, may wish to destroy either the power or rights of our National or State Governments.

The Constitution and Statutes of the State and nation contain ample remedies for all wrongs which may be committed either by rulers or citizens, and those who wish to preserve their rights, or to punish offenders, whether in public or in private life, should themselves carefully perform their duty, abstain from all illegal acts, generously support the Government, and then calmly and resolutely claim their rights.

I again repeat the warning which I gave to you during the riotous proceedings of the past month, that "the only opposition to the conscription which can be allowed is an appeal to the courts. The right of every citizen to make such an appeal will be maintained, and the decision of the courts must be respected and obeyed by rulers and people alike. No other course is consistent with the maintenance of the laws, the peace and order of the city, and the safety of its inhabitants. Riotous proceedings must and shall be put down. The laws of the State of New York must be enforced, its peace and order maintained, and the lives and property of all citizens protected, at any and every hazard. The rights of every citizen will be properly guarded and defended by the chief magistrate of the State."

I hereby admonish all judicial and executive officers whose duty it is to enforce the law and preserve public order, that they take vigorous and effective measures to put down any riotous or unlawful assemblages; and if they find their power insufficient for that purpose, to call upon the military in the manner pointed out by the Statutes of the State. If these measures should prove insufficient, I shall then exert the full power of the State, in order that the public order may be preserved, and the persons and properties of the citizens be fully protected.

HORATIO SEYMOUR.

The following is the force that was sent to General Dix by the Secretary of War as above stated:

United States regular infantry regiments and artillery	12
New York cavalry and infantry regiments and artillery	7
Ohio infantry regiments	5
Massachusetts infantry and artillery	4
Vermont infantry regiments	5
Connecticut battery	1
Delaware battery	1
Michigan infantry regiments	3
Indiana infantry regiments	3
Minnesota infantry	1
Wisconsin infantry	2
Total United States regiments and batteries on duty	44

The result of the draft in the State was as follows:

No. of conscripts examined	77,862
No. exempted for physical disability and other causes	53,109
No. who paid commutation	14,073
No. of substitutes obtained	6,619
No. of conscripts held to service	2,557

The number of volunteers obtained in the State, from January 1st, 1863, to January 5th, 1864, was as follows:

Volunteers raised by State authorities from January 1st, 1863, to this date	25,324
Recruits sent to regiments in the field	1,653
Enlisted by provost-marshals	11,060
Reënlistments in the field (estimate)	10,000
Substitutes (volunteers, in fact)	6,619
Enlisted by provost-marshals since December 21st	1,500
	56,156

The State has furnished up to December, 1863, 292,982 men. Of this number 230,442 were mustered in for three years, 30,121 for two years, 2,516 for nine months, 29,893 for three months. This ratio, applied to the loyal States, should produce an army of 1,439,500, or one soldier for every thirteen persons.

The Boards of Supervisors have made the fol-

lowing appropriations, except in ten counties, where bounties were paid by towns entirely:

1861	$362,700 00
1862	2,967,871 96
1863	11,033,291 95
	$14,263,863 91

By common councils:

1861	$2,307,248 33
1862	1,824,032 12
1863	2,579,668 50
	$6,710,948 95

By the Legislature:

1861	$2,307,248 33
1862	1,824,032 12
1863	8,841,098 00
	$13,562,497 00
Total appropriated	$34,637,309 86

Inquiries were made of Governor Seymour relative to the enlistment of colored troops, to which he returned the following answer:

STATE OF NEW YORK, EXECUTIVE DEPARTMENT, ALBANY, *Nov. 24th.*

SIR: In answer to your inquiries about enlistment of blacks and the organization of regiments and companies, I have to say:

1st. That, under the State laws, the bounty is paid to all without distinction who are mustered into the service of the United States, and for whom credits are given to New York under the President's call for troops.

2d. As to new organizations, I have no power to authorize any, either blacks or whites, which will be entitled to the benefits of the bounty given by the General Government. The object at Washington is to fill up the ranks of the regiments in the field. If any new organizations for either white or black troops are made, they must be authorized by the War Department to entitle those who join them to the benefit of the money paid to volunteers. Yours, &c.,

HORATIO SEYMOUR.

To JAMES ROGERS, No. 421 Broadway, N. Y. City.

An enrolment of the militia, made in August and September, 1862, showed 589,539 men subject to draft.

At the annual elections in November a Secretary of State, Comptroller, Treasurer, Attorney General, State Engineer, and Surveyor, and a Judge of the Court of Appeals were to be chosen, besides a Legislature and local officers. Several conventions were held previous to the election. A Union, or Administration Convention, assembled in Syracuse early in September, at which Chauncey M. Depew was nominated for Secretary of State; Lucius Robinson for Comptroller; Geo. W. Schuyler, Treasurer; John Cochrane for Attorney General; State Engineer, Wm. B. Taylor. Resolutions were adopted declaring that it was the highest duty of every citizen to do all in his power to maintain the integrity of the Union and the supremacy of the Constitution over the whole national domain; that the armies should be promptly reënforced, and the conduct of all condemned who embarrassed the efforts of the Government; that no other tenders of peace should be made to the enemy than are embraced in the Constitution under which they can at any time resume their place in the Union; that the gratitude of the people is due to the administration of Mr. Lincoln for the ability and steadfast courage with which he has prosecuted the war for the Union; the signal success of its financial ability; its preservation of peace with foreign nations, and its splendid victories; that the spirit of partisan hostility aroused against the Government was to be deplored; that thanks be tendered to the soldiers for their zeal and fortitude; approving the action of the Government in repelling every attempt at foreign intervention, &c. A resolution was also adopted approving the Emancipation Proclamation "as a war measure, thoroughly legal and justifiable."

A Constitutional Union Convention assembled on September 9th, but made no nominations. In its resolutions it refused to support for office any person in political relation or sympathy with secession, abolitionism, or fanaticism of any kind; and resolved that the independence of the revolted States would be a greater evil than war; that citizens of any revolted State on returning to their allegiance become again citizens of the Union; that the right of property in lands, personalty or slaves, is exclusively within the authority and jurisdiction of the States respectively; that the sole end for which the Government has authority to carry on this war is to suppress their insurrection, and to compel them to obey the Constitution and laws. Another resolution declares the unalterable purpose to resist in every legal manner all departures from the strict letter of the Constitution.

On the 10th of September, the Democratic or Opposition Convention assembled at Albany, and nominated Daniel B. St. John for Secretary of State; Sanford E. Church for Comptroller; Marshall B. Champlain for Attorney General; Wm. B. Lewis for Treasurer, and Van R. Richmond for State Engineer. The convention resolved to render a sincere and united support to the Government in all legitimate means to suppress the rebellion, and restore the Union; that the Government was pledged to the policy declared in the resolution of Congress of July, 1861; that illegal and unconstitutional arrests should be discontinued as a usurpation and crime; that the Government should manifest a policy of conciliation; that the doctrine of secession is equally false with the claim of the right of the Federal Government to obliterate State boundaries and State rights; that the Constitution is equally obligatory in time of war as in peace; that thanks are due to the soldiers for their promptness and bravery; that the results of the conscription should admonish the Government to rely on the voluntary action of a patriotic people; that mob violence is a crime against a people and a republican government; that the administration of Gov. Seymour meets the highest approval.

On the 3d of June a mass convention assembled in New York, in compliance with a call signed by one or more persons in each sen-

atorial district of the State. The call, after stating the results of the past efforts to restore the Union, continues thus:

In view of these results, after more than two years of continual and unceasing military conflict, we are for taking one step upon the road of peaceful effort. We are now for a vigorous prosecution of peace. And whilst we would submit to no national dismemberment, and no terms not justified by every principle of honor, we will go very far in the spirit of conciliation and concession to restore the Union as it was under the Constitution as it is. We believe that these are the prevailing sentiments of the masses.

The resolutions adopted by the convention declared fealty to the Constitution and to the sovereignty of the States and of the people; that under the Constitution there is no power to coerce the States or any of them by military force; that the war is contrary to the Constitution, and should be put an end to; that attempts to do away with the provisions of the Constitution which point out how crimes are to be punished, are high-handed violations of the solemn duties of rulers; that the claim of dictatorial and unlimited military power and trial of citizens by courts-martial are monstrous; that the dogma of unlimited submission to the Executive branch of the Government is unworthy an American citizen; that we protest against the cowardly, despotic, inhuman act of banishment of C. L. Vallandigham; and recommend the suspension of hostilities, and the holding of a convention to settle the manner of restoring the contending sections.

On the 3d of September, a Young Men's Union or Administration Convention assembled at Syracuse. The chairman stated the objects of the convention "to be to unite all loyal young men of the State in the firm and vigorous support of the National Government, and in opposition to all who are disposed to embarrass it in the suppression of this wicked rebellion, and in maintaining the majesty of the laws."

The vote of the State was cast as follows:

Administration.		Opposition.	
Depew	314,347	St. John	284,942
Robinson	314,236	Church	284,849
Cochrane	313,865	Champlain	284,762
Selden, Judge	313,327	Allen, Judge	284,086

The Legislature, of which a portion of the Senate held over, was as follows:

	Senate.	Assembly.	Total.
Administration	21	82	103
Opposition	11	46	57

In May a public meeting was held in Albany, relative to the arrest of Clement L. Vallandigham (*see* HABEAS CORPUS), at which a series of resolutions were adopted, and ordered to be sent to President Lincoln. For the correspondence relative thereto, *see* PUBLIC DOCUMENTS. An invitation was extended to Governor Seymour to attend this assemblage, to which he sent the following reply:

STATE OF NEW YORK, EXECUTIVE DEPARTMENT, ALBANY, *May 16th*, 1863.

To Peter Cagger, Solomon F. Higgins, Erastus Corning, Jr., Committee:

I cannot attend the meeting at the capitol this evening, but I wish to state my opinion in regard to the arrest of Mr. Vallandigham.

It is an act which has brought dishonor upon our country; it is full of danger to our persons and to our homes; it bears upon its front a conscious violation of law and of justice. Acting upon the evidence of detailed informers, shrinking from the light of day in the darkness of night, armed men violated the home of an American citizen, and furtively bore him away to a military trial, conducted without those safeguards known to the proceedings of our judicial tribunals.

The transaction involved a series of offences against our most sacred rights. It interfered with the freedom of speech; it violated our rights to be secure in our homes against unreasonable searches and seizures; it pronounced sentence without a trial, save one which was a mockery, which insulted as well as wronged. The perpetrators now seek to impose punishment, not for an offence against law, but for a disregard for an invalid order, put forth in an utter disregard of principles of civil liberty. If this proceeding is approved by the Government, and sanctioned by the people, it is not merely a step toward revolution, it is revolution; it will not only lead to military despotism, it establishes military despotism. In this aspect it must be accepted, or in this aspect it must be rejected.

If it is upheld, our liberties are overthrown. The safety of our persons, the security of our property, will hereafter depend upon the arbitrary wills of such military rulers as may be placed over us, while our constitutional guarantees will be broken down. Even now the Governors and the courts of some of the great Western States have sunk into insignificance before the despotic powers claimed and exercised by military men who have been sent into their borders. It is a fearful thing to increase the danger which now overhangs us, by treating the law, the judiciary, and the authorities of States with contempt. The people of this country now wait with the deepest anxiety the decisions of the Administration upon these acts. Having given it a generous support in the conduct of the war, we now pause to see what kind of Government it is for which we are asked to pour out our blood and our treasures.

The action of the Administration will determine in the minds of more than one half of the people of the loyal States, whether this war is waged to put down rebellion at the South, or to destroy free institutions at the North. We look for its decision with the most solemn solicitude. HORATIO SEYMOUR.

For the riots in New York, *see* RIOTS, &c.

The receipts and disbursements of the New York general fund, for the year 1863, were as follows:

RECEIPTS.	
Loans State defence	$2,000,000 00
Auction and salt duty	187,951 06
State tax	4,700,952 77
Canal revenue	200,000 00
Miscellaneous	22,875 00
Prisons' earnings	267,125 30
Sale of arms to United States	230,599 99
Native guard fines	70,101 37
Non-resident taxes	57,277 65
Banks	33,020 33
Other items	50,105 59
Total	$7,820,009 06
On hand, 1862	821,612 11

PAYMENTS.	
Bounties	$4,650,277 54
War expenses	640,114 58
Debt	1,605,138 33
Canal loan	355,040 28
Sinking fund	1,064,148 17
Other expenses	1,589,880 57
Total	$9,804,599 47
Deficit	1,192,787 77

The debt of the State is as follows:

Canal debt	$22,268,310 25
General fund debt	6,505,654 37

The State valuations are as follows:

Acres of land	28,297,142	
" " assessed	27,693,721	
Real estate value		$1,119,708,722
Personal " "		340,838,266
Total valuations		$1,462,778,067
Equalized "		1,454,454,817
Town taxes	$3,421,806 01	
County "	12,352,720 57	
School "	1,090,841 11	
State "	6,181,432 97	
Total taxes (15 mills per $1).		$23,046,800 60

The action of the Federal Government in establishing a system of National Banks based upon public stocks exempt from taxation, excited much interest in the State, and became a subject of legislative consideration. The views entertained, and the action of that body, belong to the record of 1864.

The question of allowing the volunteers from the State to vote at election, was discussed during the year, and resulted in an amendment of the Constitution early in 1864, to secure to them that privilege.

The public schools and academies of the State exhibited a small decrease in the attendance, which was ascribed to the increased demand for the services of the youth between the ages of sixteen and twenty-one years. The aggregate attendance upon all the schools, was 984,695. The number of teachers employed, was 26,213.

The charitable and other institutions of the State manifested but little change from the previous year; but the affairs of the citizens advanced with unusual prosperity.

NICHOLS, JOHN BOWYER, an English publisher and author, born in the parish of St. Bride, Fleet street, London, July 15th, 1779, died at his residence, Ealing, Middlesex, October 19th, 1863. He was the only surviving son of Mr. John Nichols, a distinguished literary biographer of the eighteenth century, and for forty-eight years the editor of the "Gentleman's Magazine." Owing to the death of his mother during his childhood, his boyhood was spent with his grandfather and his great-uncle at Hickley, and his early education was obtained at Stoke Golding and at St. Paul's School, which he left in September, 1796, and then joined his father in business. Among his duties, from an early age, was that of assisting in the editorship of the "Gentleman's Magazine," of which, in 1833, he became sole proprietor. In 1834 he transferred a share to Mr. William Pickering, of Piccadilly, which he subsequently repurchased, and in 1856 conveyed the whole property to Mr. J. H. Parker, of Oxford. Mr. Nichols was one of the oldest members of the Linnæan Society, to which he was introduced in 1812, and was one of the few survivors of those who took part in the Sunday evening soirées of Sir Joseph Banks. He had also been from the first a supporter of the Horticultural and Zoological Societies. In 1818 he was elected a fellow of the Society of Antiquaries, to which he became printer in 1824, as his father had been at a previous period. He was an original member of the Archæological Institute of Great Britain, of the Numismatic Society, the Royal Society of Literature, and the Athenæum Club. He served all the annual offices of the Stationers' Company, and attained that of master in 1850, as his father had done in 1804, and to the last he was a constant attendant at the meetings of its Court of Assistants. In 1836 he presented to the Court-Room a portrait of his father, by John Wood, and in 1855 supplemented by a gift of £500 consols, his father's benefaction for pensions to three poor printers, raising them thereby to £10 each. In 1821, on the resignation of his father, he succeeded to the office of one of the three Registrars of the Royal Literary Fund. To the Royal Humane Society, in the foundation of which his father was an active coadjutor, Mr. Nichols gave his services for many years as one of the committee of management. In his own neighborhood of Westminster he was a Governor of the Grey Coat and Green Coat Schools, and of St. Margaret's Hospital. His library contained large collections illustrative of English topography, consisting not only of the county histories, and other books of local history and genealogy, but also of drawings, engravings, printed papers, and rubbings of sepulchral brasses, which he arranged in parishes. Mr. Nichols was a man of noble and generous impulses, and remarkable for his equability of temper, as well as for his great industry and assiduous application both to private and public business. Though in his latter years afflicted with loss of sight, he retained remarkable power of memory and energy of purpose, and a judgment in nowise diminished from its wonted accuracy. His death resulted from congestion of the lungs, after only three days' illness. The list of his published works is large; among the most important are: "The Life and Errors of John Dunton, Citizen of London;" with the "Lives and Characters of more than a thousand Contemporary Divines, and other Persons of Literary Eminence." To which are added "Dunton's Conversation in Ireland;" "Selections from his other Genuine Works," &c.; "The Athenian Oracle Abridged," containing the most valuable Questions and Answers in the Original Works in History, Philosophy, Divinity, Law, and Marriage, published by John Dunton" (1820); "A Brief Account of the Guildhall of the City of London;" "Anecdotes of William Hogarth, written by himself, with Essays on his Life and Genius, and Criticisms on his Works, selected from Walpole, Gilpin, Ireland, Lamb, and others," to which are added a Catalogue of his Prints, lists of Paintings, Drawings, &c. (1833); "Literary Anecdotes of the Last Century;" "Historical Notices of Fonthill Abbey, Wiltshire;" "Illustrations of Her Majesty's Palace at Brighton, formerly the Pavilion," published in folio, 1838. The last literary task in which Mr. Nichols engaged was the continuation and

completion of his father's "Illustrations of the Literary History of the Eighteenth Century," the sequel of the well known "Literary Anecdotes." He arranged and edited the seventh and eighth volumes of that work, which were published in the years 1848 and 1858.

NORMANBY, Constantine Henry Phipps, Marquis of, born at Mulgrave Castle, York, May 15th, 1797, died at Hamilton Lodge, South Kensington, July 28th, 1863. He was educated at Harrow School, and at Trinity College, Cambridge, at which university he took his degree as M.A. in 1818. Shortly after he attained his majority he entered parliament as member for Scarborough, where his family had great influence. His first speech in the House of Commons, made in 1819, was in favor of the Roman Catholic claims, and was considered by his political friends a decided success. He seconded Lord John Russell's resolution on reform in a speech somewhat in advance of his party, but shortly afterward resigned his seat (his opinions differing from those of his family), and retired to Italy. In 1822 he was elected member for Higham Ferrars, and shortly afterward returned home to resume his position in the House of Commons. In 1826 he was chosen representative of the borough of Malton, and gave his support to Mr. Canning's administration. He was then a Liberal, and a popular member of the Lower House. In the summer of 1832, having the previous year succeeded his father as Earl Mulgrave, he was appointed Captain-General and Governor of Jamaica, an office which he filled with much credit. On the formation of Lord Melbourne's first administration, Lord Mulgrave accepted the post of Lord Privy Seal, with a seat in the cabinet. In April, 1835, Lord Melbourne being again in office, he was selected for the important post of Lord Lieutenant of Ireland, and his reception in Dublin the following month was most enthusiastic. While occupying this position, his strict impartiality and integrity won the confidence of both political parties. In June, 1838, he was created Marquis of Normanby. In February, 1839, he succeeded Lord Glenelg as Secretary of State for the Colonies, an office he held but a few months, as he changed it in August for the Home Department, which post he held till September, 1841. In August, 1846, he was appointed ambassador at Paris, where he remained until the early part of 1852; in the latter part of that year he had a very serious illness, which so affected his general health, that he was advised to reside in Italy. His opposition to the *coup d'état* of Louis Napoleon in 1852, which the English prime minister had approved, also made his further continuance at the French Court as minister plenipotentiary unpleasant, and he resigned in the spring of 1853, and resided for some years in Florence, where he was on terms of close personal intimacy with the Grand Duke. It was while there that he accepted from Lord Aberdeen's Government in 1854 the post of minister at Tuscany. Returning home in 1858, in time for the first meeting of the new Parliament of February, 1859, he denounced, in a speech delivered that night, the grounds on which it was attempted to remove the ministry of Lord Derby, and objected to any change which should place the supreme control of foreign affairs again in the hands of Lord Palmerston, whose recognition of the French republic of 1848 he entirely disapproved of. He was the author of several political pamphlets of great ability, one of which, published in 1861, on Italian affairs, created a controversy with Mr. Gladstone. He wrote also several other works of much merit, among which are: "Yes and No," "Matilda," "Clorinda," "The Contrast," and "The Prophet of St. Paul."

NORTH CAROLINA. Much dissatisfaction existed in North Carolina throughout 1863. But it does not appear to have resulted in any advantage to the Union cause. Any efforts to withdraw from the Confederacy, or to unite with the Union, if undertaken, would have been promptly suppressed. The promises held out by the secessionists had failed; the Confederate Government was drawing from the State all its military resources, while many believed that it was so administered as to destroy the rights of the States and the liberties of the citizen. The following is a statement of the causes of this dissatisfaction:

The conscription and the tithing law leave nothing to the States, but the Central Government takes our fighting men with one hand and the tenth of our substance with the other. If the first was really necessary the States themselves could have enforced it, and each State could have kept its quota of men in the field in brigades, duly officered; and if provisions were needed, and could not be purchased, the States could have furnished them by a system of purchase of their own, and taken in exchange for them the currency of the Government.

Seizures of persons and property have become as common as they are in France and Russia. Personal liberty has been made dependent on the mere will of army officers appointed by the President. Hundreds have been arrested for opinion's sake, immured in dungeons, denied trials before the civil tribunals, and released only when the military power chose to do it. Our courts, when they have interposed to protect these unfortunates and to uphold the law, have been disregarded in many instances, and their integrity reflected on in gross terms by the War Department at Richmond. The Confederate currency which is the life-blood of the system and the emanation of plighted public faith, has been to some extent repudiated as a matter of convenience; and a portion of it in one instance has been refused by a Cabinet officer, on the same ground, in open violation of a law of Congress. Our patient, uncomplaining, heroic soldiers have been placed in the van of every battle, and in the rear of almost every retreat; and when they have fought with an ardor and steadiness which would have reflected credit on the old guard of Bonaparte itself, just praise has been denied them by journals supposed to speak for the administration, and their fathers and brothers at home who are conservatives have been held up as disloyal and unfriendly to the cause. Brigadier and major-generals from other States have been placed over them in many instances, and when such officers have been appointed from our State they have been almost invariably of the same politics with the administration. Proscription has thus been practised over

the very bones and blood of our people. Superadded to all this has been the appointment of surgeons, enrolling officers, and the like from other States over our regiments and over our people at home, until the crowning outrage was reached by the appointment of Major Bradford, of Virginia, to collect the tithes. This led to the first public meeting held in this State; and but for this and other meetings, and the earnest remonstrances of Gov. Vance, Major Bradford would still be tithing man for this State. Such are some of the causes that have roused the people of this State to a sense of their rights, and led to the meetings so much deprecated by the "Observer."

The meetings thus mentioned were held in Orange, Yadkin, Guilford, Randolph, Moore, Wake, Buncombe, and other counties. The resolutions adopted asked for peace, by negotiation, and by a suspension of hostilities. No one referred to a restoration of the Union.

Amid this state of affairs troops were sent from Richmond to arrest deserters and enforce conscription; the governor issued a proclamation to the people, and the press denounced all such persons as traitors. These proceedings led to some disturbances, which resulted in the destruction of two newspaper establishments in Raleigh. (*See* page 217.)

The number of troops which the State had at this time furnished to the army was 74,000 volunteers and 14,000 conscripts.

Popular disturbances took place during the year at Raleigh and Charlottesville. (*See* RIOTS.)

An election was held for members of the Congress at Richmond. Eight of the ten persons chosen were reported to be in favor of peace. The following were elected:

1st Dist., W. H. N. Smith; 2d Dist., R. R. Bridgers; 3d Dist., Dr. J. T. Leach; 4th Dist., Lieut. Thomas C. Fuller; 5th Dist., Captain Josiah Turner; 6th Dist., J. A. Gilmer; 7th Dist., S. H. Christian; 8th Dist., Dr. J. G. Ramsay; 9th Dist., B. S. Gaither; 10th Dist., Gen. G. W. Logan. The provisional governor, Stanley, appointed by President Lincoln, resigned during the year and retired.

The military operations in the State were less important than in 1862. Early in the year a considerable force was withdrawn from the department and sent to Port Royal, to cooperate with the troops there against Charleston. The enemy were advised of these movements, and made preparations for an attack on the Union positions. On March 14th a sudden attack was made on Newbern, which was repulsed with slight loss. It was intended as a feint, while the real effort was made for the capture of Washington, about thirty-six miles further north. On March 30th a force of the enemy under Gens. Hill and Pettigrew marched suddenly on that place. The Federal skirmishers sent out on their first appearance were driven back with considerable loss. As soon as the position of the enemy could be ascertained, the gunboat Com. Hull opened fire upon them, and drove them off. During the night they intrenched themselves as follows: those north of the town took position on Red Hill, an elevation about two and a half miles distant, commanding the Federal fortifications. Those on the south of the town occupied Hill's Point, about six miles below, on which was a deserted earthwork, and placed eight field pieces in position to command the barricades in the stream, and the channel, which approaches close to the shore at this point. They were thus enabled to deliver a plunging fire on any vessel attempting to pass. Further up the river Rodman's Point was fortified, and on the same bend of the stream a second battery was placed, thus entirely commanding the channel, which from that place to the town is very narrow and crooked. Gen. Foster, then on a visit to Washington, believed himself strong enough to keep the enemy in check. This he succeeded in doing until the 15th, when he left for Newbern to hasten forward reënforcements and supplies. The passage down the river was exceedingly hazardous. When the boat, the steamer Escort, arrived within the range of the upper battery on Rodman's Point the enemy opened upon her with artillery, and, as she approached the shore, with volley upon volley of musketry, which was continued without intermission.

The channel of the river, for about four miles, between Hill's Point and Rodman's runs close in shore, where the batteries were placed, and the danger was most imminent. As soon as the upper battery on Rodman's Point had been passed the second one took up the fire, and the third, and continued it until the Escort had reached a point within range of the works at Hill's Point. Then the cannonading and musketry were terrible. Not less than eighteen solid shot and shells struck and passed through the steamer, completely riddling her upper works and partially disabling her machinery, while the bullets of the enemy's sharpshooters perforated her joiner work like a sieve.

When opposite the lower battery, on Rodman's Point, the pilot, Mr. Pederick, a native of the State, was killed at his post by one of the rebel sharpshooters. Immediately upon the fall of Pederick, Captain Wall sent for a negro who knew the channel, and compelled him to point out the course of the steamer past the blockade. The boat went on down the stream at a rapid rate, and reached and passed the lower fort and blockade without further loss of life. At Newbern some portion of the force which had been sent to Hilton Head were then arriving on their return. These were sent forward with gunboats, and the enemy compelled to raise the siege.

At Tarboro' the steamboats and one large ironclad in process of construction, a sawmill, a train of cars, one hundred bales of cotton, and large quantities of subsistence and ordnance stores were destroyed. (*See* ARMY OPERATIONS, page 135).

On October 28th Gen. Foster was relieved from the command of the department, and Gen. Butler assigned to it.

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OBITUARIES, UNITED STATES.—*Dec.* 31, 1862.—SILL, Brig.-Gen. JOSHUA WOODROW, an officer of the United States army, killed in the battle of Stone river. He was born in Chillicothe, Ohio, Dec. 6th, 1831; received a thorough English and classical education, and was appointed a cadet at West Point in 1849, where he graduated third in his class. In 1854 he received an ordnance appointment, and was stationed at Watervliet arsenal, West Troy. The following year he was recalled as one of the instructors at West Point, and after serving two years in that capacity was ordered to Pittsburg arsenal, and from thence, in 1848, to Vancouver, Washington Territory, to superintend the building of an arsenal there. Finding this impracticable, in consequence of the difficulty existing about Vancouver's Island with the British Government, he returned, and soon after was ordered to Fort Leavenworth. In 1860 he resigned his position in the army, and accepted the professorship of mathematics and civil engineering in the Brooklyn Collegiate and Polytechnic Institute. Upon the outbreak of the present war he resigned his position, and upon offering his services to the Governor of Ohio, was appointed assistant adjutant-general of the State. In August, 1861, he was commissioned colonel of the 23d Ohio volunteers. He joined Gen. Nelson in his Kentucky expedition, and after his return was placed in command of a brigade, receiving the commission of brigadier-general, July 29th, 1862. Subsequently he commanded a division for a time, evincing great courage and skill, and upon the reorganization of the army, under Gen. Rosecrans, he was assigned a brigade in Gen. Sheridan's division, at the head of which he gallantly fought, and fell during the memorable Wednesday of the battle of Stone river.

Dec. 31.—GARESCHÉ, Col. JULIUS P., chief of Maj.-Gen. Rosecrans's staff, was born in Cuba of American parents in 1821. At the age of sixteen he entered West Point, and graduated in 1841. He served in the Mexican war, and during eight years previous to the secession was on duty at Washington as assistant adjutant-general. When the war broke out his patriotic nature sought active service, and he accepted the appointment of chief of staff to Gen. Rosecrans, having previously declined a commission of brigadier-general, preferring to win the honor upon the field of service. From his long experience and thorough acquaintance with military science he was eminently qualified for his duties, and rendered himself at once an invaluable aid to his commander. He was an earnest and devoted Christian, gentle and amiable in character and disposition, and was widely known for his benevolence to the poor, and sympathy for those in affliction and sorrow. He was one of the founders of the Society of St. Vincent of Paul in Washington. His many virtues, added to his gentlemanly deportment and earnest devotion to his country, won the love of both officers and men, and his untimely death by a cannon ball, which took off his head, while on duty at the side of his commander, was alike a shock to the army and country. A few days after the battle his body was disinterred and taken to Cincinnati, from whence, after appropriate honors, it was forwarded to his family in Washington city.

Dec. 31.—ROBERTS, Col. GEORGE W., killed at the battle of Stone river, was born in Westchester county, Penn., Oct. 2d, 1833; graduated at Yale College in 1857, studied law, and practised his profession in his native county until the spring of 1859, when he removed to Chicago, Ill. The commencement of the war found him enjoying a prosperous business, but his patriotism led him to enter the army, and he began recruiting for the 42d regiment, Illinois volunteers. On the 22d of July he received his commission as major of the regiment. The following September he was elected lieutenant-colonel, and upon the death of Col. Webb, was chosen colonel. With his regiment he took part in the memorable march of Gen. Fremont to Springfield. He distinguished himself in the faithful discharge of his duty at different points, but more especially by his valuable service during a midnight expedition in spiking a number of guns at the siege of Island No. 10. An upper battery of the enemy commanded the river so effectually that no boats could pass. Col. Roberts conceived the idea of spiking the guns, and selecting a dark and stormy night for the occasion, with only forty men in five small boats, he bravely accomplished his purpose. He afterward distinguished himself at the battle of Farmington, Tennessee. At the siege of Corinth he was in the advance, and was one of the foremost in entering the fortification of the enemy. He was in command of the first brigade, first division of the army of the Mississippi, and won much honor during the campaign of 1862. At the battle of Stone river he had the advance of the 20th army corps, and drove the enemy to their breastworks. On the 31st his brigade engaged two divisions of the enemy at once, maintaining their ground until attacked by a third division. At one period of the engagement, observing a Confederate division driving some of our regiments before them, he asked permission of Gen. Sheridan to charge upon the enemy, and galloping before the 42d Illinois, he waved his cap and ordered them to fix bayonets. The men, fired by his bravery, rushed upon the foe with such force that they broke and fled in the wildest confusion. This discomfiture at such

a juncture no doubt had its effect on the final triumph of the day. While gallantly inspiring his men to action he received the fatal bullet which ended his brave career.

Dec. 31.—Rains, Brig.-Gen. James E., an officer in the Confederate service, killed at the battle of Stone river. He was a native of North Carolina, graduated at West Point in 1827, and was appointed to the 7th infantry. He took part in the Seminole war in Florida, and was brevetted major for gallant and meritorious conduct in an action with the Indians near Fort King, April 28th, 1840, on which occasion he commanded the troops, and was wounded. In 1855 he was with his regiment in Washington Territory, and was appointed brigadier-general of the Washington Territory volunteers. When the war broke out he was a lieutenant-colonel of the 5th infantry, but his sympathies being with the Confederate cause, he resigned his commission, July 31st, 1861, and, according to Gen. Sterling Price's official report of the battle of Wilson's Creek, was acting as brigadier-general of the advance guard of the army which fought the battle, August 10th. He distinguished himself at the battle of Shiloh and Perryville, and at the battle of Stone river, where he lost his life, won much credit by his skill and daring.

Dec. 31.—Hanson, Brig.-Gen. Roger, an officer in the Confederate service, killed at the battle of Stone river. Gen. Bragg, in his official report of that battle, speaks of him in high terms.

Dec. 31.—Schaeffer, J. W., acting brigadier-general of the U. S. volunteer service, killed at the battle of Stone river. He was a native of Pennsylvania, but was appointed to the service from Illinois. In the official report of the battle of Stone river, Gen. Rosecrans mentions his name with honor.

Dec. 31.—Turner, Royal, died in Randolph, Mass., aged 70 years. He graduated at Harvard College in 1813, and soon after engaged in mercantile pursuits. In early life he was a practical surveyor, and assisted in locating the first railroad built in this country, that leading from the stone quarries in Quincy to Neponset river. In 1815 he received a lieutenant's commission in the army, and rapidly passed through all the grades of promotion until he reached the colonelcy in 1823. In 1825 he was honorably discharged. In 1818 he was elected one of the selectmen of the town, and from 1823 to 1828 he was clerk and treasurer. In 1826 he was commissioned justice of the peace, and of the quorum in 1823, continuing in the office until his death. On the incorporation of the Randolph Bank in 1836, he was appointed cashier, and held the office until 1842, when he was elected its president, which position he occupied at the time of his death. He was director in the Bridgewater and Middleborough and Falls River railroads until their union with the Old Colony in one corporation. In all his business relations he was highly respected, not only for his energy and executive ability, but his strict integrity of character.

Dec. 31.—Russ, Horace P., inventor of the Russ pavement, died in Halifax, N. S., aged 42 years. He had been for some time engaged in gold mining in Nova Scotia.

Jan. 1, 1863.—Renshaw, William B., acting commodore of the naval squadron engaged in blockading Galveston, Texas, was killed upon his flagship, the Westfield. He was a native of New York, from which State he was appointed to the navy as a midshipman, Dec. 22d, 1831. In 1837, he passed the Examining Board, and received his warrant as a passed midshipman, and was attached to the North Carolina, at the New York Navy Yard. In 1841 he was promoted to a lieutenancy, and in 1861 became commander, and was ordered to the Ordnance Bureau, at Washington, on special service. He was next transferred to the command of the United States steamer Westfield, under Admiral Farragut, and was by him assigned to the command of that portion of the squadron which blockaded Galveston. During the recapture of Galveston, the Westfield got hopelessly aground, and having a large supply of ammunition and two magazines of powder on board, Commodore Renshaw determined to destroy her rather than let her fall into the hands of the enemy. Having made due arrangements, and secured the safety of his men, he staid behind to light the train before leaving; but a drunken man had, it is said, prematurely lighted the match, and the commodore, together with those in the small boats awaiting him, were involved in the general destruction. He was a faithful officer, and had spent thirty-one years in the service of his country.

Jan. 1.—Wainwright, Commander Jonathan M., an officer in the U. S. navy, was killed upon the Harriet Lane during the attack upon Galveston, Texas. He was a native of New York, but a citizen of Massachusetts, from which State he was appointed to the United States navy as a midshipman, June 13th, 1837. He passed the Examining Board, June, 1843, and received his warrant as a passed midshipman on that date. He was then engaged at the naval rendezvous in New York. On the 17th of September, 1850, he was promoted to a lieutenancy, and upon the commencement of the war was advanced to be a commander, and ordered to the Harriet Lane. He was a son of the late Bishop Wainwright, and had been twenty-five years in the United States service.

Jan. 2.—Lea, Lieut. Edward, of the U. S. navy, was killed upon the Harriet Lane in the engagement before Galveston, Texas. He was a native of Maryland, but a resident of Tennessee, from which State he was appointed to the Naval Academy in 1851. After graduating he received an appointment to the Home squadron, and subsequently to the East India squadron. At the commencement of the war, being himself truly Union, notwithstanding his ties of relationship in the South, he was assigned to the

Harriet Lane, then fitting out to join Admiral Porter's mortar flotilla in the bombardment of Forts Jackson and St. Philip.

Jan. 3.—Gwin, Commander William, of the United States navy, died in the hospital of his vessel, from wounds received in the action against the batteries on Haines's Bluff. He was born in Columbus, Indiana, in 1831, and entered the U. S. naval service as a midshipman in 1847, in which capacity he made one cruise off the coast of Brazil in the frigate Brandywine, flagship of the squadron, and off the coast of Africa. In June, 1853, he passed a satisfactory examination at the Naval Academy, and, with the rank of passed midshipman, was ordered to the Bainbridge, in which vessel he cruised off the coast of Brazil until 1856. On the 15th of September he was promoted to a lieutenancy. He was next ordered to the Pacific squadron, and, after a brief visit home in 1859, was assigned to the Mediterranean squadron. On the breaking out of the war he was ordered home, and assigned to the Cambridge, on blockading duty on the Atlantic coast. From this he was detached, January, 1862, and assigned to the command of the gunboat Tyler, of the Western flotilla, in which vessel he participated in the battles of Fort Henry and Fort Donelson. He also took part in the battle of Shiloh, at the time when the gunboats fired at night among the enemy, his vessel discharging one hundred and eighty-eight shells. On the 16th of July, 1862, he was made a lieutenant-commander under the late act of Congress in relation to officers in the navy. He distinguished himself in the expedition up the Yazoo river in company with the Carondelet, to meet the famous Confederate ram Arkansas; and his vessel, though sadly disabled, did not cease firing until she had passed through the entire squadron. After the explosion on the Mound City at St. Charles, by which her commander, Capt. Kelly, was so badly scalded, Lieutenant-Commander Gwin took the command of that vessel, which he held until assigned to the Benton, the largest and most powerful vessel of the river fleet. While in charge of this gunboat he participated in the attack upon Haines's Bluff, during which he was mortally wounded.

Jan. 4.—Branch, Hon. John, ex-governor of North Carolina, died at Edgefield, N. C., in the 86th year of his age. He was a State senator from 1811 to 1817, also in 1822, and again in 1834. He was elected governor in 1817, and from 1822 to 1829 was a United States senator. In 1829 he was appointed Secretary of the Navy by President Jackson. In 1835 he was a member of the North Carolina Constitutional Convention, and in 1843 was appointed Governor of Florida. Since then he has lived in private life.

Jan. 4.—Kendall, Hon. Benjamin Franklin, was assassinated at Olympia, Washington Territory. He was born in Bethel, Oxford county, Maine, about 1830, and by his own exertions procured a collegiate education, graduating at Bowdoin College in 1852. After his graduation he was for a time a clerk in one of the departments at Washington, and afterward joined the expedition, sent out under the late Gen. Isaac I. Stevens, to explore a route for the Pacific railroad, as astronomer, and having terminated his labors in connection with that expedition, settled as a lawyer in Olympia, Washington Territory, where he speedily became the leading lawyer of the territory, was secretary of the Territorial Legislature, and largely engaged in lumbering and navigation. At the commencement of the war he came to the East, and finding that it was necessary that Gen. Scott and the War Department should have a more thorough knowledge of the aim and plans of the Southern leaders, and of the real condition of the South, he volunteered to go on an exploring expedition through the Southern States. His offer was accepted, and he made a tour of four months, and, returning, reported to Gen. Scott a very minute and detailed account of the condition, resources, and war material of each of the Southern States, and the plans and purposes of the leaders. For this he received the most hearty thanks of Gen. Scott and the War Department. He was, soon after his return, appointed Superintendent of Indian Affairs for Washington Territory, but having been removed, in the winter of 1862, through the influence of the delegate from the territory, returned at once to the practice of his profession. He was assassinated by a man named Howe, whose father had been implicated in the burning of some valuable buildings, and had been exposed by Mr. Kendall in the columns of a journal he edited.

Jan. 7.—Whittlesey, Hon. Elisha, died in Washington, D. C., in the 80th year of his age. He was born in Connecticut, but in early manhood removed to Ohio. In the war of 1812 he was aide-de-camp to Gen. Wadsworth; was a prosecuting attorney for sixteen years, and served in the State Legislature in 1820 and 1821. He served seven terms as a representative in Congress. In 1841 he was appointed by President Harrison, Auditor of the Post Office Department and in 1849 was appointed by President Taylor, First Comptroller of the Treasury, which position he relinquished in 1857, but was reappointed by President Lincoln in 1861. His whole public career was marked by an unswerving integrity and untiring devotion to duty.

Jan. —.—Crawford, Richard R., Judge of the Levy Court for Washington county, died at Georgetown, aged 77 years. He was born in the District of Columbia, and for many years was in public office.

Jan. —.—.Kirk, Brig.-Gen. Edward N., an officer of volunteers in the U. S. service, died from wounds received at the battle of Stone river. He was born in Ohio, but subsequently removed to Sterling, Whiteside county, Illinois. In the autumn of 1861 he was instrumental in raising and organizing the 34th

Illinois volunteers, of which he was chosen colonel. At the battle of Shiloh he acted as brigadier-general, and was also engaged in this capacity at the siege of Corinth. At the battle of Stone river he commanded one of the brigades in Johnson's division of McCook's corps, and was mortally wounded while bravely withstanding the enemy during that fierce encounter.

Jan. 10.—Beecher, Rev. Lyman. (*See* Beecher.)

Jan. 11.—McDonald, Brig.-Gen. Emmett, an officer in the Confederate army, was killed at the battle of Hartsville, Mo. He swore that he would neither cut his hair nor shave until the Southern Confederacy was recognized.

Jan. 12.—Renwick, James, LL.D., died in New York, in his 71st year. He was born in the city of New York, in 1792, and graduated at Columbia College, in 1809. From 1820 to 1854, he filled the Chair of Chemistry and Physics in that institution. In 1838, he was appointed one of the Commissioners for Exploring the Northeastern Boundary between the United States and New Brunswick, and the reports of that commission led to the Ashburton treaty in 1842. Prof. Renwick was passionately fond of mechanics, and of all the applications of science to mechanical improvements. He was also a chaste and vigorous writer, and contributed largely to the literature of the country, not only in his own chosen walk of scientific pursuit, but in political and belles-lettres essays. He was a frequent and valued contributor to the first "New York Review," where he was the associate of Bryant, and other eminent names in literature, and after the establishment of the "Whig Review," its pages were often enriched by his graceful articles. His published works were biographies of Robert Fulton, David Rittenhouse, and Benjamin Thompson (Count Rumford), in "Sparks's Series of American Biographies;" "Outlines of Natural Philosophy," published in 1832, the earliest extended treatise on this subject published in the United States; "A Memoir of De Witt Clinton," published in 1834; "Treatise on the Steam Engine," and another on "The Practical Applications of the Principles of Mechanics," both published in 1840; "Outlines of Geology," and other text books. Prof. Renwick was of Scotch origin, his mother having been a friend and pet of the poet Burns, who addressed to her some of his sweetest poems.

Jan. 14.—Buchanan, Lieut.-Com. Thomas McKean, of the U. S. navy, was killed at Bayou Teche, La. He was a native and citizen of Pennsylvania, from which State he was appointed to the Naval Academy as a cadet in October, 1851. He graduated in 1855, and was attached to the sloop Constellation, then stationed in the Mediterranean in the squadron commanded by Commodore Breese. In 1858 he was promoted to be master, and ordered to the sloop St. Mary's in the Pacific squadron. In 1860 he was made a lieutenant, and attached to the steam sloop Mississippi, and, under the new act of Congress, became lieutenant-commander in 1861. He was next in command of the New London, the "black devil," of the Mississippi Sound, and subsequently of the gunboat Calhoun, on which he lost his life.

Jan. 14.—Dill, Rev. James Horton, a Congregational clergyman, died on board of a vessel on his way from Louisville to Nashville, whither he was going to join his regiment, of which he was chaplain. He was born in Plymouth, Mass., Jan. 1st, 1821, studied theology in New Haven, Conn., and was ordained pastor of the First Congregational church in Winchester, Conn., Aug. 26th, 1846. In Feb. 1852, he was installed pastor of the First Congregational church in Spencerport, New York. In 1859 he removed to Chicago, and became the pastor of the South Congregational church. His devotion to his country led him to accept the chaplaincy of the 38th regiment of Illinois volunteers in the autumn of 1862. His death was hastened by his unsparing activity and devotion to the cause he had espoused.

Jan. 19.—Welles, Martin, died at Martin, Ottawa county, Ohio, aged 76 years. He was born in Wethersfield, Conn., graduated at Yale College in the class of 1806, studied law in Farmington, but subsequently was admitted to the bar in the State of New York, and practised in Newburg, and afterward in New York city. His health failing, he returned to his native place, and refrained for a time from professional activity. During this period he interested himself in planning and superintending the Connecticut State Prison, in the establishing of which at Wethersfield he was the chief instrument. He was a member of the House of Representatives from 1824 to 1827 inclusive, and also in 1831 and 1832, the last two years being speaker of that body. In 1837 he was elected a member of the State Senate, and was reëlected the two following years. While a senator he was a member of the corporation of Yale College. He was also an associate judge on the bench of the Hartford County Court, and during the last fifteen years of his life was successfully engaged in the practice of his profession in Hartford.

Jan. 21.—Thorburn, Grant, died in the city of New Haven, in the 90th year of his age. He was born in Dalkeith, near Edinburgh, Scotland, of humble, but worthy parentage. In his early childhood he was delicate and sickly, but later he recovered his vigor, and became an expert in his father's business of nail making, and was said to have manufactured with his own hands, in one day, three thousand two hundred and twenty-two nails between the hours of six o'clock in the morning and nine o'clock in the evening. Though his early advantages were exceedingly limited, his mind was strong and vigorous, and in 1792 he became involved in some political movements concerning parliamentary reform, which caused him, in company with a number of his associates, to be summoned,

by an order from Edinburgh, to appear before the Lords upon a charge of treason. Being released upon bail, he subsequently concluded to try his fortune in America, and accordingly took passage for this country, arriving in New York on the 16th of June, 1794, and with but twenty shillings in his pocket. Here he entered into his former employment as a nailor, and soon after married. In 1801 he went into the grocery business for a time, and afterward engaged in the seed business at Newark, in which he was unsuccessful; but nothing daunted, he started anew, and on a more extensive scale, and in time amassed a comfortable fortune. After retiring from business he went to reside in Astoria, and subsequently removed to New Haven, Conn. He married his third wife when eighty years of age, the lady herself being about forty. He was, during his later years, a frequent contributor to the newspapers of the day, over the signature of "Laurie Todd," many of his articles being reminiscences of New York at the commencement of the present century, and possessing great interest from their quaintness and fidelity of description. The signature, "Laurie Todd," was the title of a work, published many years ago, by the novelist Galt, in which the adventures of the hero were mainly drawn from incidents in Thorburn's life. He was a liberal, genial, kind-hearted man. During the epidemics of yellow fever in New York in 1798, he and his wife did not leave the city at all, but devoted themselves to the care of those who were stricken down with the pestilence, with the utmost assiduity and tenderness. Through life his counsel and purse were at the service of those who were suffering from want; and he had bestowed in charity a much greater sum than he possessed at his death.

Jan. 23.—Coit, John Townsend, died in Albion, N. Y., aged 38 years. He graduated at Yale College, in the class of 1844, studied theology at Auburn, N. Y.; also at Andover, Mass., and subsequently spent two years in Halle, Germany, under the instruction of Prof. Tholuck. He afterward passed some time in Göttingen, and then made an extended tour in Europe. After his return to this country he became the settled pastor of the Presbyterian church at Albion, and at the time of his death was pastor of St. Peter's church, Rochester.

Jan. 23.—Hall, Baynard R., D. D., an American clergyman and author, died in Brooklyn, N. Y. He was born in Philadelphia in 1798, and was son of Dr. John Hall, a distinguished surgeon, who died when the subject of our sketch was but four years of age. By his father's will he was heir to a large fortune, but, owing to mismanagement, he never came into the possession of any great portion of it. Great attention was paid to his early education with reference to his becoming a lawyer, but upon his conversion his attention was turned toward the ministry. After passing the greater part of his college course at Princeton, he removed to Union College, where he graduated with high honor. His theological studies were pursued at Princeton Theological Seminary, after leaving which, he commenced his labors as a missionary in the West. While there, he was pastor of a church in Bloomington, Indiana, and was also the president of the college in the same place. Leaving the West, he became the pastor of a church in Bedford, Pa., and was also the principal of a flourishing academy in that place for eight years. He was successively the principal of academic institutions in Bordentown, Trenton, N. J., and Poughkeepsie and Newburg, N. Y. In 1852 or thereabout, he removed to Brooklyn, and was for a time principal of the Park Institute. The last few years of his life were spent in preaching the gospel to the poor. He was the author of a Latin Grammar published about 1828; "The New Purchase, or Seven Years in the West," and several later works of much merit. He was a thorough scholar, a vigorous thinker, and as a writer, was said to be a "master of all styles."

Jan. 24.—Stewart, Lieut.-Col. Warren, a cavalry officer in the U. S. service, was killed opposite Vicksburg. He first entered the United States service during the present war as captain of an independent cavalry company from Illinois, and was attached to Gen. McClernand's brigade. On the 2d of February, 1862, he was appointed acting adjutant-aid on Gen. McClernand's staff, with the rank of captain. He took an active part in the memorable battle of Fort Donelson. The several companies of cavalry connected with McClernand's brigade were next consolidated, under the title of Stewart's Independent Battalion of Cavalry, the command of which devolved upon him, with the rank of major, dating from February 1st, 1862. He was wounded at the battle of Shiloh, and was especially mentioned in his general's official report for his gallantry on that occasion. He also participated in the siege of Corinth, and subsequently was attached to the division stationed along the Memphis and Charleston railroad. On the promotion of Gen. McClernand he was made lieutenant-colonel. He was engaged in destroying the ferry boats opposite Vicksburg, when he was killed by a shot from the enemy.

Jan. 25.—Mickle, Andrew H., ex-mayor of New York city, died at Flushing, aged 57 years. He was a prominent merchant, and for a number of years was engaged in the tobacco business, by which he amassed a large fortune. In 1846 he was chosen mayor of New York, and was asked to accept the nomination again in 1858, but declined.

Jan. 26.—Hooker, John Worthington, M.D., died in New Haven. He was born in Norwich, Conn., July 14th, 1833, graduated in Yale College, in the class of 1854, and in 1857 from the Medical School connected with the college. For some time after the completion of his studies he was on the surgical staff in the New York City Hospital, and subsequently continued

his professional studies in Europe. In 1860, he was appointed professor of hygiene and physical education in Amherst College, which position he was compelled by ill health to resign.

Jan. 27.—Abert, Col. John J., late chief of the U. S. corps of engineers, died at Washington, D. C., aged about 73 years. He entered as a cadet of the Military Academy, in 1808, only six years after its first establishment by law. Leaving the academy in 1811, he was from then until November, 1814, employed in the War Office. While thus engaged, he volunteered as a private soldier for the defence of the capital, and his services on that occasion were acknowledged by conferring upon him a land warrant under the existing laws. He was appointed topographical engineer, with the rank of major, November 22d, 1814. At that time there was no organized corps of those officers, but they formed a part of the general staff, and served with generals in the field. After the close of the war they were employed in surveys of the seacoast and inland frontiers, reporting to the chief of engineers, and the results of their labors were collected in a topographical bureau, established in the War Department, May 5th, 1820, as a part of the engineer department, under the charge of Major Roberdeau. On the reorganization of the army, in 1816, Major Abert was retained. In 1824, he was brevetted lieutenant-colonel for ten years' faithful service in one grade; and at the death of Col. Roberdeau, February 12th, 1829, he was appointed to the charge of the Topographical Bureau. As the duties of his bureau increased in magnitude and importance, Col. Abert exerted himself to cause it to be made a distinct branch of the War Department, which he effected June 22d, 1821. At this time his corps consisted of six majors and four captains by brevet, and six civil engineers; besides which some twenty subalterns of the line of the army were detailed on topograhical duty under his orders. At length, by act of Congress, approved July 7th, 1838, the present corps of topographical engineers was organized, and created one of the staff corps of the army, with the officer, to whose fostering care and judicious management it mainly owed its existence, for its colonel and chief. Col. Abert was, in fact, at the head of his corps for upward of thirty-two years, until he was honorably discharged from active duty the 11th of September, 1861, having become incapacitated by long and faithful service from further attendance at his office. As a citizen and a man, Col. Abert was remarkable for the steadiness of his friendship, for his candor and unostentatious hospitality. Equally unostentatious, but no less sincere, was the simple piety which supported his declining years, and left behind an example which the proudest soldier may not be ashamed to follow.

Jan. 27.—Robinson, Edward, D.D., LL.D. (*See* Robinson.)

Jan. 29.—Tebbets, Rev. Theodore, died in New York city, aged 31 years. He was born in Parsonsfield, Me., graduated at Harvard College in 1851, after which he spent several months in the Divinity School at Cambridge. From March, 1852, to July, 1853, he was teacher of the Ancient Languages in Exeter Academy. In 1855 he entered the ministry, but after preaching two Sabbaths, was attacked with typhoid fever, from which he did not fully recover for a year. Pulmonary symptoms soon made their appearance, and he was obliged to resort for a time to a southern climate; recovering in a measure, he resumed preaching, but was again prostrated, and obliged to quit the ministry altogether. His printed works were: several articles in the "Monthly Religious Magazine;" also a sermon in the same magazine for May, 1858, on "The Revival;" "A Memoir of the late Judge Tebbets of New Hampshire;" and "A Memoir of William Gibbons."

Jan. —.—Dudley, Mrs. Blandina, died at her residence in Albany, aged 80 years. She was the widow of the Hon. Charles E. Dudley, and daughter of Rutgers Bleecker, one of the most eminent of the Dutch families of that city. She was a lady of high social qualities and truly womanly virtues. In her later years she has been profuse in the expenditure of her great wealth upon religious, scientific, and benevolent objects. She contributed over $100,000 toward the founding of the Dudley Observatory.

Jan. 31.—Sibley, Major George Champlain, an officer in the U. S. regular service, died at his country seat in Elma, St. Charles county, Missouri, aged nearly eighty-one years. He was born in Great Barrington, Berkshire county, Mass., and was a son of Dr. John Sibley, a surgeon in the Revolutionary war, and grandson, on the maternal side, of Dr. Samuel Hopkins, of Newport, Rhode Island. His childhood and youth were spent in North Carolina, from whence he was appointed by President Jefferson to an office in the Indian Department, and sent to St. Louis, and subsequently was sent among the Indians as agent and factor. In this capacity he went out with a hundred Osage warriors, and explored the Grand Saline and Salt Mountain, a report of which expedition was published. Soon after he retired from the Indian Department he was appointed one of three commissioners to survey and mark out a road from Missouri to New Mexico—an undertaking requiring some treaties with the Indians, which were managed with his usual judgment and tact. He was an ardent friend of African colonization and of the slave, and the day before his death wrote and forwarded an article on slavery to the "Philadelphia Presbyterian." He was a friend and advocate of the Bible cause, having been for many years, and until his death, president of the St. Charles County Bible Society of Missouri. He was one of the trustees of the "Lindenwood College," and donated the tract of land upon which it is erected, amount-

ing to one hundred and twenty acres. He was a warm Union man, and never hesitated to announce his principles.

Feb. 6.—Brainard, Dyar Throop, M. D., died in New London, Conn., aged 73 years. He graduated at Yale College in 1810, studied medicine, and entered upon the practice of his profession in New London, his native place, where he spent most of his life. He was highly respected for his professional skill, and was also eminent as a botanist and chemist. He was a brother of the well-known poet, John G. C. Brainard.

Feb. 6.—Hale, Hon. Nathan, LL.D., senior editor of the "Boston Advertiser," died in Brookline, Mass. He was born in West Hampton, Mass., in 1784, and was a nephew of the famous patriot spy, after whom he was named. He graduated, in 1804, at Williams College, studied law in Troy, and became editor of the "Boston Advertiser," the first paper published in Boston, in 1814. He was one of the club which founded the "North American Review," also the "Christian Examiner." In 1825 he prepared from the original authorities a map of New England, which still possesses a standard character. He was the first president of the Boston and Worcester railway, and was also foremost among those by whose exertions the Cochituate water was introduced into Boston. He served in the Legislature and two Constitutional Conventions, and was a member of the American Academy of Arts and Sciences; also of the Massachusetts Historical Society.

Feb. 7.—Wells, Mrs. Rebecca, died in Varick street, New York city, at the advanced age of 103 years. She was born in Warren street, and had never been out of the city but once during her life. She remembered distinctly the principal incidents which transpired during the Revolutionary war, and took pleasure in referring to Washington, Lafayette, and other distinguished officers who figured in that memorable struggle. Up to within a day or two previous to her death she did all her own housework, and attended divine service regularly upon the Sabbath.

Feb. —. —Cumming, Col. William, an officer of the United States army, died at Augusta, Georgia, in his 76th year. He served as colonel during the war with Great Britain, in 1812–'14, and was offered the position of major-general by President Polk, but did not accept it.

Feb. 10.—Burleigh, Rinaldo, died in Plainfield, Conn., aged 89 years. Having lost an arm while a boy, he determined to obtain a liberal education, and by dint of difficult and persevering exertions, succeeded, almost unaided, in fitting himself to enter college. He graduated at Yale College in the class of 1803, and choosing teaching as his profession, acted successively as preceptor of the academies in Colchester, Woodstock, and Plainfield, Conn., where he was widely known as a popular and successful teacher. He was among the foremost to advocate the abolition of slavery, and to help forward other social reforms. For the last sixteen years of his life he was afflicted with total blindness, arising, it was supposed, from excessive study. Four of his sons have attained considerable distinction as writers and orators, viz.: Charles C., William H., George S., and Lucien Burleigh.

Feb. 10.—Cutler, Benjamin C., D.D. (*See* Cutler, B. C.)

Feb. 10.—Embury, Mrs. Emma C., an American authoress, died in Brooklyn, N. Y. She was a daughter of Dr. James R. Manley, of New York, and was married to Mr. Daniel Embury in 1828. In the same year she published "Guido, and other Poems." She was also the author of "Glimpses of Home Life," and "Pictures of Early Life." In 1845 she prepared an illustrated gift book, entitled "Nature's Gems, or American Wild Flowers," and the following year a collection of poems, called "Love's Token." Her last work was the "Waldorf Family, or Grandfather's Legend," published in 1848, partly a translation and partly original. For some time previous to her death her health was very feeble.

Feb. 10.—Longworth, Nicholas. (*See* Longworth, N.)

Feb. 12.—Cammann, George P., M. D., died in New York city. He was one of the early supporters of the Demilt Dispensary, and by his unwearied assiduity and eminent skill, largely contributed to its success and the accomplishment of its benevolent aims. He was a man of eminent worth and strong benevolent impulses.

Feb. 19.—Baldwin, Roger Sherman, LL.D. (*See* Baldwin.)

Feb. 19.—Woodhull, Commander Maxwell, of the United States navy, was killed at Fort Marshall, Baltimore, aged about fifty years. He was visiting the forts around the city, in company with Gen. Butler and Gen. Schenck and staff, in whose honor a salute was fired; the gunner, supposing the whole party had passed out of range of the gun, fired a 32-pounder just as a fragment of the party came up; unfortunately Commander Woodhull received the whole charge, which caused his death in a few moments.

Feb. 22.—Gilbert, Edward Smith, a lieutenant-colonel in the U. S. volunteer service, died of consumption at Rochester, N. Y., aged 31 years. He was born in Livingston county, N. Y., graduated at Amherst College in 1855, and became professor of mathematics in the Collegiate Institute at Rochester, N. Y. Soon after the breaking out of the war he entered the military service as second lieutenant in the 13th regiment, N. Y. volunteers. After the first battle of Bull Run he was promoted to a first lieutenancy, and a few months later to a captaincy, and transferred to the 25th regiment. During the Peninsular campaign he rose to the rank of major. In one of the "seven days' battles" he was taken prisoner, and remained in Richmond until August. On rejoin-

ing his regiment he was promoted to the rank of lieutenant-colonel. His death occurred while at home on a furlough.

Feb. 24.—Taylor, Miss Emma, an actress, died in New York city. She was a great favorite in Philadelphia, but removed to New York about a year and a half since. She made her *début* here at Niblo's Garden as the Colleen Rhuad in Boucicault's "Colleen Bawn," and was afterward engaged at Laura Keene's theatre.

Feb. 25.—Foster, Hon. William, died in Boston, aged 91 years. He was born in Boston, and in early life went to Europe, where he spent seventeen years in France and Spain. When he returned to Boston he had nearly forgotten the English language. He remained at home but a few months, when he returned to France, and was there through all the bloody revolution of 1790 to 1793. He was at one time the president of a Jacobin club. After his final return home he was a prominent politician in the democratic party.

Feb. 26.—Tompkins, Col. Daniel D., an officer of the U. S. volunteers, died in Brooklyn, N. Y., aged 64 years. He entered the Military Academy at West Point when only fifteen years of age, and graduated in 1820 as third lieutenant in the ordnance corps. In 1821 the ordnance department was merged into the artillery, when he became second lieutenant; and in 1825 he was made first lieutenant and commissary of subsistence. In 1835 he was promoted to a captaincy, and for gallant and meritorious conduct in the battle of San Felasco, was brevetted major. In 1838 he was transferred to the quartermaster's department, and was promoted to the position of major in 1842. During the Mexican war he was intrusted with very important duties in that department, and was brevetted lieutenant-colonel for meritorious conduct. In 1856 he was promoted to a colonelcy, and in 1858 was placed in charge of the department of New York, with the rank of assistant quartermaster-general, which position he occupied until a short time before his death.

Feb. 26.—Wing, M. T. C., D.D., died at Gambier, Ohio.

Feb. 28.—Tisdale, Rev. James, died at Tonica, Illinois. He was born in West Taunton, Mass., Nov. 7th, 1799; graduated at Brown University in 1821, and spent the two following years as principal of the Academy of Darlington Court House, South Carolina. While there he was converted by reading the sermons of Dr. Emmons, and, upon his return north, commenced the study of theology under Rev. A. Cobb, of West Taunton. He was licensed to preach in 1825; labored four years as a missionary, and in 1830 was ordained, and settled as pastor over the churches in Guildhall and Granby, Vermont. He subsequently preached in Gilsum, N. H., and at Shutesbury, Mass. In 1857 he removed to Illinois, and became the pastor of the Free Congregational church at Jamaica, and in 1859 was settled in Lowell, of the same State. He attended and labored in the revivals conducted by Rev. Asahel Nettleton, D.D., who labored much in New England and other parts of the country. He was deeply interested in the cause of education and loved the sciences; was very decidedly anti-slavery in his sentiments. His death was caused by a chronic disease of the liver.

Feb. —.—Harlan, Hon. James, died at Louisville, Ky., aged 64 years. He was a representative in Congress for several years, and was distinguished for his integrity and zeal in the public service. After retiring from Congress, he was, until his death, United States district attorney for Kentucky.

Feb. —.—Elliot, Hon. William, died in South Carolina, aged 74 years. He was born in Beaufort, S. C., entered Harvard College at the age of eighteen, and took a high rank of scholarship in his class; his health failing him, he was obliged to return home before completing his studies, but his degree was conferred upon him in 1810, the year after his class graduated. During the nullification crisis in South Carolina, in 1832, he held the office of senator in the State Legislature, but resigned upon being instructed by his constituents to vote to nullify the tariff law. He afterward participated less frequently in public affairs, his letters against secession, signed "Agricola," and published in 1851, being among his latest expressions of opinion upon political subjects. He contributed largely to the periodical press of the South. His published works consisted of an "Address before the St. Paul's Agricultural Society" (Charleston, 1850), and "Carolina Sports by Land and Water" (1856). He was also the author of "Fiesco," a tragedy printed for the author in 1850, and of a number of poems of much merit.

March 3.—Maginnis, John, died in New Orleans, La., aged 49 years. He was born in Dromore, County Londonderry, Ireland. He was for many years a resident of New Orleans, and connected with the press. From 1843 to 1845 he was one of the editors of the "Picayune," and subsequently, until 1849, was connected with the "Delta." During the Mexican war, being then the business manager of that paper, he contributed greatly to its success. On the 18th of November, 1849, almost unassisted, he commenced the publication of the "True Delta," and, after years of hard struggle, succeeded in making it one of the most popular, profitable, and influential journals in the city.

March 8.—Grimke, Hon. Frederick, died in Chillicothe, Ohio. He was born at Charleston, S. C., Sept. 1st, 1791, graduated at Yale College in 1810, studied law, and removed to Ohio, where for several years he was Presiding Judge of the Court of Common Pleas in one of the circuits of that State. In 1836, without any solicitation on his part, he was elected a judge of the Supreme Court, which post he held for the next seven years, discharging his duties with ability and inflexible integrity. He pub-

lished a work entitled "Considerations upon the Nature and Tendency of Free Institutions" (Cincinnati, 1848), and "An Essay on Ancient and Modern Literature." He left a fund to his executor to provide for the publication of a collection of his various writings in two volumes octavo.

March 8.—Flagg, Henry Collins, died in New Haven, Conn. He was born in the parish of St. Thomas, near Charles, S. C., January 5th, 1792; graduated at Yale College in 1811; studied law, and commenced the practice of his profession in New Haven. He took an active part in the political movements opposed to the Federalist party in Connecticut, both as a public speaker and as an editor of the "Connecticut Herald," which he had purchased. He was also clerk of the New Haven County Court. In 1824 he returned to South Carolina, where he practised law till 1833; he then again took up his residence in New Haven, in order to educate his children, and resumed his practice there until 1842, when he retired. From 1834 to 1839 he held the office of mayor. His attachment to his native State was strong, but his devotion to the Union was stronger, and, like his friend, Hon. J. L. Petigru, with whom, side by side, he withstood the nullifiers in 1832, he was true to the last.

March 9.—Fanning, Prof. James, principal of the Washington Collegiate Institute, New York, died in New York city. He was an eminently successful teacher, a wise counsellor, and consistent Christian.

March 9.—Petigru, Hon. James L. (*See* Petigru.)

March 12.—Fisher, Henry N., M.D., died in Washington, aged 29 years. After the disasters of the peninsular campaign he volunteered as physician and surgeon, to minister to the necessities of the sick and wounded soldiers, and made several trips between Harrison's Landing and New York on one of the transports. His faithfulness and efficiency recommending him to those in authority, he received an appointment as surgeon in the army, and for several months previous to his death had charge of Eckington Hospital, in the suburbs of Washington. His devotion and untiring energy in behalf of the suffering under his care, contributed to bring on the fever which cut him off in the dawn of manhood.

March —.—Barnwell, Rev. Wm. Hazzard Wigg, died in Germantown, Penn., aged 56 years. He was born in Beaufort, S. C., graduated at Harvard College in 1824; studied law in Litchfield, Conn., and South Carolina, and was admitted to the bar at Coosawhatchie in 1827. In 1831 he experienced a change of religious views, united himself with the Episcopal Church, and began the study of divinity. In 1834 he was ordained by Bishop Bowen, rector of the Pendleton church in South Carolina, where he remained six months. He was then called to Charleston, and was instituted rector of St. Peter's church, which was built for him, and where he continued twenty years. He afterward resided some years in Philadelphia, and in 1857 became insane, and was removed to Germantown, where he died.

March 14.—Noell, Hon. John W., a member of Congress from Missouri, died at Washington, D. C., aged about 50 years. He was a native of Virginia, but at an early age removed to Missouri. Having studied law, and obtained license to practise his profession, he soon won a prominent position in his section of the State, and was repeatedly elected a member of the State Legislature. In the presidential campaign of 1860, he became an earnest advocate of the claims of Judge Douglas, and contributed largely of his influence toward the success of that ticket. He was a member of the Thirty-sixth and Thirty-seventh Congresses, and was reëlected to the Thirty-eighth. His death was caused by an abscess in the head, and his agonies during the progress of the disease were of a most excruciating nature.

March 15.—Baird, Robert, D.D. (*See* Baird, R., D.D.).

March 19.—Hooker, Charles, M.D., a professor in the medical department of Yale College, died at New Haven. He was born in Berlin, Conn., March 12th, 1799, and was a descendant of Thomas Hooker, the founder and first minister of Hartford, Conn. He graduated from Yale College in 1820, and pursued his studies in New Haven, taking his diploma in 1823, and immediately commenced the practice of his profession in that city, which he followed with constancy and success for forty years. In 1838 he was appointed professor of anatomy and physiology in Yale College, and continued to discharge the duties of that chair until his death, acting also during the whole period as dean of the medical faculty. He was also active in all public matters relating to his profession, being an efficient member of the State Medical Society, one of the founders and directors of the Connecticut State Hospital, and several times a delegate to the National Medical Association. He contributed to the leading medical journals numerous essays and narratives of cases, many of which were of great interest. Dr. Hooker was not a man of brilliant genius, but was remarkable for a clear head, sound judgment, and most indefatigable industry.

March 21.—Murray, Solomon, a colored man, died at Philadelphia, aged 117 years.

March 21.—Carlisle, George, an old and prominent citizen of Cincinnati, died in that city of typhoid fever. He was president of the Lafayette Bank, and vice-president of the Cincinnati, Hamilton and Dayton railroad.

March —.—Kelly, Acting Master Robert L., of the U. S. navy, was killed during the attack upon Port Hudson. He was a native of the State of Rhode Island. During the early part of the war he performed important services in the North Atlantic squadron, after which he was transferred to the Western Gulf blockad-

ing squadron, where he was in active service on board the United States sloop Mississippi for more than a year. He held an important post as an officer of that ship, and in her last engagement fought his division nobly and courageously amid the shower of shot and shell until he fell lifeless upon the deck.

March 21.—Sumner, Maj.-Gen. E. V. (*See* Sumner, E. V.)

March 22.—Haws, Hon. Robert T., ex-comptroller of New York city, died at his residence there. He was a man of strict integrity and great firmness of character. During the last ten years of his life he gave much time and attention to local politics, at first as a whig, and subsequently as a republican. He was a member of the Board of Aldermen for four years, and was never known to be absent from their sessions. While acting in that capacity, his enlarged mercantile experience, sound financial judgment, and honorable integrity, proved of the highest value to his constituency and the city at large. He was elected comptroller in 1860, and by his inflexible honesty and business ability succeeded in preventing the consummation of many schemes of fraud.

March 25.—Wilcox, Phineas Bacon, died in Columbus, Ohio, aged 67 years; graduated at Yale College in 1821, studied law, and was engaged in successful practice in Columbus nearly forty years. He was the author of several important professional volumes, among them the tenth volume of the "Ohio Reports" (Columbus, 1840), and several volumes of condensed and digested "Ohio Reports." He was the author also of a brief essay entitled "A Few Thoughts by a Member of the Bar" (Columbus, 1836).

March 28.—Carleton, Hon. Henry, Judge of the Supreme Court of Louisiana, died in Philadelphia in his 80th year. He was born in Virginia; graduated from Yale College, Conn., in 1806; removed to Mississippi, and finally established himself in New Orleans in 1814. He served as a lieutenant of infantry under Gen. Jackson, in the campaign which terminated Jan. 8th, 1815; he then actively engaged in the profession of law, and soon after, in connection with Mr. L. Moreau, he began the translation of those portions of *Las Siete Partidas*, a celebrated Spanish code of laws, which were observed in Louisiana. In 1832 he was appointed U. S. district attorney for the Eastern District of Louisiana, and was subsequently appointed a judge of the Supreme Court of the same State, which post he resigned on account of ill health in 1839. He visited Europe several times, and travelled extensively through this country, finally locating himself in Philadelphia. He devoted much attention to biblical, theological, and metaphysical studies, and published in 1857 a volume on "Liberty and Necessity." A few days before his death he read "An Essay on the Will" before the American Philosophical Society. Notwithstanding his early life in the South, and the exposure of his property to confiscation by the Confederates, he adhered steadily to the Constitution and the Union.

March 28.—Cooper, Brig.-Gen. James, an officer of the U. S. volunteers, died at Columbus, Ohio, aged about 60 years. He was a native of Frederick county, Maryland, but removed many years ago to Pennsylvania, where he became a prominent whig politician, and was known as one of the leading advocates of the tariff of 1842. He was elected to the United States Senate, and served two terms with much ability, taking a prominent part in all the important questions that at that time agitated the country. A few years ago he took up his residence in Frederick city, Maryland, and after the breaking out of the war he was appointed the first brigadier-general; took command of all the volunteers in Maryland, and organized them into regiments. Subsequently he was appointed to the command of Camp Chase, near Columbus, Ohio, where he remained in the discharge of his duties until attacked with fatal illness.

March 30.—Duyckinck, George L. (*See* Duyckinck.)

April 7.—Francis, Rev. Convers, D. D., died in Cambridge, Mass., aged 67 years. He was born in West Cambridge, studied at the Medford Academy, and graduated at Harvard College in the class of 1815. After graduating he studied theology in the Cambridge Divinity School, and was ordained pastor of the Unitarian church in Watertown, Mass., June 23d, 1819, where he remained twenty-three years. In 1842 he was appointed "Parkman Professor of Pulpit Eloquence and the Pastoral Care," in Harvard College, which appointment he accepted, and entered immediately upon the duties of his professorship, which he continued to the end of his life. Among his publications were: "Errors of Education," a discourse at the anniversary of the Derby Academy in Hingham (May, 1828); An Historical Sketch of Watertown from the first settlement of the Town to the close of the Second Century (1830); A Discourse at Plymouth, December 22d (1832); A Dudlean Lecture at Cambridge (1833); The Life of Rev. John Eliot, the Apostle to the Indians, in the fifth volume of Sparks's American Biography (1836); Memoir of Rev. John Allyn, D. D., of Duxbury (1836); Memoir of Dr. Gamaliel Bradford (1846); Memoir of Judge Davis (1849). The last three were published in the Collections of the Massachusetts Historical Society. He was also the author of many valuable articles in different religious papers and periodicals. In 1837 the honorary degree of Doctor of Divinity was conferred upon him by Harvard College.

April 10.—Ware, Dr. Robert, died in Washington, N. C., aged 29 years. He was a native of Boston, Mass., studied at the Latin school in that city, graduated at Harvard College in 1852, and studied medicine with his father, Dr. John Ware, until May, 1854, when

he went to Europe and remained until September, 1855, spending about six months of the time in Paris, studying in the French hospitals. On his return to this country he resumed his studies with his father, and graduated at the Medical School in 1856, when he began the practice of his profession in Boston. In July, 1857, he was appointed one of the district physicians of the Boston Dispensary. He was remarkably successful in his practice, which increased rapidly, as his father was intending to relinquish the profession to his son. On the breaking out of the war he was one of the first physicians to enter into the service of the Sanitary Commission, in which he continued until the close of the peninsular campaign in Virginia. Throwing his whole soul into the work of ministering to the wounded and dying, he spared himself neither night nor day. He was subsequently appointed surgeon of the 44th Massachusetts regiment, with which he left for the seat of war. On his arrival in North Carolina his arduous labors and exposures to the unhealthy climate brought on a fever, which speedily terminated his valuable life. In the eloquent language of one of the officers of the Sanitary Commission, he was "one who, through months of death and darkness, lived and worked in self-abnegation; lived in and for the sufferings of others, and finally gave himself a sacrifice for them."

April —.—Myers, Mrs. Elizabeth, died in Antes, Blair county, Pa., aged 109 years.

April—.—Reid, David Boswell, LL.D. died at Washington D. C.

April 12.—Kimball, Lieut.-Col. Edgar A., killed at Suffolk, Va. He was born in Concord, N. H., in 1821, was educated as a printer, removed to Vermont, and became editor and proprietor of the Woodstock (Vt.) "Age," a liberal democratic newspaper. He distinguished himself in the Mexican campaign, and for his gallantry at Contreras, Churubusco, and Chapultepec, received the brevet of major. He was subsequently for a time in the office of the New York "Herald." Upon the breaking out of the war he again took the field, and received the commission of major of the 9th New York volunteers (Zouaves), May 13th, 1861, and the following August participated in a reconnoissance up the peninsula. At the battle of Roanoke Island, N. C., February 7th, 1862, Major Kimball led his Zouaves along a narrow causeway commanded by the enemy's cannon, and at great peril carried the work and planted the Federal flag over it. On the 14th of February, 1862, he was promoted to the position of lieutenant-colonel, and soon after was placed in command of the regiment, which formed a portion of the ninth army corps. He participated in the reduction of Fort Macon, and was also engaged in the battles of South Mountain, Antietam, and Fredericksburg. The regiment was next transferred to Newport News, thence to Suffolk, Va. Here he unfortunately met his death, on the 12th of April, by a shot from General Michael Corcoran. Gen. Corcoran had occasion to pass Col. Kimball's camp on important duties connected with his command, before dawn of that day, and his right to pass being challenged by Col. Kimball, he announced his rank and position, and the urgency of his journey. By some strange perversity, Col. Kimball refused to accept his statement, and persisting in his determination not to allow him to pass, Gen. Corcoran, after giving him notice, fired upon him with fatal effect.

April 14.—Spear, Rev. Charles T., died at Washington, aged about 50. He was a man of very philanthropic disposition, and had devoted many years to prison reform, visiting the prisons, urging before the directors and legislatures the adoption of measures for the amelioration of the condition of convicts, and for facilitating their reformation. He published for a number of years a monthly periodical called "The Prisoner's Friend," and had published two or three volumes of extracts and original articles for the encouragement of those in durance. His death, at Washington, was from disease contracted in his labors in behalf of the prisoners of war.

April 14.—Welch, Benjamin, late commissary general of the State of New York, died at Clifton Springs, aged 45 years. He studied law with the late Judge Mann, of Utica, N. Y., and was subsequently editor of the Utica "Democrat" and of the Buffalo "Republican." He was at one time State treasurer, and for four years commissary general of the State. In the spring of 1862 he accepted a position on General Pope's staff, and during the campaign of the following summer contracted the disease which subsequently proved fatal.

April 17.—Stansbury, Major Howard, an officer of the corps of topographical engineers, died in Madison, Wisconsin. He was born in New York city, February 8th, 1806, and in early manhood entered the service of the corps of civil engineers. In October, 1828, he was placed in charge of the survey of the eastern section of a proposed canal to unite Lake Erie with the Wabash river; a survey to ascertain the practicability of uniting by a canal the waters of Lake Michigan with the Wabash river; a survey of the obstructions in Wabash river, and surveys on the White Water. In 1832 he surveyed the route of the Mad river and Lake Erie railroad. He also made surveys of the mouth of the Vermillion, Chagrin, and Cumberland rivers. In 1835 he had charge of a number of public works in Indiana, and the following year made a survey of the James river, with a view to the improvement of the harbor of Richmond. In 1837 he made a survey of the Illinois river, from its mouth to the termination of the canal, and of the Kaskaskia river, from its mouth to Vandalia. In 1838 he was engaged upon the survey for a railroad from Milwaukee to Dubuque, and charged with the construction of a road from Milwaukee, via

Madison, to the Mississippi river. In 1838 he entered the army as a first lieutenant of topographical engineers. In 1841 he was engaged under the command of the late Captain Williams, on a survey of the lakes. From 1842 to 1845 he was in command of the survey of the harbor of Portsmouth, N. H.—a work which, for minute accuracy of detail, is unsurpassed by anything of the kind ever produced in this country. In 1847 he was charged with the construction of an iron light-house on Carysfort Reef, Florida, the largest iron light-house on our coast. In 1849 he entered upon the Great Salt Lake expedition, from which he returned in 1851, and his report of which has given him a wide reputation. In 1852 he made a survey of the harbor of St. Vincent's, on Lake Ontario, and the following year was charged with the superintendence of the lake harbors from Conneaut to Sandusky. In 1856 he was assigned to the charge of the military roads in Minnesota, and in 1861 was ordered as mustering officer to Columbus, Ohio. At the time of his death he was mustering and disbursing officer at Madison, Wisconsin.

April 18.—McDermott, Lieut. Com. of the U. S. gunboat Cayuga, was killed at Sabine Pass, while making a reconnoissance in company with Capt. Reed, of the gunboat New London. He was a brave man, a gallant officer, and a true patriot.

April 23.—Darlington, Dr. William, died in West Chester, Pa., aged 81 years. He was well known for his services in public life, as well as for his botanical and historical writings.

April 23.—Otey, Right Rev. James Hervey, bishop of the Protestant Episcopal Church in the diocese of Tennessee, died at Memphis in the 64th year of his age, and the 30th of his episcopate. He was born in Virginia in 1799. He was a man who stood high in the reverence and affection of all who knew him, and throughout the South and Southwest won the title of "the good bishop." He had never mingled in partisan strife, but was thoroughly attached to his country. On the day before the passage of the secession ordinance in Tennessee, he published in the papers of Memphis a communication asserting the duty of using the "Prayer for the President of the United States." When the meeting of the Southern dioceses was held at Montgomery, Alabama, he attended, and though strongly opposed to secession, he was successfully persuaded to address his famous letter to the Secretary of State, remonstrating against any coercive measures on the part of the Federal Government. An able reply to this letter, which was published soon after, changed the views of the bishop as to his position, and he thenceforth quietly withdrew from everything which would seem like opposition to the National Government. He acted with the Northern dioceses, declined on his own part and caused the clergy and laity of his diocese to decline to attend the convention of delegates from the Confederate States held in Georgia, and in his whole demeanor comported himself as a faithful citizen of the United States.

April 24.—Adams, John, LL.D., died in Jacksonville, Illinois, aged 90 years. He was a son of John Adams, an officer of the Revolution, and was born in Canterbury, Conn., graduated at Yale College in 1795, and taught the academy in his native town for three years. In 1800 he was appointed rector of Plainfield Academy, and in 1803 preceptor of Bacon Academy in Colchester, Conn. In June, 1810, he was chosen principal of Phillips Academy, Andover, Mass., in which office he continued twenty-three years. In 1833 he resigned this position, and removed to Illinois, where he invested his property in the new lands. Always interested in the young, he volunteered his services to their advantage, and although more than three score and ten years of age, he organized in the State of his adoption several hundred Sabbath schools, many of which have grown into churches. He has left copious manuscripts illustrative of his views of mental management in educating and governing the young. When resident in Andover he took part in the organization of several of the great national charities of the country. The degree of LL.D. was conferred on him by his alma mater in 1854. His three sons are graduates of Yale College, and one of them, William Adams, D.D., is an eminent clergyman of New York city.

April 24.—Smith, Rev. Albert, D. D., died in Monticello, Illinois, aged 59 years. He was born at Milton, Vt., and was clerk in a store at Vergennes, till he arrived at the age of majority. Finding no satisfactory opening in the mercantile business, he went to Hartford, Ct., and commenced the study of law. When about twenty-three years of age he experienced a change of religious views and turned his attention to the ministry. He graduated at Middlebury, Vt., in 1831, taught school a year in Hartford, Ct., and Medford, Mass., and in 1835 graduated at the Andover Seminary. He was ordained pastor of the Congregational church in Williamstown, Mass., in 1836, and in 1838 was elected professor of languages and belles lettres in Marshall College, at Mercersburg, Pa. In 1840 he was called to the professorship of rhetoric and English literature in Middleburg College, where he remained about four years. In May, 1845, he was installed pastor of the Congregational church in Vernon, Ct., but in 1854 was obliged to resign on account of declining health, and went to Illinois. In 1855 he was for a time in the service of the Home Missionary Society, and in the fall of that year was settled at Monticello, where he remained until his death. He received the degree of D. D. from Shurtleff College in 1860.

April 25.—Bailey, Rev. Rufus William, D. D., died in Huntsville, Texas, aged 70 years. He was born in Yarmouth, Me., graduated at Dartmouth College in 1813, and after teaching the academies in Salisbury, N. H., and Blue

Hill, Me., commenced the study of law with Daniel Webster, but at the end of the first year becoming converted, he entered the Andover Theological Seminary, and upon the completion of his studies was licensed, and commenced preaching at Norwich Plain. He was at the same time professor of moral philosophy in the Military School. In 1824 he was installed pastor of the church in Pittsfield, Mass., as successor of Rev. Heman Humphrey, then elected to the presidency of Amherst College. After laboring here four years his health failed, making it necessary for him to dissolve the pastoral relation and take up his residence in a warmer climate. He subsequently taught over twenty years in North Carolina, South Carolina, and Virginia, in the latter State travelling at one time extensively as agent of the Colonization Society. In 1854 he went to Texas upon business, and was elected professor of languages in Austin College, at Huntsville. In 1858 he was elected president of the same college, and continued in that office until his death. He was the author of a series of letters on slavery, published in a newspaper, and subsequently gathered into a volume and published under the title of "The Issue;" also a volume of sermons entitled "The Family Preacher;" letters to daughters, entitled "The Mother's Request;" a "Primary Grammar," and "Manual of English Grammar," used extensively in Southern schools.

April 25.—Meehan, John S., died in Washington, D. C., aged 73 years. He was for thirty years librarian of Congress.

April 26.—Blake, William Rufus, an American actor, died in Boston, Mass., aged 55 years. He was born in Halifax, Nova Scotia. His first appearance upon the stage was at the old Chatham Theatre in New York, in 1824, when he was very successful, and soon rose high in his profession. He was successively stage manager of the Tremont Theatre, Boston, joint manager of the Walnut street Theatre, Philadelphia, and stage manager of the Broadway Theatre, New York. As a comedian he stood without a rival in his profession.

April 26.—Charles, Col. Edward Cobb, died in New York from wounds received in the battle of Glendale. At the commencement of the war he went out with the 42d New York volunteers as lieutenant-colonel. At the battle of Ball's Bluff, Col. Cogswell, the commander of the regiment, was taken prisoner, and Lieut.-Col. Charles was promoted to the position thereby left vacant. He was in all the engagements from Ball's Bluff down to the last of the seven days' battles before Richmond. In the battle of Glendale he was severely wounded by a Minié rifle ball, and left for dead on the field. He was, however, taken prisoner, and lay for many weeks in a prison hospital. He afterward came North on parole and was confined for some time. After undergoing some severe surgical operations mortification probably supervened, causing his death. His funeral took place from the City Hall, New York, and was attended by a large concourse of citizens, the old Light Guard joining in the procession.

May 1.—Bloss, Hon. William C., died at Rochester, N. Y., aged 69. He was a man of somewhat eccentric character, but of unflinching integrity and honesty, and possessed of a philanthropic and generous nature. He was for many years the voluntary chaplain of the Monroe County Jail, and his efforts in behalf of the prisoners were such as to endear him greatly to the citizens of Rochester. He was a member of the Assembly for 1845, 1846, and 1847, and while there was a man of mark for his irreproachable integrity and his fascinating eloquence. When the Massachusetts colony for Kansas passed through Rochester, he presented to each man a Bible and a spelling book, saying, "These two books are the foundation of liberty and all true government."

May 1.—Tracy, Brig.-Gen. R. D., an officer in the Confederate service, a native of North Carolina, who entered the Confederate army from civil life. After serving for some time as colonel of a North Carolina regiment, he was promoted to the rank of brigadier-general in 1862, and was killed at the battle of Port Gibson, Miss.

May 2.—Paxton, Brig.-Gen. Edward F., an officer in the Confederate service, killed at the battle of Chancellorsville, Va. He was a native of Rockbridge county, Va., and received his military education at the Virginia Military Academy at Lexington. When "Stonewall" Jackson was made a brigadier-general he appointed young Paxton, to whom he was strongly attached, adjutant-general of his brigade, and on his own advancement promoted him adjutant-general of the division. When Jackson became commander of an army corps, he asked and obtained the appointment of Paxton as brigadier-general, and in this capacity he served at Antietam, Fredericksburg, and the beginning of the battle of Chancellorsville. He was killed on the same evening on which Jackson was mortally wounded.

May 3.—Berry, Major-General Hiram G. (*See* Berry, Hiram G.)

May 3.—Brownell, Charles Frederick, died in Providence, R. I., aged 32 years. He was a native of Rhode Island, and nephew of Bishop Brownell, of Connecticut, graduated at Brown University in the class of 1851, studied law, and was admitted to the bar in September, 1853. He commenced the practice of his profession in Providence, and was actively connected with some of the most important literary associations of that city. He was for two years clerk of the Senate of Rhode Island, and for one year a representative of the General Assembly.

May 3.—McVicar, Lieut.-Col. Duncan, was killed near Spottsylvania, Va. He was born in Scotland. At the commencement of the war he was a resident of Kingston, Canada, but his

sympathies being upon the side of the Union, he came to theUnited States to aid in its maintenance. He first joined a company of light artillery in New York city, and proceeded to Rochester for recruits. He afterward joined the Harris Guards, and rose to the office of lieutenant-colonel. During the peninsular campaign he commanded a battalion of his regiment then in the service on the Chickahominy. He was a brave and chivalrous officer, and lost his life while making a reconnoissance with a part of his men, and bravely assailing a force of the enemy which he encountered.

May 3.—Ringold, Col. Benjamin, was killed in the fight before Suffolk, Va. He entered the army as a captain, was promoted to be major, and subsequently became colonel of the 103d New York volunteers. He commanded his regiment at South Mountain, Antietam, and Fredericksburg. At Antietam he particularly distinguished himself by his bravery and daring in driving a Georgia regiment from a strong position at the point of the bayonet, and taking the colors of the regiment. He was for a long time attached to Col. Hawkins's brigade.

May 4.—Butler, Rev. Francis Eugene, died from wounds received in battle at Suffolk, Va., aged 38 years. He was a native of Suffolk, Conn., and for a number of years was engaged in mercantile pursuits in New York city, where he was well known as secretary of the New York Bible Society, as one of the founders of the Young Men's Christian Association, and as an active friend of other religious institutions. When twenty-nine years old he entered Yale College with the determination of fitting himself for the ministry. He graduated in 1857, after which he spent three years in the study of theology at Princeton, and subsequently one year at Andover. Having been licensed to preach, he supplied for a time the pulpit of a church in Bedford Springs, Penn., and afterward that of the Second Presbyterian church in Cleveland, Ohio. He was next engaged as minister of the Congregational Church in Paterson, N. J. When the 25th regiment of New Jersey volunteers was organized, he accepted the post of chaplain, and accompanied the regiment to Suffolk, Va. In an engagement near that place, May 3d, learning that some men of a Connecticut regiment on the right were suffering for want of surgical assistance, he went to their relief, and in so doing, being greatly exposed, he was shot by a sharpshooter and died the next day.

May 4.—Plummer, Joseph B., a brigadier-general in the United States volunteer service, died at Corinth, aged about 44 years. He graduated at West Point in 1841, in the same class with the late Gens. Lyon, Richardson, Reynolds, and Whipple, the late Col. Garesché, and Gens. Buell and Wright of the army of the United States. After serving with distinction in Florida and Mexico, he was stationed for several years at the West. At the commencement of the present war he was a captain of the First United States infantry, and accepted the command of a regiment of Missouri volunteers. In this capacity he participated in the battle of Springfield, and subsequently distinguished himself at the battle of Fredericktown, Mo., for which he was promoted to the rank of brigadier-general of volunteers. He participated in the campaign of the Mississippi river and distinguished himself at Island No. 10, and other engagements in that vicinity. Becoming prostrated by his severe labors in the service, he obtained leave of absence to recruit his health. After a short visit to his family, he returned to his command while yet unfit for duty, and died the day after his arrival in the camp of Gen. Rosecrans, at Corinth.

May 5.—Stevens, Col. William Oliver, died from injuries received in the battle near Chancellorsville, Va., aged 36 years. He was born in Belfast, Maine, was fitted for college at Phillips Academy, Andover, and graduated at Harvard College in 1848. After leaving college he studied law with his father in Lawrence, and subsequently with Hon. Thomas Wright, of the same place, and went to Florida, where he practised his profession for a few months, but was obliged to leave on account of the debilitating effects of the climate. In 1852 he went into the practice of his profession in Dunkirk, New York. In 1859 he was elected district attorney of Chautauque county, filled the office for two years to the entire satisfaction of the people, and resigned his position for the military service of his country, in 1861. He joined the Excelsior Brigade at Staten Island, as captain of a company raised in Dunkirk, was elected major before leaving the island, and took a conspicuous part in the battles of Williamsburg, Fair Oaks, White Oak Swamp, and Malvern Hill. In October, 1862, he was commissioned colonel, dating back to September, and his regiment was attached to the third army corps under Gen. Sickles. At the battle of Chancellorsville, May 3d, his horse being shot under him early in the engagement, he led his regiment on foot, and soon after received a mortal wound and was carried to the hospital, where, after enduring the most terrible suffering with heroic fortitude, he died the following Tuesday.

May 5.—Whipple, Gen. Amiel W. died at Washington, D. C.

May 7.—Holmes, John E., died at Annapolis from the effects of confinement in a Richmond prison. He was born in Hartford county, Connecticut, in 1809, was educated in the Universalist Academy at Hamilton, N. Y., and commenced the study of law, but subsequently entered the ministry. After preaching three years he returned to the study of law, and was admitted to the bar in Illinois. In 1843 he removed to Jefferson, Wisconsin, and soon after became a member of the Territorial Council. In 1848 he was lieutenant-governor, and in 1852 was elected to the State Legislature, all of which positions he filled with honor and

usefulness. When the war broke out he felt it his duty to devote his energies to the service of his country. In August, 1862, he received a commission, and at once entered upon his duties. He was taken prisoner at Brentwood, Tennessee, March 25th, 1863, was rapidly marched to Richmond, where he was imprisoned four weeks, and died immediately after being exchanged.

May 8.—Van Dorn, Maj.-Gen. Earl, an officer in the Confederate service, was killed by Dr. Peters, of Maury county, Tennessee. He was born in Mississippi about 1823, graduated at West Point in 1842, and was appointed brevet second lieutenant United States 9th infantry; became second lieutenant in 1844, and first lieutenant in 1847, was brevetted captain for gallantry at Cerro Gordo, and major for gallantry at Contreras and Churubusco; distinguished himself at Chapultepec, and was wounded when entering the city of Mexico. From January, 1852, to June, 1855, he was treasurer of the Military Asylum at Pascagoula, Miss. He distinguished himself in three different expeditions against the Comanches in Texas, in one of which he was dangerously wounded. On the breaking out of the war he resigned his commission in the United States army, and accepting the position of colonel in the Confederate army, took command of a body of Texan volunteers and entered into an engagement to get possession of the vast amount of military stores and equipments which the United States Government had collected in Texas. In the spring of 1861, he captured the steamship Star of the West at Indianola, and a few days after, at the head of eight hundred men, at Saluria he received the surrender of Major C. C. Sibley and seven companies of United States infantry, and the following month, that of Lieut.-Col. Reeve and six companies of the 8th infantry. He was made brigadier-general and subsequently major-general, and took command of the trans-Mississippi district, January 19th, 1862; commanded at the battle of Pea Ridge, and was superseded by Gen. Holmes. Since the battle of Corinth, where he was unsuccessful, he had remained in comparative obscurity, but had been engaged in several attacks upon the outlying divisions of the army of the Cumberland. He had made his head-quarters for some months in Maury county, Tennessee, and while there injured the family of Dr. Peters, who, after attempting in vain to secure from him such reparation as it was in his power to make, at last took his life.

May 10.—Jackson, Maj.-Gen. Thomas J. (*See* Jackson, T. J.)

May 11.—Cutts, Hon. James Madison, second comptroller of the treasury, died at Washington. He was the father of Mrs. Senator Douglas, and for many years resided in Washington, where he was esteemed as an amiable and worthy citizen.

May 11.—Luther, Seth, died in the Insane Hospital, Brattleborough, Vt. He was one of the leaders of the "Dorr Rebellion," as it was called, which occurred in Rhode Island in 1842, which agitation resulted in the adoption of a constitution by that State, a year or two later.

May 12.—Schmucker, Samuel Mosheim, LL.D., died in Philadelphia.

May 17.—Tilghman, Brig.-Gen. Lloyd, an officer in the Confederate service, was killed at Champion Hill, Miss. He was a native of Maryland, graduated at West Point in July, 1836, and was appointed second lieutenant of the 1st dragoons; resigned September, 1836. He then became a division engineer of the Baltimore and Susquehanna railroad, and subsequently surveyor of the Norfolk and Wilmington canal, and the Eastern Shore railroad. During the Mexican war he was a volunteer aid to Col. Twiggs in the battle of Palo Alto and Resaca de la Palma, and commanded a volunteer partisan party in Mexico, October, 1846. He was superintendent of defences at Matamoras, January, 1847; captain of volunteer artillery in Hughes's regiment for the Mexican war from August, 1847, to July, 1848, and the principal assistant engineer of the Panama division of the Isthmus railroad in 1847. At the commencement of the war he went into the Confederate service.

May 22.—Boomer, Acting Brig.-Gen., an officer of the U. S. volunteers, was killed at Vicksburg. He was colonel of the 25th Missouri, and commanded the second brigade of Gen. Quinby's division, Gen. McPherson's corps. While leading his brigade in the assault upon the fort, on the east side of the city, he fell by a bullet from one of the sharpshooters.

May 23.—Crippen, William G., editor of the "Cincinnati Times," died in Cincinnati, aged 43 years. At the age of sixteen he entered an apprenticeship as a printer. His first efforts as a reporter were made in a series of letters to the New York "Spirit of the Times," which were received by the public with much favor. Soon after he became connected with the establishment where he spent most of his life. As a writer, whether as a correspondent over his well-known *nom de plume* of "Invisible Green," in a reportorial capacity, or in the indicting of articles, he was forcible, logical, and entertaining; and as a journalist, he was ever animated by a desire to render strict justice to all men.

May 23.—Jones, Col. J. Richter, an officer of U. S. volunteers, was killed near Newbern, N. C. He was born in 1804; received his academical education at the Germantown Academy, and graduated with high honors at the University of Pennsylvania in 1821. Having studied law, he was admitted to the Philadelphia bar in 1827 and continued to practise until 1836, when he was appointed a judge of the Court of Common Pleas for the county of Philadelphia, and held the office until his term expired by limitation under the new Constitution in 1847. When the war broke out he was residing near Laporte, Sullivan co., Pa. He promptly offered his services to the War De-

partment, was commissioned colonel of a regiment he had raised, and located his camp in Roxborough. On the 8th of March, 1862, he left with his regiment, the 58th Pennsylvania volunteers, for Fortress Monroe, and was in the advance when the attack was made on Norfolk. He also performed some bold movements on the Blackwater. Subsequently he was transferred to the Department of North Carolina, and in January, 1863, his regiment was stationed near Newbern. A short time previous to his death he was in command of a brigade, in which position he evinced much ability as a military chieftain.

May 26.—Bickel, John, died in Jonestown, Lebanon county, Penn., aged 87 years. He was appointed postmaster in Jonestown under the administration of Thomas Jefferson in 1802, which position he held, through every change of administration, until 1859, a period of 57 years, when the infirmities of age compelled him to resign.

May 26.—Emerson, Ralph, D.D., died at Rockford, Illinois, aged nearly 76 years. He was a native of New Hampshire; graduated at Yale College in 1811; studied theology at Andover, and from 1814 to 1816 held the office of tutor in Yale College. At the close of his services he was ordained and installed as pastor of the Congregational church in Norwalk, Conn., where he remained till 1829, when he was appointed professor of ecclesiastical history and pastoral theology, in the Andover Theological Seminary—an office which he retained through a period of twenty-five years. He then resided five years in Newburyport, Mass., after which he removed to Rockford, Illinois, in order to be near his children. He was a contributor to the "Bibliotheca Sacra," the "Christian Spectator," and other religious periodicals. He also published a life of his brother, Rev. Joseph Emerson, and a translation, with notes, of a work on "Augustinism and Pelagianism," by C. F. Wiggins.

May 26.—Green, Rev. L. W., D.D. (*See* Green, L. W.)

May 27.—Cowles, Col. Daniel S., an officer of the U. S. volunteers, was killed in the assault at Port Hudson. At the commencement of the war he was engaged in the practice of law in Columbia county. He accepted the command of the 128th regiment of New York volunteers, made up, for the most part, of men of wealth and high social position. He was cool in council, brave in battle, and fell by a bayonet thrust while leading his men to the enemy's works.

May 27.—Rodman, Lieut.-Col. Wm. Logan, was killed in the attack on Port Hudson, Miss. He was born in New Bedford, Mass., March 7th, 1823; graduated at Harvard College in 1842, and soon after entered into mercantile business. He visited California during the gold excitement, and was absent two years, returning by way of Calcutta and the overland route through Europe. He was a member of the Common Council of New Bedford in 1852, and in 1860 and 1862 was in the Legislature. He enlisted in the service of the country, raised a company of volunteers, with whom, as their captain, he proceeded to the seat of war. His skill and bravery rapidly promoted him to the position, first, of major, and then of lieutenant-colonel, and in the assault, during which he lost his life, he bore a gallant part.

May 28.—Temple, Hon. William, died in Smyrna, Del., aged 52 years. He was governor of Delaware nearly four years, having succeeded to that office by reason of his position as speaker of the House of Representatives, on the death of Gov. Hall, who, being speaker of the senate, had become governor on the death of Gov. Stockton, and lived but a few months after. He had also acquired a high reputation as a merchant in Smyrna, and had recently been elected to the 38th Congress.

May —.—Goodhue, Rev. Josiah F., died in Whitewater, Wisconsin. He was born in Westminster, Vt., in 1791; graduated at Middlebury College in 1821; studied theology at Andover, Mass., and accepted the pastorate of a church in Williston, Vt., in 1824, where he remained until 1834. He then accepted a call to the Congregational church in Shoreham, Vt., where he spent twenty-four years. His published writings are: "A Sermon on the Character of Rev. Thomas A. Merrill, D.D., of Middlebury, Vt.," and "A History of the Town of Shoreham," the scene of his last labors.

June 1.—Massett, Major, an officer in the U. S. volunteers, died at Memphis, Tenn. He was an Englishman by birth, but had been for the last twenty years a citizen of the United States. After the loss of a son, Col. Massett, killed at the battle of Fair Oaks, he abandoned a life of ease and comfort, and entered the army, with the rank of major of cavalry. As an officer, he was brave and active, and spared neither body nor mind in the faithful performance of his duties.

June 1.—Kirby, Brig.-Gen. Edmund, an officer of U. S. volunteers, died in Washington, from wounds received at the battle of Chancellorsville. He was born in Brownsville, Jefferson county, New York, graduated at West Point, and joined the army in May, 1861. He was assigned to Ricketts' battery as second lieutenant, and upon the imprisonment of Gen. Ricketts by the enemy, assumed command of the battery, which position he retained until his death. He took a prominent and active part in all the battles in which the Army of the Potomac was engaged, and was promoted to a brigadier-generalship for his bravery at Chancellorsville.

June 9.—Davis, Col. Benjamin F., of the 8th N. Y. cavalry, was killed while leading a brigade to the charge. He was a native of Mississippi, but was appointed a cadet at West Point from the State of Alabama, in the year 1850; graduated in 1854, and was appointed brevet second lieutenant of the 5th infantry, and, in 1855, was transferred to the 1st dragoons, with the full rank. He distinguished himself in the

conflict in New Mexico, June, 1857. In 1860, he was promoted to a first lieutenancy, and, continuing in the service when his State seceded, was, on the 30th of July, 1861, further promoted to a captaincy in the 1st dragoons, now 1st cavalry. At the battle of Williamsburg he so distinguished himself, that he was nominated for a brevet of lieutenant-colonel. In June, 1862, he was placed in command of the 8th regiment of New York cavalry, and soon after was brevetted and confirmed major for his gallant withdrawal of the cavalry from Harper's Ferry.

June 11.—Averill, Rev. James, died at Lafourche, La., aged 48 years. He was born in Griswold, Conn. He was fitted for college in the Plainfield Academy; graduated at Amherst College in 1837; pursued his theological studies at New Haven, where he graduated in 1840, and was ordained pastor of the church in Shrewsbury, Mass., June 22d, 1841. In 1848, his health being very poor, he was obliged to remit his labors, and subsequently was settled in Plymouth Hollow, Conn., October 13th, 1852. After a ministry here of ten years, he asked for a dismission, and accepted the chaplaincy of the 23d regiment of Connecticut volunteers, which he accompanied to Louisiana. After a short, but faithful service in this new field, he fell a victim to the climate, and died of intermittent fever, after an illness of two weeks. He was an ardent friend of the philanthropic and moral enterprises of the day; a staunch advocate of temperance, and a strong anti-slavery man.

June 11.—Crocker, Frederick Wm., died in Barnstable, Mass., aged 54 years. He graduated at Harvard College in 1829, and spent the seven following years in business in Barnstable. In February, 1837, he removed to Boston, and went into the navigation and commission business, in which he continued until 1842, when he was in the book trade for a short time. Having a large property, he took a deep interest in the improvement of his native town, and identified himself with its social and literary progress. He was a frequent contributor of political and literary articles to the county journals, and the annual meetings of his college class were indebted to him for many racy and witty contributions. In 1855 he was appointed, by the Supreme Court of Massachusetts, clerk of the courts for the county of Barnstable.

June 14.—Train, Rev. Asa Milton, died at Milford, Conn., aged 63 years. He was born in Enfield, Mass., graduated at Amherst College in the class of 1825; took his theological course at New Haven, and was ordained pastor of the Congregational church in Milford, July 16th, 1828. His pastorate continued twenty-two years, and, after its close, he preached as stated supply in Orange, Prospect, and Burlington. From 1850 to 1858 he was a member of the Connecticut House of Representatives, with the exception of two years, in one of which he was a member of the State Senate.

June 20.—Woods, Hon. Andrew S., LL.D., died at Bath, N. H. He was a native of New Hampshire, born in 1803, graduated at Dartmouth College in 1825, entered the legal profession in 1828, and was elected Justice, and subsequently Chief Justice of the Supreme Court of his native State.

June 23.—Smith, Lieut.-Col. Abel, died at the Hotel Dieu in New Orleans. He was in command of the 2d Duryea Zouaves (165th New York volunteers) at the battle before Port Hudson, and, while fighting at the head of his regiment, received the wound of which he afterward died.

June —.—Bullard, Talbot, M.D., died in Indianapolis, Indiana. He was a son of the late Dr. Artemas Bullard, of Sutton, Mass. His ardent patriotism and strong benevolence of character led him to assume the superintendence and care of the Indiana wounded and dying at the battle of Pittsburg Landing, and his untiring devotion at that time was such, that after every battle since, in which Indiana soldiers were engaged, Gov. Morton has called for his services, giving him unlimited discretion as it regarded doing for their comfort and relief. The disease of which he finally died, was contracted during his services at Pittsburg Landing; but as he went to administer to the suffering, he would not be restrained from his work by any bodily suffering or inconvenience, and when called upon by the governor to go to Vicksburg, he went, though contrary to the advice of his friends, accomplished his mission, and returned home to die.

June 26.—Foote, Admiral Andrew Hull. (*See* Foote, Andrew H.)

June —.—Dodge, Rev. John Henry, died in Wendell, Mass., aged 35 years. He was born in Wenham, Mass., and spent the first seventeen years of his life at home upon a farm. He was then apprenticed to the carpenter's trade, at which he worked until his majority, in the mean time pursuing the study of the English branches, together with Latin and Greek. In 1850 he entered the Williston Seminary, East Hampton, Mass., and in 1852 Amherst College; graduated at the Andover Seminary in 1859, was ordained, and in the fall of that year, under the appointment of the American Missionary Association, sailed for Africa. Upon his arrival he at once entered upon the study of the Sherbro dialect of the Mandingo language, and upon its reduction to writing, which had previously been commenced. Beside the care of the church and Sabbath school, he had charge of the mission home farm, and the oversight of the workmen. This multiplicity of cares and labors, together with the unhealthiness of the climate, so seriously affected him that he was obliged to return home in the spring of 1861. Becoming somewhat improved in health, he obtained permission of the Association to undertake the charge of a church in Wendell, Mass., as the war had disturbed both the finances of the board and the means

of communication with the mission. Under these circumstances, he resigned his connection with the Mission Board, though in the hope of returning to the work at some future period. His death was caused by an attack of typhoid pneumonia.

July 1.—Reynolds, Major-General John F. (*See* Reynolds, J. F.)

July 2.—Barksdale, Brig.-Gen. William, an officer in the Confederate service, was killed at the battle of Gettysburg. He was born in Rutherford co., Tenn., August 21st, 1821. His early education was obtained in the Nashville University, after which he removed to Columbus, Miss., where he studied law and was admitted to the bar before he had attained his majority, becoming a successful practitioner. He was for a time one of the editors of the Columbus "Democrat," in which he sustained the principle of State rights and the delegated powers of the General Government. During the year 1847 he participated in the Mexican war as a non-commissioned officer in the staff of the 2d Mississippi volunteers. In 1851 he was chosen a member of the State Convention to discuss the compromise measures proposed during the previous year. In 1853 he was elected to Congress on the general ticket, and became a leading member of the States rights portion of the democratic party. During one of those memorable disturbances in the House of Congress, Mr. Barksdale assisted Mr. Brooks of S. Carolina in his assault upon Hon. Charles Sumner. When the war broke out, he left his seat in Congress and joined the Confederate army. At the head of the 13th regiment of Mississippi volunteers he participated in the various campaigns in Virginia, and was promoted to the rank of brigadier-general, and placed in command of the third brigade of Major-Gen. Early's division of Lieut-Gen. Ewell's corps in Gen. Lee's army. On the second day of the battle of Gettysburg, July, 1863, he was killed while in the act of leading on his men.

July 2.—Cross, Col. Edward Everett, was killed at Gettysburg. He was born in Lancaster, N. H., and commenced life as a journeyman printer. He was for some time connected with the press in Cincinnati, and in 1854 he canvassed the State of Ohio for the American party. He was afterward employed as agent of the St. Louis and Arizona Mining Company, in which he subsequently became a large stockholder. He made several trips across the plains, taking the first steam engine that ever crossed the Rocky Mountains. When the war commenced he organized the 5th New Hampshire regiment, and was commissioned as its colonel. Under his command the regiment distinguished itself in many important engagements, and won an enviable reputation for bravery. He had been in command of a brigade several months and was strongly recommended for a brigadier-general. He fell while gallantly fighting at the head of his regiment in the memorable battle of Gettysburg.

July 2.—O'Rorke, Col. Patrick H. was killed at the battle of Gettysburg. He was a native of Ireland; was appointed a cadet to West Point from New York, and graduated in 1861, standing first in his class. He was assigned to a lieutenancy in the regular army, and placed in the engineers corps in service at Hilton Head and the works on Savannah river, where he greatly distinguished himself. When the 140th regiment was ready for the field, he was assigned to the command and soon brought it up to a high degree of discipline. He possessed military talent of a high order and was eminently prepossessing and courteous in all his ways. At the reduction of Fort Pulaski he behaved with great gallantry, and at Chancellorsville commanded a brigade with great honor to himself. At the battle of Gettysburg he mounted a rock, cheering on his men when he was struck by the fatal bullet.

July 2.—Taylor, Col. C. F., an officer of U. S. volunteers, was killed at the battle of Gettysburg. He was born in 1840, and was a brother of Bayard Taylor, with whom a few years ago he travelled extensively in Europe. After his return he graduated at the Michigan University. His patriotic devotion to his country led him to organize a company in Pennsylvania under the first call of the President. He received a captain's commission from the governor, and his company was attached to the Bucktail Regiment under Col. Kane. At the battle of Harrisonburg, Va., when Col. Kane was wounded, Capt. Taylor remained with that officer on the field, and they were both taken prisoners by the enemy. A few months later, he was appointed colonel of the regiment, Col. Kane having been promoted as brigadier-general. When Gen. Burnside attempted to storm the heights of Fredericksburg, he led one of the charges with great gallantry and was twice wounded. While bravely leading a charge over Roundtop Summit, at the battle of Gettysburg, a ball entered his heart as he raised his sword above his head. His last words were, "Come on, boys; we'll take them all prisoners!"

July 2.—Weed, Brig.-Gen. Stephen H., an officer of U. S. volunteers, was killed at the battle of Gettysburg. He was a native of New York; graduated at West Point in July, 1854, and subsequently was made first lieutenant in the 4th United States artillery. When the 5th United States artillery was organized, he was appointed captain. His ability and genius as a commanding officer, and especially as an artillerist, had long been appreciated in the corps, and his brigadier-general's commission was the reward of his gallant services at the battles near Chancellorsville. At the time of his death he was commanding the third brigade of regulars, and was fighting manfully when a bullet from the enemy struck his arm and, passing into his lung, inflicted a terrible

wound from which he died in a few hours. In trying to catch the dying commands of Gen. Weed, Lieut. Charles E. Hazlett, a young officer of the 5th artillery, was kneeling with his head bent close to that of Gen. Weed, when a bullet struck his forehead, felling him dead upon the bosom of his friend.

July 2.—Zook, Samuel Kosciuszko, a brigadier-general in the U. S. volunteer service, was killed in the battle of Gettysburg. He was born in Pennsylvania about the year 1823. When quite young he entered into the telegraph business, and made several important discoveries in electrical science, which gave him a wide reputation. When about twenty-five years of age he removed to New York, and became connected with the local military organizations of the city. In 1857 he was commissioned lieutenant-colonel of the 6th New York S. M., and at the outbreak of the war, though much out of health, went with his regiment to the seat of hostilities, and was appointed military governor of Annapolis. After his return, he recruited the 57th regiment of New York State volunteers, and, having been commissioned colonel, led it to the peninsula. During that long and bloody campaign he generally held command of a brigade, though without the rank or commission properly belonging to his position. On the 29th of November, 1862, he was commissioned brigadier-general, the appointment being confirmed in March, 1863. He was placed in command of his old brigade and nobly distinguished himself at the battles of Chancellorsville and Gettysburg, on the latter field giving up his life.

July 3.—Armistead, Brig.-Gen. Lewis A., an officer in the Confederate service, was killed at Gettysburg. He was a native of Virginia, and was appointed from that State a cadet at West Point in March, 1834. He remained in the Military Academy till October, 1836. On the 10th of July, 1839, he was appointed 2d lieutenant in the 6th infantry; he was advanced to a first lieutenancy in March, 1844; received the brevets of captain and major for gallant and meritorious conduct in the battles of Contreras, Churubusco, Molino del Rey, and Chapultepec, in 1847. In the last of these engagements he had led a storming party against the citadel. He attained a captaincy in March, 1854, and in 1859 commanded a detachment sent against the Indians from Fort Mohave, California, and attacked and routed them with great slaughter. He joined the Confederates early in the war and was appointed a brigadier-general in 1862. He was a brave officer.

July 3.—Farnsworth, Brig.-Gen. Elon J., an officer in the U. S. volunteer service, was killed at the battle of Gettysburg. He was born in Livingstone county, Michigan, in 1835, and was educated at the university of that State. In 1857 he went to New Mexico, and became attached to the United States commissary department, and subsequently was engaged in Utah in the same capacity. When the news of the war reached him in the summer of 1861, he hastened home to join the Eighth Illinois cavalry, which his uncle, Gen. John F. Farnsworth, was then organizing. He was made battalion quartermaster, but was soon promoted to the captaincy of Company K of that regiment. During all the battles of the peninsula and in Gen. Pope's campaign he never missed a fight or skirmish in which his company was engaged. In May, 1863, he was placed upon Gen. Pleasanton's staff as aid. He was made brigadier-general only a few days before his death.

July 3.—Garnett, Brig.-Gen. Richard B., an officer in the Confederate service, was killed at the battle of Gettysburg. He was a native of Virginia, entered the service of the United States army as second lieutenant of infantry, July, 1841, and was captain of the 6th infantry, May 9, 1855. When the war broke out he resigned to enter the Confederate service, and was engaged in most of the battles in Virginia. He was at first a colonel under Pegram and Floyd in Western Virginia, but soon after joining Lee's army was promoted to the command of a brigade. He had the reputation of being a brave and capable officer.

July 3.—Pender, Major-General William D., an officer in the Confederate service, was killed at the battle of Gettysburg. He was a native of North Carolina and appointed from that State to West Point, where he entered as a cadet in 1850 and graduated in 1854. He was appointed brevet second lieutenant in the 4th artillery in July, 1854, and second lieutenant of the 1st dragoons in March, 1855. He distinguished himself in several conflicts with the Indians in Washington Territory in September, 1858. He joined the Confederate army early in the war, and rose by successive promotions from the rank of colonel to that of major-general. He commanded a division of Gen. Hill's corps at the battle of Gettysburg.

July 3.—Marshall, Col. J. K., an officer in the Confederate service, was killed at Gettysburg. He was born in 1840; graduated at Lexington (Virginia) Military Institute in 1860, when he went to Edenton, North Carolina, and took charge of a private school. Upon the commencement of the war he accepted the captaincy of a volunteer company, and was subsequently elected colonel of the 52d regiment of North Carolina troops, taking the place of Col. Vance, who resigned because elected governor.

July 4.—Revere, Col. Paul Joseph, an officer of U. S. volunteers, died of wounds received in the battle of Gettysburg. He was born in Boston, September 18th, 1832, and was a grandson of Paul Revere of Revolutionary history. His early educational advantages were good, and in 1852 he graduated at Harvard College. When the war broke out, though occupying a high social position and surrounded by

everything calculated to make life pleasant, he at once volunteered his services in behalf of his country, and accepting the commission of major in the 20th regiment of volunteers, went to the seat of war. At the disastrous battle of Ball's Bluff his regiment behaved nobly, but lost heavily; he was taken prisoner and, with his colonel, was confined in a felon's cell as a hostage for the privateersmen whom the United States Court had convicted as pirates. After his exchange he participated in the campaign on the James river, and at Antietam was on General Sumner's staff, when he was complimented for his gallantry, having received a severe wound, which gave him a long winter of pain and seclusion. Upon his recovery he was promoted as colonel of the 20th regiment, and received his death wound in the first successful battle of the campaign.

July 8.—Kenrick, Francis Patrick, Archbishop of Baltimore. (*See* Kenrick, F. P.)

July 9.—Henshaw, Daniel, a prominent lawyer in Massachusetts, died in Boston, aged 81 years. He was born in Leicester, Mass., May 9th, 1782, graduated at Harvard College in the class of 1806, studied law, and practised his profession twenty-one years in Winchendon, Mass. In 1830 he practised in Worcester, and afterward for several years in Lynn, where he edited the "Lynn Record" until its discontinuance in 1842. On becoming an editor he gave up his professional business and continued for fourteen years in the arduous and responsible position of leading editor of a paper. He had a taste for genealogy, and read many entertaining papers before the Historic-Genealogical Society, several of which were published in Boston papers. After giving up his editorial labors he removed to Boston, where he was residing at the time of his death.

July 12.—Read, Commander Abner, an officer of the United States navy, died from a wound received upon the Monongahela, at the batteries above Donaldsonville. He was a native of Ohio and about 42 years of age at the time of his death; was educated at the Ohio University at Athens, which institution he left in his senior year in 1839, having received a midshipman's warrant. His first voyage was on the schooner Enterprise to the South American coast, having been detached from a ship-of-war destined to the Mediterranean, on account of some little difficulty with the captain previous to the sailing of the vessel. Prior to his examination, he spent a year in reviewing his studies at the Naval School in Philadelphia and stood fifth in a class of forty-eight. He was at once detailed to the duty of acting sailing master, in which capacity he made several voyages and soon acquired the reputation of being one of the most skilful navigators in the service. At the breaking out of the Mexican war he was on the coast of Africa, but returned in time to make a cruise in the Gulf and participate in some naval operations near the close of the war. The progress of naval promotion being slow, he did not reach the rank of lieutenant until 1853, and in 1855 the Navy Retiring Board consigned him to the list of retired officers, but he was not long after reinstated by the Examining Board. Soon after the commencement of the war he was ordered for service to the Wyandotte, the command of which soon devolved upon him, and it was this vessel which performed such important service in saving Fort Pickens from falling into the hands of the enemy. In May, 1862, the health of Lieutenant Read was so much impaired that he was relieved of his command for a time in order to place himself under medical treatment. A severe fit of sickness prostrated him for some weeks, and before fully recovering his strength, he asked sailing orders and was assigned to the command of the gunboat New London. Proceeding at once to Ship Island he commenced cruising in the Mississippi Sound, and in eight days captured four valuable prizes. The exploits of this vessel won for it from the enemy the appellation of the "Black Devil," and it soon succeeded in breaking up the trade between New Orleans and Mobile. The New London captured nearly thirty prizes, took a battery at Biloxi, and had several engagements with Confederate steamers on the sound. A short time previous to his death he lost his left eye in an engagement at Sabine Pass. In June of 1863 he was placed in command of the steam sloop-of-war Monongahela. He was a skilful officer and a universal favorite throughout the navy.

July 14.—Gouge, William M., late editor of the Philadelphia "Gazette," died in Trenton, N. J., in the 67th year of his age. He was the author of a work on Banking, and for thirty years was connected with the Treasury Department at Washington.

July 14.—O'Brien, Col. Henry T., was killed by the rioters in New York city. He was a native of Ireland, but had resided for many years in New York city. Previous to the riot he had been for some time engaged in raising a three years' regiment (the 11th New York volunteers, or James T. Brady Light Infantry). Early on Monday, July 13th, he volunteered his service and those of his regiment to aid in suppressing the riot. (*See* Riots in New York.)

July 15.—Hale, Benjamin, D.D., an eminent teacher and author, died at Newburyport, Mass. He was born in that town, November 23d, 1797, graduated at Bowdoin College in 1818, and soon after became principal of an academy at Saco, Me. The following year he entered the Andover Theological Seminary, and in 1822 was licensed to preach. In 1823 he became tutor in Bowdoin College, and subsequently established the institution known as the Gardiner Lyceum, of which he became principal. In 1827 he was chosen professor of chemistry and mineralogy in Dartmouth College, which position he held eight years, and while here received orders in the Protestant

Episcopal Church. He delivered, while connected with this college, several courses of valuable lectures on chemistry, pharmacy, and natural philosophy, to the classes connected with the medical department, and materially aided in the foundation of its extensive geological and mineralogical cabinet. In 1836 he was elected to the presidency of Hobart College, Geneva, N. Y., and after serving twenty years in that office, was obliged to resign on account of his health, having previously made a voyage to Europe, from which he had received no permanent benefit. About eighteen months after his resignation he removed to his native town (Newburyport), and there passed his declining years in such literary pursuits as his enfeebled health permitted. His published works are: an "Introduction to the Mechanical Principles of Carpentry" (8vo., Boston, 1827), "Scriptural Illustrations of the Liturgy" (12mo., 1835), and several sermons, addresses, and pamphlets.

July 17.—Allen, David Oliver, D.D., died in Lowell, aged 63 years. He was born in Barre, Mass., and spent his youth upon a farm. At the age of seventeen he taught a winter school, and at nineteen entered Williams College, from which, after two years, he removed to Amherst College, where he graduated in the class of 1823. The following year he spent at Groton, having charge of what is now called "Lawrence Academy." While here, his attention was turned to the ministry, and he entered Andover Theological Seminary in 1824, where he continued till the spring of 1827, when a most urgent call was made for reënforcements of missionaries to India. Having decided to go thither, he was ordained, and in company with his wife embarked for Calcutta, where he arrived, September, 1827. He labored in Bombay several years, in preaching and establishing schools, and subsequently was engaged in making extensive tours in Western India, preaching, distributing bibles, tracts, &c. In 1844 he took charge of the printing establishment in Bombay, employing at that time one hundred persons, mostly natives. He was the author of several very useful tracts in the Mahratta language, and superintended a revised and corrected edition of the whole Scriptures in that language. His health becoming seriously affected by his arduous labors, together with the effects of a warm climate, he was advised by his physicians to leave India, and accordingly sailed for America, arriving in Boston, June, 1853. After a year of rest, he commenced preparing the "History of India, Ancient and Modern," an octavo volume of 600 pages, published 1856. From 1856 to 1860, he preached at Wenham and other places. At the time he left India, he was a member of the "Royal Asiatic Society," and for several years previous to his death an active member of the "American Oriental Society." His labors and residence of twenty-six years in India, had broken down his naturally strong constitution, and developed disease which terminated in congestion of the lungs.

July 18.—Putnam, Acting Brig.-Gen. Haldimand Sumner, an officer of U. S. volunteers, was killed at the attack on Fort Wagner. He was born in Cornish, N. H., October 15th, 1835; graduated at West Point in 1857, and from that time until a few months previous to the war, was stationed at different localities on the western frontier. When the war broke out, he was summoned to Washington and intrusted with special messages of the highest importance to carry to Fort Pickens. He accomplished his mission and was returning to the North when he was seized by the military authorities at Montgomery, Alabama, and held in prison several days, but was finally released and came back to Washington. Soon after he was placed upon Gen. McDowell's staff, in which position he performed many arduous and important duties. He participated in the first battle of Bull Run, and won himself much honor by his bravery and devotion. When requested to take the command of a regiment from his native State, he at first declined, upon the ground that he was too young for so responsible a position, but upon being further urged, he finally accepted, and on the 14th of January, 1862, departed with his regiment for the seat of war. During the first year of its service, this regiment was stationed at Fort Jefferson, on Tortugas Island. Since then the command has been located at St. Augustine, Florida, Port Royal, S. C., and in the vicinity of Charleston, and though not engaged in any important action previous to the attack upon Fort Wagner, it has participated in many skirmishes and expeditions. For four or five months previous to his death, he was acting brigadier-general, and was serving in that capacity when he fell on Morris Island. His forces consisted of the 7th New Hampshire volunteers, and several other regiments from the Middle States. At the attack on Fort Wagner, he led his brigade gallantly into action, and fell while rallying his men, holding his position within the enemy's works.

July 18.—Shaw, Col. Robert Gould, an officer of colored volunteers, was killed during the assault upon Fort Wagner. He was the only son of Francis G. Shaw, of Staten Island, and was born about 1836. When the war broke out he enlisted as a private in the 7th regiment N. Y. militia, and went to Washington. Before the three months' term of service expired, he sought and obtained a commission in the Massachusetts 2d, which subsequently won so much honor on many a battlefield. At the battle of Cedar Mountain his life was saved by his watch. He commanded the first regiment of colored soldiers from a free State ever mustered into the United States service, and although aware that, by the order of President Davis, he ran the risk of dying upon the gallows if taken prisoner, he went forth ready to die in any way that might prove for the benefit

of his country. He fell at the head of his regiment when standing upon the parapet of Fort Wagner, which had been carried by assault.

July 19.—McCook, Major Daniel, an officer of U. S. volunteers, died of wounds received at the fight with Morgan's men near Buffington Island, Ohio. He was born in 1796. He was a clerk in the Pension Office at Washington for two or three years previous to the commencement of the war, and for ten months previous to his death was a paymaster in the United States army. He had eight sons, who have all been in the service except one, Col. George W. McCook, attorney-general of Ohio.

July 24.—Hildreth, Samuel P., M.D. (*See* Hildreth, S. P.)

July 25.—Houston, Gen. Sam, died at his residence in Huntersville, Texas, aged 70 years. (His death having been falsely reported in 1861, *see* Houston, Sam, Annual Cyclopædia, 1861, p. 366.)

July 27.—Crittenden, Hon. John J. (*See* Crittenden.)

July 28.—Yancey, Hon. William L. (*See* Yancey, Hon. W. L.)

July 30.—Strong, Brig.Gen. George C., an officer of U. S. volunteers, died from wounds received in the assault upon Fort Wagner, Charleston harbor, aged 30 years. He was born in Stockbridge, Vt. His father died when he was but eight years of age, and he was adopted in the family of his uncle, A. S. Strong, of Easthampton, Mass., under whose care he imbibed his first desire for military life. He entered West Point Academy in the class of 1857, and held the post of first captain of cadets for three years. After graduating he had charge of the Bridesburg arsenal, was thence transferred to Fortress Monroe, and thence to Mount Vernon, Alabama. He subsequently had charge of the Watervliet arsenal a short time, but on the breaking out of the war he applied for active service, and was placed on the staff of Gen. McDowell, at the battle of Bull Run, and was highly complimented for his efficiency in that battle. He was next appointed on the staff of Gen. McClellan, but shortly after was detailed as ordnance officer, by Gen. Butler, to the Department of the Gulf. He distinguished himself at Biloxi, and in the perilous adventure up the Tangipahoa river. He was a brave and skilful officer, and was honored and trusted by the men under his command. At the assault on Fort Wagner, he commanded the assaulting column, and led it with the judgment and courage of a veteran.

July —.—Nazer, Lieut.-Col. of the New York Mounted Rifles, died at Washington, of typhoid fever. He had acquired some distinction in the British army, having been an officer of the 90th Light Infantry. After leaving the British army, he was for some time treasurer of the Winter Garden, in New York. On the breaking out of the war, he accepted the position of lieutenant-colonel of the New York Mounted Rifles, with which regiment he continued to serve up to the period of his death, and was on the eve of receiving the full colonelcy. He was an able officer, and his soldierly acquirements and high sense of honor won for him the respect and esteem of his whole division.

July —.—Chilton, Dr. James R., an eminent chemist of New York, died at Yonkers. He had a wide reputation as an analytical chemist, and was employed much of his time in scientific investigations connected with judicial proceedings.

Aug. 4.—Tenbroeck, Hon. Peter, died at his residence in Farmersville, Cattaraugus county, aged 73 years, 45 of which were passed in that place. He was a heavy dealer in cattle, and accumulated a large fortune thereby. In 1862 he was county judge, and agent of the Holland Land Company. In his will a provision of $50,000 was made for building and endowing an institution of learning to be located at Franklinsville.

Aug. 5.—Howard, Rev. Benjamin, died in Reading, Penn. He had been a successful preacher of the gospel for nearly half a century, in different States and in the British provinces, having organized more than 40 churches, and baptized over 3,000 believers.

Aug. 11.—Nauman, Lieut.-Col. George, an officer of U. S. volunteers, died at Philadelphia, in the 61st year of his age. In 1819 he entered the Military Academy at West Point, and in 1821 was acting assistant professor of French in that institution; in 1823 he graduated, and was commissioned brevet second lieutenant in the 2d regiment of artillery, and the same year received his full second lieutenancy in the 1st regiment of artillery; was appointed assistant commissary of subsistence, in March, 1828, and was assistant instructor of French at the Military Academy, from September, 1828, to August, 1829. In May, 1832, he was promoted to first lieutenant. He served in the Florida war, where he distinguished himself, particularly in the battle of "Wahoo Swamp." He served throughout the war with Mexico under Generals Taylor and Scott, and was twice promoted for "gallant and meritorious conduct." He commanded the 1st regiment of artillery; was "Commissioner of Prizes" at Vera Cruz, at the close of the war, and conducted the evacuation of that city by the U. S. army. He commanded Fort Washington, on the Potomac, from 1848 to 1852; served on the Pacific coast, from May, 1854, to January, 1861, having been promoted major of the 3d artillery; was inspector of artillery for the Department of Oregon and California, from May, 1858, to January, 1861, and for some months conducted the Artillery School at Fort Vancouver. He was promoted to the lieutenant-colonelcy of the 1st artillery, July, 1861, and was chief of artillery at Newport News, Va, in March, 1862, during the engagement with the "Merrimac," "Yorktown," "Jamestown," and other Confederate steamers. For the last year he was stationed at

Fort Warren, in the harbor of Boston, engaged in preparing that work for a state of suitable defence. He was on the eve of promotion to a full colonelcy of artillery, and was on the way to Lancaster to visit his children, when he was attacked by sunstroke, and died in a few hours.

Aug. 12.—Emmett, Thomas Addis, son of Thomas Addis Emmett, and nephew of the famous Robert Emmett, died at Astoria, L. I., aged 65 years. He was a native of Ireland, and came to this country early in life, studied law, and pursued his researches in that line with so much earnestness and assiduity, that he soon rose to a high rank in his profession. For many years he held the position of master in chancery, an office requiring the most profound knowledge of the intricacies of law, and which he filled most honorably. Naturally of a modest and retiring disposition, he shunned political distinction, and passed through life in a quiet, unobtrusive way, leaving behind him a record worthy of his name. Within eighteen months of his death, he lost three sons in the service of the Union, and these severe bereavements, it was supposed, hastened his end.

Aug. 14.—Morris, Commodore Henry W., an officer of the United States navy, died in New York city in the 58th year of his age. He was a son of the late Thomas Morris, a conspicuous member of the New York bar, and subsequently United States marshal for the southern district of that State, and grandson of the celebrated Gouverneur Morris of Revolutionary memory. The subject of this notice entered the navy as midshipman, Aug. 21st, 1819. He was first stationed at the Brooklyn Navy Yard, but in 1820 he was ordered to the corvette Cyane, from thence to the sloop-of-war Ontario, and next to the frigate Constitution, at that time cruising in the Mediterranean. From 1828 to 1838, under the commission of lieutenant, he distinguished himself in various positions. From 1839 to 1845 he was on special duty in New York city, passing through six degrees of official promotion during the term of six years. He was then appointed to the command of the storeship Southampton, at that time belonging to the African squadron. In 1846 he was again ordered to the Brooklyn Navy Yard, where for the next five years he was awaiting orders. In the mean time he was promoted to the rank of commander, and in 1851 was appointed to the command of the rendezvous in New York until 1853, when he was ordered to the sloop-of-war Germantown, belonging to the Brazilian squadron. In 1855 he was transferred to the Mediterranean station, where he served as fleet-captain under Commodore Stringham. Upon his return to America, he received in 1856 his commission as captain. Toward the close of 1861 he superintended the construction of the steam sloop-of-war Pensacola at the Washington Navy Yard. In Jan. 1862, the Pensacola, under his command, successfully passed the line of Confederate batteries on the Potomac, and after anchoring a short time in Hampton Roads, set sail to join the blockading squadron in the Gulf of Mexico. The Pensacola took a brilliant part in all the attacks upon Forts Jackson and St. Philip, and upon the Chalmette batteries. After the capture of New Orleans, Commodore Morris was intrusted with the duty of holding the city and guarding the adjacent coasts. Under his many arduous duties his health became seriously affected, and after resisting for a time the entreaties of his friends, he was persuaded to come North to recruit his strength, but died soon after his arrival.

Aug. 14.—Welch, Brig. Gen. Benjamin, Jr., an officer of U. S. volunteers, died at Cincinnati of congestive fever acquired during the campaign in Mississippi. He was formerly a citizen of Ohio, but more recently of Columbia, Penn. He served during the war with Mexico, and for gallant conduct in the battle of Buena Vista was promoted to a lieutenancy. At the commencement of the war he entered the service as lieutenant-colonel of the 45th Pennsylvania, was subsequently promoted to the colonelcy of the regiment, and during 1863 was made a brigadier-general.

Aug. 16.—Bell, Col. B. L., an officer of the regular army, died at Baltimore from debility, caused by hard service, aged 63 years. He was in the Florida and Mexican wars, and was twice brevetted for gallant services. After the termination of the latter, he served for many years on our Western frontier. He was in command as general in California, after its annexation to the United States, and while so serving, built all the forts from the western frontier of Texas to the Pacific. He served two years at Vancouver's Island, and after the war broke out, was ordered to Baltimore as mustering officer, and was subsequently placed on the retired list, in consequence of inability to perform active service. He had two sons in the Union army, and one in the Confederate service.

Aug. 17.—Rogers, Commander George W., killed during the attack on fort Wagner.

Aug. 21.—Gurley, Hon. John A., ex-member of Congress from Ohio, died in Cincinnati, Ohio, aged about fifty years. He was first known to the public as a Universalist clergyman in Cincinnati, and editor of "The Star of the West." He retired from the ministry about 1850, and entered into secular business. In 1854 the Nebraska struggle called his attention to politics, and in 1856 he was the republican candidate for Congress in the 2d district, but was defeated. In 1858, however, he was successful, and again was elected in 1860. At the close of the late Congress, President Lincoln appointed him Governor of Arizona, and he was preparing to go thither when he was overtaken by the disease which terminated his life.

Aug. 23.—Haven, Mrs. Alice B. (Neal), a well known authoress, died at her residence in Mamaroneck, Westchester county, N. Y., aged 35 years. She was a native of Hudson, N. Y.,

her maiden name being Emily Bradley. While a young school girl she wrote several brilliant sketches, under the signature of Alice G. Lee, for "The Saturday Gazette," a Philadelphia weekly, edited by Mr. Joseph C. Neal, who subsequently became her husband, and, at his request, she substituted the name of Alice for that of Emily. Upon his death in 1847, a year after their marriage, she assumed the editorial charge of that journal; and conducted it successfully for a number of years, at the same time contributing, both in prose and verse, to some of the leading periodicals of the day. She was the author of a work entitled "Gossips of Rivertown," published in 1850; also of a large number of juveniles. She was married in 1853 to Mr. Samuel L. Haven.

Aug. 24.—Bartlett, John Sherren, M. D., founder of "The Albion" weekly newspaper, published in New York, died at his residence in New Jersey, aged 73 years. He was a native of Dorsetshire, England, received a medical education in London, and on the recommendation of Sir Astley Cooper was appointed surgeon in the British navy in 1812. During his passage to the West Indies in the Swallow, he was captured by the United States frigates President and Congress under Commodore Rodgers, and was taken as prisoner of war to Boston, where he was under surveillance until his discharge in 1813. At the close of the war he married a lady of Boston, and commenced the practice of his profession in that city. He subsequently removed to New York, and in 1822 established "The Albion," widely known as an organ of English conservative politics in this country. After conducting this journal for a period of twenty-five years, he relinquished the editorship of it and established a paper of similar character in Boston, "The Anglo-Saxon." He subsequently undertook the publication at Liverpool of "The European," designed to furnish a weekly summary of foreign news for American circulation. In 1857 he was British consul in Baltimore.

Aug. 26.—Foote, Mrs. Caroline Augusta, widow of the late Admiral Foote, died at New Haven, Conn., in the 47th year of her age. The husband, wife, and two children have died within a year.

Aug. 27.—Floyd, Hon. John B. (*See* Floyd, J. B.)

Aug. —.—Bowen, Major-General John S., an officer in the Confederate service, died in Raymond, Miss. He was a native of Georgia; graduated at West Point in July, 1853, and was appointed brevet second lieutenant of Mounted Rifles. He resigned May, 1856. At the time of the capture of the State militia by General Lyon, at Camp Jackson, Mo., he was in command of one of the regiments, and was afterward exchanged for some of the Lexington prisoners, when he entered the Confederate service regularly.

Aug. 28.—Swormstedt, Leroy, D. D., died in Cincinnati, Ohio. He was born in Maryland, Oct. 4th, 1798. In 1817 he was a merchant's clerk in Cincinnati, and the following year became a travelling preacher by joining the Ohio Conference. For eighteen years he traversed the large circuits and districts of the West with wonderful diligence and marked success. In 1836 he was made assistant, and in 1844, chief agent of the Methodist Episcopal Book Concern at Cincinnati, where he remained until obliged to retire from active service in 1860. He was distinguished for his rare executive ability. His preaching was methodical, and often powerful. He was scrupulously punctual to all his engagements, and in the management of the Book Concern he displayed uncommon talent and energy, and his efforts to extend its business and promote its interests were attended with the most gratifying success.

Aug. 30.—Bradish, Hon. Luther W. (*See* Bradish, L. W.)

Aug. 30.—Newcomb, Harvey, D. D., died in Brooklyn, aged 60 years. He was born in Thetford, Vt., and in 1818 removed to Alfred, N. Y. When less than sixteen years of age he commenced teaching school, and continued in that occupation most of the time for eight years. In the spring of 1826 he became publisher and editor of a newspaper in Westfield, N. Y., where he remained two years and then removed to Buffalo and edited the Buffalo "Patriot" nearly two years. In 1830 and 1831 he published the "Christian Herald" at Pittsburg, Pa., and a paper for children, and for nearly ten years from that period was mainly engaged in writing Sabbath school books. In 1840 he was licensed to preach the Gospel, and the following year had charge of the Congregational church at West Roxbury, Mass., and subsequently was pastor of the churches at West Needham and Grantville. In 1849 he returned for a season to editorial life, being assistant editor of the "Daily Traveler" for about a year, and of the New York "Observer" two years. In the fall of 1859, having spent several years in writing, establishing mission Sabbath schools in Brooklyn, N. Y., and preaching to the Park Street Mission church of that city, he was installed over the Congregational church in Hancock, Pa., where he continued to labor as long as his health allowed him to remain in active life. He was the author of not less than 178 volumes, a great majority of which had special reference to the wants of children and youth, and had a large circulation; among these were fourteen volumes of Church history. According to a calculation made several years ago, the circulation of his works had reached nearly sixty-five millions of pages. His largest work was the "Cyclopedia of Missions."

Aug. —.—Ripley, Brig.-Gen. Roswell Sabin, died in Charleston, S. C. He was a native of Ohio, and appointed cadet from that State in 1839; graduated 7th in his class, and was appointed brevet second lieutenant 3d artillery, July, 1843; became second lieutenant in the 2d artillery in 1846, and first lieutenant, March 3d,

1847. He was aide-de-camp to Gen. Pillow in 1847 and 1848; was brevetted captain for gallantry at Cerro Gordo, and major for gallantry at Chapultepec. In 1853 he resigned his commission and retired to private life. At the outbreak of the war he entered into the service of the Southern Confederacy; took a prominent part in the siege of Fort Sumter, and was wounded at the battle of Antietam. He was the author of "The War in Mexico" (2 vols., New York, 1849).

Sept. 4.—Greeley, Col. Joseph, died at his residence in Nashua, N. H., in the 80th year of his age. He was a native of Hudson, N. H., entered into trade in Nashua in 1813, and retired in 1826. He was a man of much public enterprise, was one of the projectors of the Nashua cotton mills; the Nashua, Lowell, and Wilton railroads; the Taylor's Falls Bridge; president of the Indian Head Bank, and a holder of many civil offices. He was also a founder and active member of the Unitarian church in Nashua.

Sept. 5.—Underwood, Major Edmund, an officer in the U. S. service, died in Utica, N. Y., aged about 37 years. He served with distinction in the Mexican war; and, on the 3d of March, 1848, received a commission of second lieutenant in the 4th regular infantry. Since the close of that war he has been most of the time on duty in California and Oregon. In May, 1862, he was promoted from a captaincy to a majority in the 18th United States infantry. At the time of his death he was mustering and disbursing officer for the northern district of New York.

Sept. 9.—Purple, Hon. Norman H., formerly Judge of the Supreme Court of Illinois, died of dropsy at Chicago. He was one of the leading lawyers of the West, and was remarkable for the profound nature and extent of his judicial learning. In politics he was of the Douglas school of the democracy, and was at one time a prominent candidate for the position of United States senator.

Sept. 13.—Seymour, Isaac, president of the Bank of North America, died suddenly, while attending divine service at Trinity church, New York. He was a valuable citizen, distinguished alike for his generous liberality, his spirit of public enterprise, and his lofty patriotism. He was a prominent vestryman of Trinity church, as well as of St. Peter's church, in Peekskill, his summer residence. He was also treasurer of the Board of Missions of the Protestant Episcopal Church, and was at one time president of the Westchester County Bank.

Sept. 17.—Brodhead, Hon. Richard, ex-United States senator, died in Pennsylvania. He was born in Pike co., Pa. He was a member of the State Legislature in 1837; was a representative in Congress from 1843 to 1849, and senator from 1851 to 1857, where he occupied a prominent position.

Sept. 17.—Pease, Calvin, D.D. (*See* Pease, Calvin.)

Sept. 19.—Heg, Col. Hans C., acting brig.-gen. of United States volunteers, was killed at Chickamauga, aged 34 years. He was a Norwegian by birth, and came with his father to the United States, when but 11 years of age, and settled in Wisconsin. In 1849, during the gold excitement, he went to California by the overland route, and after a stay of two years returned, and, purchasing a piece of land near Milwaukee, engaged in farming and mercantile pursuits until 1859, when he was elected by the Republican State Convention of Wisconsin to the office of commissioner of State Prisons. In 1861 he entered into the military service of his country, as major of the 4th Wisconsin militia, and, on the 30th of September of the same year, was commissioned colonel of the 15th regiment of Wisconsin volunteer infantry, composed mostly of Scandinavians. This regiment formed part of the forces under Gen. Pope in the reduction of Island No. 10; and was afterward attached to Col. Buford's brigade, with which it participated in the surprise and capture of Union City, Tenn.; it also took a prominent part in the battle of Chaplin Hills, near Perryville, Oct. 8th, 1862. With Gen. Buell's army, Col. Heg joined in the pursuit of Gen. Bragg's forces out of the State of Kentucky, and when the former was superseded by Gen. Rosecrans, he continued his command, and participated in the contests at Stone river and Murfreesboro. On the 29th of April he was placed in command of the third brigade of Davis's division, M'Cook's (twentieth) army corps, of the army of the Cumberland. With this brigade he took part in all the movements of the twentieth corps, resulting in the evacuation of Shelbyville, Tullahoma and Chattanooga, and at Chickamauga, where he fell at the head of his forces, on the second day of the fight.

Sept. 20.—Helm, Brig.-Gen. Ben. Hardin, an officer in the Confederate service, was killed at Chickamauga. He was a native of Kentucky, and was appointed from that State to West Point in 1849. In 1851 he was brevetted second lieutenant 2d dragoons, and resigned October, 1852. In 1861 he joined the State guards under Gen. Buckner, and afterward went over with him to the Confederate service. He served in Gen. Bragg's army as colonel at Shiloh, and was soon after promoted to the command of a brigade. He was in the battles of Perryville and Stone river, commanding a division in the latter, as he did also at Chickamauga.

Sept. 20.—Hood, Major-Gen. John B., an officer in the Confederate service, reported killed at Chickamauga. He was a native of Kentucky; was born not far from 1830; graduated at West Point in 1849, and was appointed brevet second lieutenant 4th infantry in 1853, and second lieutenant 2d cavalry in 1855. He commanded a detachment in conflict with the Comanches and Lipans near the head of San Pedro river, Texas, and was wounded. In

August, 1858, he was made first lieutenant. He was still serving in this capacity when, by the acts of the late Gen. Twiggs and some of his officers, the United States troops in Texas were handed over to the secession authorities, and was one of the officers who participated in the movement. He succeeded in raising a regiment mainly of Kentuckians for the Confederate service, and was soon after appointed brigadier-general, and commanded a brigade throughout most of the year 1862 in Gen. Johnston's, afterward Gen. Bragg's army. In the spring of 1863 he joined the army of Virginia, and when Gen. Stuart was placed in command of Stonewall Jackson's corps, he was promoted to the command of the cavalry corps, and made a major-general. At the battle of Gettysburg he commanded the largest division in Gen. Longstreet's corps, and was severely wounded; but recovering, returned to his division, which at this time had been ordered with the rest of Gen. Longstreet's corps to Georgia, and fell in the battle of Chickamauga.

Sept. 20.—Jones, Lieut.-Col. William G., an officer of the U. S. volunteers, died at Chattanooga, from wounds received at the battle of Chickamauga, aged 28 years. He graduated at West Point in 1860, and, after the usual respite, was ordered to join his company of the 8th infantry—to which he was attached as brevet second lieutenant—then serving in Texas. He participated in several Indian skirmishes; and at San Antonio was taken prisoner. In the fall of 1860 he became second lieutenant in the 10th infantry, and in the following spring was promoted to first lieutenant. In March, 1862, he was selected as aide-de-camp to Gen. Andrew Porter, then provost marshal general of the army of the Potomac, which post he filled, with ability, until he was appointed lieutenant-colonel of the 71st Pennsylvania volunteer infantry, and, the colonel being absent, took command of the regiment. In the battles of Peach Orchard, Glendale, White Oak Swamp, and Allen's Field, the regiment under his command won itself much honor; and for his conduct on these occasions he was rewarded with the brevets of captain and major. He was subsequently aid upon the staff of Major-General Sumner, in which capacity he distinguished himself at South Mountain and at Antietam. After the death of General Sumner he was appointed to the colonelcy of the 89th Ohio infantry; and it was, while ably commanding this regiment of Crook's brigade, that he fell fighting nobly at the head of his men.

Sept. 20.—Lytle, Brig.-Gen. Wm. Haines, an officer of U. S. volunteers, was killed at Chickamauga, Ga. He was born in Cincinnati, Ohio, Nov. 2d, 1826, and his ancestors, for several generations, were noted as military men. He graduated with distinction at Cincinnati College; studied law, and, during the Mexican war, entered the military service of his country as a lieutenant of an independent company of foot soldiers. On the 21st of December, 1847, he was promoted to the captaincy, retaining his command until the regiment was disbanded, July, 1848. At the conclusion of the Mexican war he resumed the practice of his profession, and was soon after elected to the Ohio Legislature. Subsequently he was chosen major-general of the first division of Ohio militia, a position previously held by both his father and his grandfather. At the outbreak of the present war he accepted the colonelcy of the 10th Ohio volunteers, which, by its desperation in the fight, won the title of the "Bloody Tenth." He participated in the battle of Rich Mountain, where he won much honor. At Carnifex Ferry he commanded a brigade, and largely contributed to drive Gens. Floyd and Wise from that part of Virginia; and here he was severely wounded. When scarcely recovered, he returned to the field and first took the command of the Bardstown Camp of Instruction, and then of the 17th brigade under General O. M. Mitchel, participating in the brilliant operations along the Memphis and Chattanooga railroad. At the battle of Perryville he was again wounded, and fell into the hands of the enemy, but, after a week's captivity, was exchanged. For his gallant conduct he was made brigadier-general of volunteers, in the spring of 1863; and from that time to his death served under Gen. Rosecrans. In addition to his talents as a soldier, he was a poet of much merit, though from his extreme modesty few of his productions have found their way into print. He fell at the battle of Chickamauga, by a bullet which pierced his brain, as he was gallantly leading a charge.

Sept. 29.—Grund, Francis J., a well known author of Philadelphia, died suddenly in that city, of apoplexy, aged about 60 years. He was a native of Germany, but since arriving at the age of manhood, had resided almost entirely in the United States. He was a frequent contributor to some of the public papers of the day. In 1837 he published a work called "The Americans in their Moral, Social, and Political Relations." In 1839, appeared a work called "Aristocracy in America, from the Sketch Book of a German Nobleman," which he was understood to have written. He had a foreign appointment under President Buchanan, and when the war broke out, was consul at Havre. Soon after, he returned to this country and became editor of a new paper entitled "The Age," published in Philadelphia. A short time previous to his death, he withdrew from that establishment, as his views differed from those of his associates and the line of policy marked out for the paper. The evening previous to his death he made an able speech at the Union League in Philadelphia. His death was induced by his excitement from the supposed danger of an assault by a mob. He had gone to a police station to obtain protection when his alarm brought on an apoplectic attack, from which he died in about ten minutes.

Sept. 29.—Page, Yelverton P., clerk of the United States Senate, died in Washington. He contracted the illness which terminated his life by ministering to the comfort, during the whole of a stormy night, of a regiment of soldiers who, being without shelter, had been compelled to remain upon the sidewalk in front of his house.

October 1.—Emmons, Ebenezer, M. D. (*See* Emmons, E.)

Oct. 2.—Hunt, Major E. B. (*See* Hunt, E. B.)

Oct. 6.—Sumner, Edwin V. (*See* Sumner.)

Oct. 7.—Hayward, George, M. D., died at his residence, in Pemberton Square, Boston. He was a son of Dr. Lemuel Hayward, formerly a distinguished physician and surgeon of Boston, and was born in that city, March 9th, 1791. He was fitted for college at the Public Latin School, and graduated with distinction at Cambridge in 1809. After studying the profession of medicine, he established himself as a physician in his native city, acquired an extensive practice, and attained to an eminence equal to that of his father. In 1835 he was appointed professor of clinical surgery in the Medical School of Harvard University, which chair he held until 1849. He spent several years in Europe, and enjoyed a reputation there for skill in surgery, which reflected credit upon America. He was for several years president of the Massachusetts Medical Society, and was also a member of the American Academy of Arts and Sciences. In 1852 he was elected a member of the corporation of Harvard College, which important trust he held at the time of his death.

Oct. 14.—Cook, Brig.-Gen. Henry F., an officer in the Confederate service, was killed at Bristow Station. He was a native of Mississippi; served in the Mexican war as first lieutenant in Jefferson Davis's regiment of Mississippi volunteers; distinguished himself in the battle of Monterey, where he was wounded, and commanded Co. C in the battle of Buena Vista. He had joined the Confederate army early in the war, and had risen by successive promotions to the rank of brigadier-general in 1863.

Oct. 14.—Floy, James, D. D. (*See* Floy, James.)

Oct. 16.—Wayland, John, D. D. (*See* Wayland, John.)

Oct. —.—Dimmock, Brig.-Gen. Charles, an officer in the Confederate service, died in Richmond. He was a graduate of West Point, and served in the United States army for fifteen years. At the commencement of the war he resigned and joined the Confederate army, where he filled the office of Chief of the Ordnance Department of Virginia.

Oct. 18.—Ruffin, Col. Thomas, an officer in the Confederate service, died at Grace Church Hospital, Washington, from wounds received at the battle of Bristow Station. He was a native of North Carolina, but for a number of years was a citizen of Missouri, residing at Bolivar, Polk co., and was at one time State attorney for that judicial circuit. Subsequently he returned to his native State from which he was elected to Congress.

Oct. 18.—Viele, Gen. John J., an officer of the N. Y. State militia, died at Eagle Bridge, Rensselaer county, N. Y., aged 55 years. He was a lawyer by profession, and a man of much political influence throughout the county and State. His death was unexpected, and caused deep sorrow to a wide circle of friends.

Oct. 19.—Hoyt, Hon. James G., Judge of the Supreme Court of the 8th Judicial District of New York, died at his residence in Buffalo.

Oct. 19.—Savage, Hon. John, Chief Justice of the Supreme Court of the State of New York, died at Utica, aged 84 years. He held the office of chief justice for fourteen years, and had a high reputation as a jurist, while as a citizen he was honored for his integrity and personal worth.

Oct. 22.—Darcy, John S., M. D., died in Newark, N. J., of paralysis, in the 76th year of his age. He was a native of Morris county, N. J., and was born in Hanover township, February 24th, 1788. His father having been for years the most eminent physician of that county, he entered upon the study of medicine with him and succeeded to his large practice, in which he met with great success. In 1832, the epoch of the first appearance of the Asiatic cholera in this country, he removed to Newark, N. J., and by his skill and promptness in the treatment of that terrible disease, and by his devotion to his patients and sympathy with their sufferings, he soon attained a practice more extensive and exacting than any other in the State, and which finally impaired his own remarkably vigorous constitution. He was very early in life a member of the State Legislature, and subsequently, before removing from Morris county, U. S. marshal for New Jersey—appointed to that office by Gen. Jackson. He continued to hold this appointment during Mr. Van Buren's administration. He exerted great influence in his party in the State, but was averse to holding office. On the incorporation of the New Jersey Railroad Company he was elected its president, and held the office till his death, a period of over thirty years. In 1849 he made an overland journey to California, merely for the improvement of his health; but, though the expedition was otherwise a success, his health was rather injured than benefited by it. He was for many years a prominent member of the masonic fraternity, and for some years held the office of grand master of the Grand Lodge of the State.

Oct. 22.—Putnam, Prof. John N., died on board the steamer Alpha, on her passage between Halifax and Boston, aged 40 years. He graduated at Dartmouth College in 1843, and was subsequently tutor and professor of the Greek language and literature, in his alma mater. Intense application had impaired his health, and he had made a voyage to Halifax

in the hope of regaining it; but it was too late, and he succumbed to his disease, on the return voyage. He was regarded as one of the best, if not the best Greek scholar in the United States.

Oct. 29.—Ellet, Col. Charles Rivers, commander of the Mississippi marine brigade, died at Bunker Hill, Illinois, aged about 22 years. He was a son of the late Col. Charles Ellet, an accomplished engineer and the originator of the ram fleet, and was born in Philadelphia. To a thorough education he had added the advantages of foreign travel and a brief residence in Paris. He had made choice of the medical profession, and at the outbreak of the war was engaged in pursuing the requisite studies, in which he had already made such progress as to fill competently the place of assistant surgeon in one of the military hospitals. Preferring to follow the fortunes of his father he accompanied him westward in the spring of 1862, and commanded one of the rams at the action of Memphis, in which the elder Ellet received the wound which soon after proved fatal. After his father's death, on the organization of the Mississippi marine brigade by his uncle, now Gen. Alfred W. Ellet, he was promoted to a colonelcy, and when his uncle was commissioned brigadier-general of land troops, he was placed in command of the marine brigade. Choosing the ram Queen of the West as his headquarters, he made many daring expeditions on the Mississippi. He succeeded in running the Confederate batteries at Vicksburg, and was for some time engaged in cruising between that stronghold and Port Hudson. On the 10th of February, 1863, he started upon an expedition up the Red river, during which he captured the Confederate steamer Era No. 5 and some other vessels, and after ascending the river for some distance with success, his vessel was run aground by the pilot, in such a position that she was disabled by the fire from a Confederate fort, and fell into the hands of the enemy; Col. Ellet, however, made his escape upon a bale of cotton and was picked up by the De Soto. During and after the siege of Vicksburg, Col. Ellet and his command rendered much valuable assistance to Gen. Grant, in keeping open his communications, and while engaged in these operations his health became so seriously affected by the noxious vapors of the river as to make it necessary to retire for a season to Illinois to rest. His death, which was the result of the disease he contracted, was very sudden.

Oct. 31.—Blenker, Louis, brigadier-general of U. S. volunteers, died in New Jersey, aged 51 years. He was born in the city of Worms, in the Grand Duchy of Hesse Darmstadt, and in his youth was apprenticed to a jeweller, but upon his majority enlisted in the Bavarian legion which was raised to accompany the newly-elected King Otho to Greece. From a private he rose to a sergeant, and when the legion was disbanded in 1837, received with his discharge the rank of lieutenant. With this rank he returned to Worms, whence he went to Munich to attend medical lectures with the view of becoming professor of medicine. Subsequently he changed his mind and entered into commercial pursuits. In 1849 he became a leading member of the revolutionary government in his native city, and having been appointed commander of the national guards, took an active part in the popular struggle of that period. After the revolutionary movement had been crushed he retired to Switzerland, and, being ordered to leave the country, he embarked at Havre for the United States, and settled on a farm in Rockland county, N. Y. Subsequently he removed to New York city, where he engaged in commerce until 1861. Upon the commencement of the war he raised the 8th regiment of New York volunteers, with which he marched to Washington, having been commissioned its colonel May 13th, 1861. After being encamped for some time on Meridian Hill, the regiment was incorporated with others into a brigade, of which Col. B. was appointed commander. The brigade was then attached to Gen. McDowell's army as a portion of Col. Miles's 5th division. During the battle of Bull Run this division acted as a reserve, and for his services at that time he was commissioned a brigadier-general, August 9th, 1861. He remained with the army of the Potomac, commanding a division, until the commencement of the Yorktown campaign, when he was ordered to Western Virginia. Gen. Blenker participated in the battle of Cross Keys, June 8th, 1862, but was shortly after relieved of the command and was succeeded by Gen. Sigel. He was then ordered to Washington, where he remained for some time, and on March 31st, 1863, was mustered out of service.

Nov. 6.—Fitz, Henry, a telescope-maker, died suddenly in New York city, aged 55 years. He was born in Newburyport, Massachusetts, and commenced life as a printer, but having an inventive genius, became a locksmith, at which trade he worked for many years. In 1835 he made his first reflecting telescope, and, in the winter of 1844, invented a method of perfecting object-glasses for refracting telescopes, making the first one of the bottom of an ordinary tumbler. In the autumn of 1845 he exhibited, at the fair of the American Institute, an instrument which brought him into the favorable notice of eminent astronomers, and from that time he devoted himself exclusively to the business of telescope making with unparalleled success. Continually progressing in size, he finally succeeded in making instruments of 16 inches aperture, one of which is now in the possession of Mr. Van Duzer of Buffalo. He made two of 13 inches, one for the Dudley Observatory at Albany, and the other for an association of gentlemen at Allegany City, Pa. There is also one of his make, of 12 inches aperture, in the observatory at Ann Arbor, Michigan, and he had completed another for the Vassar Fe-

male College. Several of the size of 8 and 9 inches are scattered over the country. The British Chargé d'Affaires at Montevideo has a 9-inch glass; and a very fine instrument of 6 inches aperture was ordered by the United States Government for Lieut. Gilliss's expedition to Chili, and is now in the observatory of the Chilian Government. The methods of Mr. Fitz were entirely of his own invention, and so delicate as to detect the change in form, by expansion, of an object-glass, effected by passing the finger over it on a frosty night. When seized with his final illness, he was about to go to Europe to select a glass for a 24-inch telescope, and to procure patents for a camera, involving a new form of lenses, having all the advantages of Harrison's globe-lens at a much less cost. His death is a great loss to science.

Nov. 7.—Skinner, Elisha W., assistant State librarian at Albany, died in that city. He was a native of Connecticut, and was born about 1790; was a printer by trade, but subsequently edited and published a paper in Hartford, Conn. After leaving Hartford he removed to Albany, N. Y., and published in connection with Mr. Webster, the Albany "Gazette," and afterward became proprietor of "The Daily Advertiser."

Nov. 12.—Lane, Hon. George W., U. S. District Judge of Alabama, died at Louisville, Ky. He was a refugee from that State, on account of his Union principles.

Nov. 14.—Kennaday, John, D.D., a clergyman of the Methodist Episcopal Church, died in Brooklyn, N. Y. He was born in the city of New York, November 3d, 1800. In early youth he became a printer, diligently cultivating his mind, and pursuing a course of initial legal studies in his leisure hours. In 1822 he was converted, under the labors of Rev. Heman Bangs, and the following year entered the travelling ministry of the M. E. Church, by joining the New York Conference. He remained in the ministry up to the day of his death, filling many of the most important pulpits in the New York, Philadelphia, and New York East annual conferences, with very great acceptability. He was a member of two General Conferences, and was distinguished for his geniality, gentlemanly deportment, eloquence both in the pulpit and on the platform, and great purity of character.

Nov. 15.—Posey, Brig.-Gen. Conrad, an officer in the Confederate service, died at Charlottesville from a wound received at Gettysburg. He was a native of Mississippi, and was made a brigadier-general early in 1863. He was an officer of much military talent.

Nov. 18.—Abbott, Hon. Chauncey M., died at his residence in Niles, Cayuga county, N. Y. He was a native of Niles, and was born in 1822. In 1857 he was elected to the Assembly, and in 1859 was reëlected. In 1861 he was chosen to the Senate, and in the session of the following year was chairman of the Committee on Poor Laws, and a member of the Committees on Internal Affairs of Towns and Counties, Agriculture and Expenditures. He was highly respected for his integrity of character and sound judgment. His death resulted from the fatigue and exposure which he underwent during the canvass of 1863.

Nov. 20.—Bronson, Hon. David, died at the house of his son, Rev. Benjamin S. Bronson, St. Michael's parish, Talbot co., Maryland. He was a native of Maine, born in 1799, graduated at Dartmouth College in 1819, was member of Congress from the Norridgewock district from 1841 to 1843, and afterward for many years Judge of the Supreme Judicial Court of his native State.

Nov. 21.—Cushman, Hon. Henry W., died at Bernardstown, Massachusetts. He was born in that town in 1805; entered the State Legislature in 1857, and was lieut.-governor in 1851 and 1852. He was esteemed one of the most liberal and useful citizens of the State, and was noted for his interest in the intellectual and religious progress of the age.

Nov. 21.—Stevenson, Thomas B., a prominent politician and distinguished editor of Kentucky, died at Maysville, Ky. His disease was softening of the brain.

Nov. 23.—Ransom, Hon. Elias, died at his residence, Lockport, N. Y. He was born in Berkshire county, Mass., in 1795. While very young he removed with his father's family to Buffalo, where he remained until 1822, when he went to Lockport, and for many years was successfully engaged in the practice of law. He was successively district attorney, a member of Assembly, and county judge. His failing health obliged him to retire from public life some years since, and his last illness was long and severe. He was a man of strict integrity, and in every relation of life was honored and esteemed.

Nov. 24.—Elliott, Major Gilbert Malleson, of the 102d regiment, N. Y. volunteers, was killed at Lookout Mountain. He was born in Connecticut in 1840, and removed to New York in early childhood. In 1857 he became a member of the Free Academy, and at once took the highest stand in scholarship and deportment, receiving the gold medal at four successive commencements, and the valedictory oration at his graduation. On the completion of his studies, he was impressed with a strong desire to enter into the service of his country, and in October of that year was commissioned first lieutenant. At Antietam he won himself much honor, and soon after was appointed ordnance officer in the 2d division of the 12th army corps, where he rendered most effective service during the battles of Chancellorsville and Gettysburg. Having previously received the rank of captain, he was subsequently appointed major, and was soon after placed in actual command of his regiment, both of his superior officers having been wounded. In September, 1863, the 12th army corps was transferred from the army of the Potomac to

the army of the Cumberland, and in the storming of Lookout Mountain, his regiment held the right of Geary's division in Gen. Hooker's first line of battle. During the hottest part of the engagement Major Elliott leaped upon a rock, either to cheer his men or for purposes of observation, and immediately received a ball from a sharpshooter, causing speedy death.

Nov. 25.—Sanders, Brig.-Gen. William P., an officer of U. S. volunteers, died at Knoxville, Tenn., of wounds received in the battle at Campbell's Station. He was a native of Kentucky; graduated at West Point in 1856; and entered the service as brevet second lieutenant 1st dragoons, and was transferred to the 2d dragoons in May, 1857. Soon after the commencement of the war, he was made captain of a company in the 6th regular cavalry and took an active part in the peninsular campaign. He subsequently accepted the office of colonel of a volunteer regiment in Kentucky, and performed many valuable services in the West. A few months previous to his death, he was appointed brigadier general of volunteers, and was assigned to the command of the first division of cavalry in East Tennessee. He was a brilliant officer, a true patriot, and a thorough gentleman.

Nov. 26.—Short, Levi, inventor of the celebrated Greek Fire, died in Philadelphia. Since the outbreak of the war he had been actively engaged in perfecting his invention and bringing it into practical use.

Nov. 26.—Welles, Cornelius M., died at Big Meadow Mining district, Los Angeles co., California. He was born in Wethersfield, Conn., in 1828, and in his boyhood was a clerk in a bookstore in Hartford, Conn., and subsequently for a short time engaged in the bookselling and publishing business. In 1851 he became interested in the establishment of Ragged or Mission Schools in Hartford, and in 1852 visited California, where he acted for some time as a lay missionary in some of the mining districts. He subsequently visited Australia, and in 1855 returned to Hartford. He there soon organized a city mission school, and exerted himself with great success for the benefit of the poor, ignorant, and vicious population of that city for several years. His health failing, he made a voyage to South America, and at Buenos Ayres and Rio Janeiro organized mission schools, which he subsequently handed over to missionaries who came to those parts, and in December, 1859, returned, by way of England, to New York. Here, within two weeks after landing, he had organized a mission school among the ignorant and vicious poor of the Seventeenth Ward; and this organization, which, in a few months, under the name of the Beulah Mission, grew into a Sunday school, a free-day school, a regularly maintained religious service three times a week, and a charity for the honest but unfortunate poor, accomplished a large amount of good. In the summer of 1862 he was compelled by impaired health to seek a warmer climate, and accepting an appointment as missionary to the freedmen in Washington, D. C., he established several schools for their instruction, and while directing these, gave every moment of leisure he could command to the work of visiting and ministering to the sick and wounded soldiers. In the battle of Cedar mountain, in those before Washington during Gen. Pope's campaign, at South mountain and Antietam, at Fredericksburg, Chancellorsville, and Gettysburg, he was always on the field, one of the first to care for the wounded soldier, to staunch his wounds and administer cordials and food, as well as to give spiritual solace to those who were destined to speedy death. In September, 1863, he sailed for California, and was on his way to Arizona, when he died after a very brief illness.

Nov. 27.—Dempster, John, D. D., a clergyman of the Methodist Episcopal Church, died at Evanston, Ill. He was born in the town of Florida, N. Y., Jan. 2d, 1794. He began life in an humble sphere, but after his conversion in 1812, he gave himself to study with great diligence. In 1816 he became an itinerant preacher by joining the Genesee Conference, and soon distinguished himself by the earnest power and ability of his preaching, and his sound judgment. After laboring several years in Western New York he went to Buenos Ayres as a missionary, where he was engaged for six years. On his return he was stationed in the city of New York, and in 1847 removed to Concord, N. H., where he became one of the founders and professors of the Biblical Institute. In 1854 he removed to Evanston, Ill., to inaugurate a Biblical Institute at that place, and was senior professor of the latter institution at the time of his death. He was a member of seven general conferences, was a hard student, a superior preacher, and a successful educator of young men.

Nov. 28.—Rotch, Col. Francis M., died at his residence in Morris, Otsego co., N. Y., aged 41 years. He received a thorough education in his youth, and, upon arriving at maturity, combined with his fondness for the quiet pursuits of agriculture a lively and intelligent interest in public affairs. He served in the Senate of 1860 and 1861 with distinction, and at the close of his senatorial term, received an appointment upon Gov. Morgan's staff. The duties imposed upon him were arduous, and in their prosecution he was often obliged to visit the regiments in the field, and while thus employed was seized with an illness, from which he never fully recovered, and which finally terminated in an attack of congestion of the brain.

Nov. —.—Rand, Edward Sprague, a prominent citizen of Newburyport, Mass., died in that city, aged about 81 years. He was born in Newburyport, and was educated at the Dummer Academy, after leaving which he entered his father's store as a clerk. When about 18

years of age he was sent to Europe as supercargo, and before he was twenty-one, was established as a commission merchant in Amsterdam. Here he resided several years, embracing the period of the French occupation of Holland. After leaving Amsterdam he made several voyages; among others to the Canary Islands and Havana, and again to Amsterdam, where after remaining two years he returned home. He soon left again for Russia, and on his return from St. Petersburg in 1810, his vessel loaded with iron was shipwrecked on the Naze, the southern cape of Norway, and being unable to obtain a passage home, he was obliged to remain and endure the rigors of a Norwegian winter. After this he remained at home for a time and subsequent to the declaration of peace in 1815, was for many years engaged in the East India trade. In 1821 he, in connection with some others, purchased a woollen mill at Salisbury, now known as the Salisbury Mills, and of which he was for a long time president. In 1827 he withdrew from commerce, and entered more largely into manufactures. From 1827 to 1835 he was president of the Mechanics' Bank, Newburyport. He was for several years in the House of Representatives and Senate. He was a devoted member of the Episcopal Church, and often delegate to the General Episcopal Convention.

Nov. —.—Duncan, Brig.-Gen. Johnson K., an officer who died in the Confederate service. He was a native of Pennsylvania; entered West Point in 1845, and upon his graduation was appointed brevet second lieutenant 2d artillery; was transferred to the 3d artillery, Oct. 1849, as second lieutenant, and in Dec. 1853 was made first lieutenant. He resigned Jan. 31st, 1855, and upon the commencement of the war entered into the Confederate service as colonel. He was appointed brigadier-general from Louisiana, and commanded Forts Jackson and St. Philip at the time of the bombardment by Flag Officer Farragut.

Dec. 2.—Pierce, Mrs. Jane M., wife of ex-President Pierce, died at Andover, Mass. She was born in Hampton, New Hampshire, March 12th, 1806. In 1834 she was married to Hon. Franklin Pierce, then of Hillsboro, who was serving his first term in Congress. Her fine natural endowments were developed by a careful and generous culture, which eminently fitted her for the exalted position to which she was called during her husband's administration, and her piety, chastened by affliction in the loss of all her children, was of that elevating and refining nature which exerted a powerful influence over her wide circle of friends. During the last years of her invalid life she found much physical relief, as well as enjoyment, in foreign travel, and in residence near the mountains and seashores of New England. Her death was a peaceful and fitting close to a life of uncommon purity and devotion to the happiness and good of others.

Dec. 4.—Whistler, Col. William, an officer of the U. S. army, died at his residence in Cincinnati, at a very advanced age. He was a native of Maryland, but appointed to the army from the Northwest Territory, June 8th, 1801. He was the oldest army officer in the United States, with the exception of Gen. Scott, having been in service for more than 60 years. At the date of his retirement from service, October 9th, 1861, he was colonel in the 4th infantry.

Dec. 10.—Ingham, Charles C., died in New York city, aged 66 years. He was one of a family who had devoted themselves to art, and for many years he and his brother, who survives him, stood in the first rank of American portrait painters. His portraits possessed the rare charm of presenting the sitter in his most characteristic position, and his happiest mood, developing hidden graces of expression only known to those who were in the most intimate relations with him.

Dec. 13.—Green, Gen. Thomas J., an officer in the Confederate service, died at his residence in Warren county, N. C., aged 62 years. He was a general in the Texan war of independence, a member of the Texan Congress, the leader of the Mier expedition, one of the band of "Mier prisoners," and subsequently historian of that transaction. He was afterward a State senator in California, and major-general of the militia in that State.

Dec. 16.—Buford, Maj.-Gen. John. (*See* Buford, John.)

Dec. 17.—Van Brunt, Commodore Gershom J., of the U. S. navy, died at Dedham, Mass., aged 63 years. He was a native and a citizen of New Jersey, and entered the service November 3d, 1818. He received his commission of commodore, July 16th, 1862, was in command of the Minnesota, which sailed from Boston soon after the commencement of the war, and took an active part in the reduction of the Hatteras forts, and in the blockading service at Hampton Roads. Subsequently he was intrusted by the Government with the supervision and equipment of Gen. Banks's New Orleans expedition, and at the time of his death was acting under the orders of the War Department as inspector of transports for the New England district. He was highly esteemed in the navy for his talents as an officer as well as for his intrinsic worth.

Dec. 18.—May, James, D. D., Professor of the Divinity School, Philadelphia, died in that city after a short illness.

Dec. 21.—Baine, Hon. A. C., died at Clifton, Lander county, Nevada Territory. He was born at Raleigh, North Carolina, September 21st, 1810. He removed to California not far from 1849, and settled at Stockton, in which city he practised his profession of lawyer, winning the respect and esteem of the bar by his scholarship and integrity of character. Until 1857 he was a devout Presbyterian, but at that period he embraced the Catholic faith, adhering to the rigid performance of the most minute detail of the discipline and regulations of the church.

He was the author of a work entitled "Divine Faith and Natural Reason," published in 1861, and at the time of his death had nearly completed a volume entitled the "Relations of Human Liberty to Natural, Moral, and Divine Law."

Dec. 22.—Corcoran, Brig.-Gen. Michael. (*See* Corcoran, Michael.)

Dec. 22.—Smith, Rev. L. Ward, died at Germantown, Penn. He was born in Rochester, N. Y., from which place he was sent to the Assembly in 1849. In 1851, he was appointed adjutant-general of the State, serving until 1853, when he assumed orders in the Episcopal Church. At the time of his death he was rector of the Episcopal church at Germantown, Penn.

Dec. 23.—Tappan, Benjamin, D. D. died at Augusta, Maine.

Dec. 25.—Chew, Prof. Samuel, of the Maryland University, died at his residence in Baltimore.

Dec. 31.—Vanderbilt, Capt. George W., son of Commodore C. Vanderbilt, died at Nice, in the 25th year of his age. He graduated at West Point in the spring of 1860, and immediately entered the regular army with the rank of 2d lieutenant. He was first stationed at Fort Walla-Walla, in Washington Territory, where he remained until the war broke out, when he was ordered to Boston to take charge of the recruiting service at that place. In the spring of 1862 he received an appointment on the staff of Brig.-Gen. Tyler as assistant adjutant-general, with the rank of captain. He was regarded by his superiors as an officer of great promise. While in the discharge of his duties he contracted a disease incident to exposure in an unhealthy region, and resisting the importunities of his superior to accept a furlough for the recovery of his health, he was soon beyond the reach of medical skill. In the spring of 1863, finding himself seriously ill, he obtained a furlough, and left for Europe, where he secured the best medical advice, but too late; he continued to sink, and died the last day of the year, lamented by a large circle of relations and friends.

OBITUARIES, Canadian.—*Jan.* —, 1863. —Montcalm, Gozon, Marquis de, the grandson of the commander-in-chief of the French forces at the conquest of Canada by the British. He had watched with much interest the honor rendered in Canada to the memory of his illustrious ancestor on the occasion of the inauguration of a cenotaph in the church of the Ursulines. The intelligence of the erection of another monument, to commemorate the second battle of the Plains of Abraham, he had received with feelings of deep emotion; and in a letter written to a friend says: "Were I not so much advanced in years, it should be my wish to live and die in a country which preserves with so much veneration the memory of the heroes of France."

Jan. —.—Kennedy, Reed J. S., secretary to the Church Society at Toronto, C. W. Died at Toronto in January, 1863.

Jan. —.—Nelson, Horace, M. D., a son of Dr. Wolfred Nelson, of Montreal. Was a professor in McGill University.

Feb. 11.—Evans, Thomas C. B. This deceased general officer had served an active military career in the four quarters of the globe—in the East and West Indies, France, South and North America, Spain, Malta, and Egypt. He was military secretary to Sir Gordon Drummond during the war of 1812, and was present at many of the engagements between the British and American forces. Removing to Canada some years previous to his death, he contributed largely to some of the educational and charitable institutions of that province, and took a deep interest in the founding of Huron College, C. W.

Feb. 19.—Mondelet, Hon. Dominique, President Judge of Three Rivers, C. E. Died at Three Rivers on 19th February, 1863, at the age of 64 years.

Feb. 28.—Smith, Hon. Hollis, member of the Legislative Council of Canada for the electoral division of Wellington. He was a native of New Hampshire, but resided in the Eastern Township of Canada from boyhood, and enjoyed the general respect and confidence of the community. He was one of the trustees of the University of Bishop's College, Lennoxville, C. E., and was returned to Parliament in 1856 at the first elections which took place after the passing of the bill, in the Canadian Legislature, making the Legislative Council an elective body. Died at Sherbrooke, 28th February, 1863.

March —.—Knowlton, Hon. Paul Howard, a life member of the Legislative Council of Canada. Col. Knowlton was born in the year 1787, and was for upward of 35 years engaged in political life. He was appointed a member of the Special Council by Sir John Colborne (afterward Lord Seaton), and in 1841, on the union of the provinces, was called by Royal Mandamus to the Legislative Council. He was colonel commanding Militia District No. 10. He resided in the Eastern Township, where he took a lively interest in all questions affecting the public welfare. He had been mayor of Knowlton (a village named after him), and warden of the county of Brome.

April —.—Harwood, Hon. Robert Unwin, was born at Sheffield, England, on the 22d of January, 1798. He came to Canada in 1821. Entering political life, he was called to the Legislative Council of Lower Canada, by Lord Aylmer, the then governor general. During the administration of Lord Sydenham, at the Union, he was appointed a member of the Special Council. He married the eldest daughter of the late Hon. M. de Lotbiniere, Seignior of Vaudreuil, Rigaud and Lotbiniere; and for some years retired from the arena of politics. At the general election of 1857 he was returned to the Legislative Assembly for the county

of Vaudreuil, and sat for that constituency until 1860 when he was returned to the Legislative Council for the division of Rigaud. He was lieut.-colonel of the 1st battalion Vaudreuil militia, but some months prior to his death, he threw up his commission with disgust at the policy pursued by the Canadian administration in conducting militia affairs. His death occurred in the beginning of April, 1863. He is buried in Mount Royal Cemetery, Montreal.

April 12.—Franchère, Gabriel. The last survivor of the founders of the colony of Astoria. Mr. Franchère was born at Montreal, in 1786. He joined the Astoria expedition under the guidance of John Jacob Astor. Washington Irving's charming book entitled *Astoria*, written at the request of the father of the expedition, contains a faithful and elegant history of the expedition and its results. Mr. Irving quotes copiously and in flattering terms from Mr. Franchère's work on the same subject. The American war of 1812 having forced Mr. Astor to give up sending recruits to his settlement, its abandonment was decided on; and Mr. Franchère on his way to Canada, in 1814, crossed the Rocky Mountains. In 1842 he was admitted as a partner in the American Fur Company; he subsequently joined the firm of Messrs. P. Chouteau & Fils, and at the time of his decease he was the senior partner of the house of G. Franchère & Cie, of Montreal. In 1858 there were but three survivors of the Astoria expedition, viz.: Alfred Seaton, vice-president of the "Sun" Mutual Insurance Co., Ramsay Crooks, a merchant, and Mr. Franchère. The two former died in 1859. Mr. Franchère's ancestor had come to Canada as assistant in a French ship. He was the uncle of Hon. Mr. Justice Laberge, of Lower Canada. His death took place at the residence of his son-in-law, Hon. John S. Prince, St. Paul, Minnesota, 12th April, 1863.

April. —.—Belanger, Solomon, a Canadian by birth, and an old travelling companion of Sir John Franklin, the arctic explorer. Belanger had rendered Sir John a most signal service, having, as appears by the journal of that officer, succeeded on one occasion in saving his life. He died in the parish of St. Jacques de l'Archigan, C. E., toward the end of April, 1863.

May 18.—Walker, Hon. William, D. C. L., a life member of the Legislative Council of Canada. Mr. Walker was born in Scotland, and came to Canada in the year 1815. He occupied a distinguished position as a Canadian merchant. He was a partner in the firm of Forsyth, Richardson & Co., of Montreal, and of Forsyth, Walker & Co., of Quebec. He was part owner and one of the building committee of the sea-going steamer Royal William, constructed at Quebec, which was the first steam vessel that crossed the Atlantic Ocean. In 1848 he retired from business, but previous to this, in 1839, he had been appointed a member of the Special Council. In 1842 he was called to the Legislative Council by royal mandamus. He had been presented by the Earl of Durham with a commission as major in the militia for having raised and commanded the Quebec Volunteer Rifle Corps. He was the first chancellor of the University of Bishop's College, Lennoxville, C. E., which conferred upon him the honorary degree of D. C. L., first president of the Quebec and Rivière du Loup Railway Company, before its amalgamation with the Grand Trunk; president of the Quebec Board of Trade, and of the Bank of Montreal; and Deputy Master of the Trinity House. He married Margaret, the eldest daughter of the late Hon. Matthew Bell, of Three Rivers. Died at Quebec 18th May, 1863.

June 30.—Brown, Peter, was born about 1784. In his earlier years he was a merchant in Edinburgh, Scotland, and an active politician on the liberal side during the time of the borough-reform agitation. In 1838 he emigrated with his family, and resided five years at New York. While there he was for a time on the editorial staff of the "Albion," and subsequently became editor of the "British Chronicle." He also published a work called the "Fame and Glory of England Vindicated," intended as a reply to a publication of Mr. C. E. Lester, styled "The Shame and Glory of England." In 1843, at the request of the prominent clergymen and members of the Presbyterian Church of Canada, Mr. Brown removed to Toronto, where he established the Toronto "Banner" as an independent organ of liberal Presbyterian views. This journal was edited for many years with great vigor and ability. From 1844 to 1849 Mr. Brown also contributed largely to the editorial columns of the "Globe." For a year previous to his death, he had been in feeble health, which ended in an attack of congestion of the lungs. The day previous to his death was the 79th anniversary of his birth, and the 50th of his marriage. Mr. Brown was a man of superior attainments, as a writer clear and logical, and in private life displaying qualities which gained him the esteem of a large circle of friends. He was the father of the Hon. George Brown, the Canadian publicist and statesman, and proprietor of the Toronto "Globe." His death occurred on Tuesday 30th June, 1863.

July 29.—Jeffrey, Hon. Andrew, a member of the Legislative Council of Canada, born at Foulden, in Scotland, on the 17th February, 1800. Having emigrated to Canada in 1819, he settled in Cobourg, C. W., the following year, and there resided till his death. By industry and perseverance he established a hardware business, which gradually became large and prosperous. In 1860, he obtained a seat in the Legislative Council, at the first popular election for the division of Newcastle. He was a man of considerable information, calm judgment, and strict integrity. He died at Cobourg 29th July, 1863.

August 1.—Gourley, Robert, born in Scotland in 1778. He came to Canada in the

month of July, 1817. In 1822 he published a work called a "General Introduction to a Statistical Account of Upper Canada with a view to a Grand System of Emigration." Having incurred the displeasure of the Government by his political principles, he was ordered to quit the province within six months as a seditious person. This order he refused to obey, whereupon he was arrested and lodged in Niagara jail. While awaiting his trial, he continued his vehement opposition to the executive. Being at length found guilty of refusing to obey the order, he was compelled to retire to the United States, whence he soon after proceeded to England. He died at Edinburgh, on the 1st of August, 1863, in the eighty-fifth year of his age. The Toronto "Globe," in announcing his decease, said: "This is the last of an able and honest man, who once played a prominent part in Canada in defence of the right of free speech and printing, in opposition to a tyrannical faction."

August 8.—Elmsley, Hon. John, R. N., a strong supporter of the Church of Rome in Upper Canada. Captain Elmsley was a son of a former chief justice of the Western Province, from whom he inherited a large property, and nephew of the late Admiral Sir Benjamin Hallowell. He was born in Elmsley House, Toronto, in 1801, and at an early age entered the royal navy. After his retirement from the service he took a leading part in the public affairs of the province. He was called by royal mandamus to the Legislative Council, and sat as a member of that body until the union of the two provinces. On his marriage with Miss Sherwood, a Catholic lady, he renounced the faith of his family and went over to the Church of Rome. Henceforth he was a most munificent patron of Catholicism; he established the House of Providence at Toronto, and in a great measure was instrumental in founding the College of St. Michael in the same city. He also established the first Roman Catholic school in Upper Canada. Died at Toronto 8th August, 1863.

August —.—Craigie, William, M. D., born on the 11th of March, 1799, at Belnaboth, parish of Powrie, Aberdeenshire, Scotland. He came to Canada, settled at Ancaster in 1834, and removed to Hamilton in 1845. He studied for the medical profession at Mareschal College, Aberdeen, the Universities of Edinburgh and Dublin, taking degrees in all. The doctor was a ripe scholar, probably one of the first in U. C., and held a high position as a scientific authority in meteorology, botany, horticulture, and agriculture. His efforts as a metereologist were chronicled for many months in the columns of the Hamilton "Spectator;" and he frequently lent assistance to a scientific journal published in connection with the Smithsonian Institute at Washington. He was a member of the Board of Arts and Manufactures of C. W., and of the Hamilton Horticultural Society. He died at Hamilton, C. W., in August.

Sept. 18—Freer, Cortland, was born in Quebec, on the 31st of October, 1831. He was the second son of Noah Freer, for many years cashier of the Quebec Bank. He was educated at the Upper Canada College, Toronto, where he gained high honors, taking a first exhibition while under 13, and also the Wellington Scholarship. He graduated at the Toronto University, and the degree of M. A. was subsequently conferred upon him at a convocation of Bishop's College, Lennoxville, C. E. It was intended that he should follow the legal profession, but his own tastes induced him to prefer civil engineering. He was actively employed during the construction of part of the St. Lawrence and Atlantic railroad, and was afterward one of the division engineers. When this line had been transferred to the Grand Trunk, he continued in connection with the latter company, and finally became superintendent of the eastern district, between Montreal, Quebec and Rivière du Loup. He commanded a company of volunteer engineers. In 1856 he married a daughter of Mr. Justice Sicotte. The surviving issue is a daughter and two sons. He died after a short illness, on Friday, 18th September, 1863, at his residence, Point Levi.

Nov. 2.—Eccles, Henry, Q. C., an eminent barrister of Upper Canada. Mr. Eccles was born at Bath, England, in 1817. His father, Capt. Hugh Eccles of the 61st, who died a few years ago, was for a long time a resident of Canada, having settled there after the Peninsular war, in which he lost an arm. While his father was living at Niagara, Henry studied law in the office of Mr. James Boulton. He never attended any public school, but was educated entirely by his father, who was a gold medallist of Trinity College, Dublin. He was called to the bar in Easter term, 1842; was elected a bencher of the Law Society in 1853, and appointed Queen's counsel in 1856. He soon attained a leading position at the bar; and for a long time was engaged, as counsel, in nearly every case of importance. He appeared to great advantage before a jury. Tall, well-proportioned and erect, his personal appearance was imposing, and his voice was musical and well managed. He had a wonderful faculty of making a point clear to the comprehension of an average jury, and the simplicity of his style was one of the great sources of his success. Under his manipulation, the most complicated case became clear and easy of comprehension. He was also famous as a special pleader; and not less so for his power of extorting truth from a witness. His astute appreciation of evidence enabled him to seize upon the strong as well as the weak points, and to make the most of both. He had been in partnership with Mr. Carroll, in Toronto, since 1854. In 1842 he married Jane, fourth daughter of Capt. Francis Lelievre, A. C. G., Canada; by whom he had one son, Francis Hugh Eccles. He died at his residence in Toronto, on the 22d of November, 1863.

OBITUARIES, EUROPEAN.—*Jan.* 7.—BIBBY, THOMAS, called "Scholar Bibby," died at Kilkenny, Ireland, aged 64 years. He commenced his education at a grammar school in Kilkenny, entered Trinity College, Dublin, at an early age, and obtained a scholarship. When but thirteen years of age he carried off the gold medal for science at a college examination, where he had a host of competitors. His love of the classics, however, went far beyond that of science, and he became one of the best Greek scholars of the day. In his collegiate course he held a distinguished place, but the extreme eccentricity of his character proved an effectual bar to his attaining any public position. Some of his relatives placed him in a private lunatic asylum in Dublin; but he was soon released, and thenceforth passed an utterly secluded and solitary life among his books. Though possessed of a considerable income, he lived in the greatest penury, denying himself many of the common necessaries of life in order to gratify his mania for book buying. From garret to cellar his house was filled with books—books on all subjects, of all ages, and all countries, many of them allowed to decay from damp, moths, and worms. Even the staircases were covered with books as well as the kitchen, scullery, and cellar. The shutters of his house were always closed, and he seldom left it, save upon the Sabbath, when he attended the noonday service at the cathedral; if by chance he slipped out, it was usually in the evening and for the purpose of attending to some book purchases. He published two dramatic poems, "Gerald of Kildare," in 1854, and "Silken Thomas," in 1859.

Jan. 17.—VERNET, HORACE. (*See* VERNET.)

Jan. 31.—LANSDOWNE, Marquis of. (*See* LANSDOWNE.)

Feb. 28.—MAUBOURG, La Comtesse ANASTASIE DE LA TOUR, daughter of the famous Marquis de Lafayette, died at Turin, Italy. She was born in Paris, July 1st, 1777. She shared her father's captivity in the citadel of Olmutz, and, on her return to France, married Comte de la Tour-Maubourg. Since 1848 she had lived in Turin, and occupied herself exclusively in relieving the poor.

March 13.—HUGHES, EDWARD HUGHES BALL, died at St. Germains. He was long a resident of that retreat, and in the days of George IV. was one of the leading dandies. He was called "Golden Ball," and figured in the best society of London, among whom his fortune and favorable personal appearance made him a welcome guest. He married the celebrated dancer of the day, Mdlle. Mercandotti, and departed at once for the continent, and from that time lived in retirement.

March 15.—DESPRETZ, CESAR M. (*See* DESPRETZ.)

March 26.—EGG, AUGUSTUS LEOPOLD, an English artist, died at Algiers, Africa. He was born in London in 1817, and in 1838 made his first exhibition of painting at the academy. In 1848 he was elected an associate. In 1844 he executed his well-known picture, "Gil Blas Exchanging Rings with Camilla." In 1850 he produced what is generally considered his best picture, "Peter the Great when he sees Catharine, his future Empress, for the first time." In 1857 he was selected to arrange the gallery of modern paintings at the Manchester Exhibition. In 1859 he exhibited at the Royal Academy a Trilogy, which was highly commended, and the same year a subject from Thackeray's "Esmond."

March 28.—GRIMALDI, STACEY, an English barrister, died at Herndon House, Kent. He was born at Greenwich in 1791, was educated for the law, and for upward of forty years practised in Copt-hall Court in the city of London. In 1824 he was elected a fellow of the Society of Antiquaries. In 1834 was appointed to deliver lectures on the "Public Records of the Law Institution," and in 1853 an auditor of the Incorporated Law Society. In 1828 he published his well-known work, "Origines Genealogicæ." He was also the author of several smaller works, and a frequent contributor to the "Gentleman's Magazine" from 1813 to 1861.

April 13.—FOWLER, Dr. RICHARD. (*See* FOWLER, RICHARD.)

April 14.—HARCOURT, Admiral. (*See* HARCOURT.)

April 14.—LEWIS, Sir GEORGE CORNEWALL. (*See* LEWIS, G. C.)

April 25.—HAGAN, Rear-Admiral Sir R., an officer in the British navy, died at his residence, Pembroke Road, Dublin. He entered the navy in 1807 in the Surveillance, under the command of Sir George Collier, and remained in that ship until 1813, actively engaged, principally on the north coast of Spain in coöperation with the army, and was present at the siege of St. Sebastian. From 1815 to 1819 he commanded the Princess Royal and Prince Regent, colonial tenders on the west coast of Africa. In 1823 he obtained command of the Thistle gun-brig, in which he was very successful, capturing forty slave vessels, and liberating 4,000 negroes. He was made a commander, May 15th, 1823, and served as Inspector-Commander of the Irish Coast Guard until promoted to a captain's rank in 1843.

May 4.—HATHERTON, Lord. (*See* HATHERTON.)

May 8.—COUCH, RICHARD Q. (*See* COUCH, RICHARD.)

May 21.—EARDLEY, Sir CULLING E. (*See* EARDLEY, CULLING E.)

May 28.—WILMOT, Rev. ROBERT. died at Nettlebed Oxon.

May.—.—DOST MOHAMMED KHAN. (*See* DOST MOHAMMED KHAN.)

June 3.—RUSSELL, JOHN, D. D., Canon of Canterbury, and Rector of St. Botolph, Bishopsgate, London, died at the Oaks, Canterbury, aged 76 years. He was educated at Charterhouse School, where he gained the golden

medal of honor in 1801, and from thence was elected student of Christ Church, Oxford, graduating in 1806. In 1810 he was ordained priest, and the following year returned to his school as head master, where he remained for twenty-one years, directing the studies of a vast number of young men, many of whom became distinguished in after life. His character as a teacher was well portrayed by Thackeray, one of his pupils, whose "Greyfriars" is the Charterhouse. In 1827 Dr. Russell was made a Canon of Canterbury, and in 1832 was made Rector of Botolph, Bishopsgate, upon which he resigned his mastership. For thirty years he was also connected with the Clergy Orphan Corporation, and in 1849 was made its treasurer. Dr. Russell was the author of a popular English Grammar (1832); "Rudiments of Latin" (1816); "A Spital Sermon" (1813); *Concio ad Clerum* (1833); and in 1820 edited *Casaubon's Ephemerides.*

June 26.—Jebb, Maj.-Gen. Sir Joshua. (*See* Jebb, Sir Joshua.)

July 7.—Mulready, Wm. (*See* Mulready.)

July 15.—Williams, Frederick Sims, Esq., an English barrister, died, aged 51 years. He was author of "Improvements of the Jurisdiction of Equity," published in London, 1852; "Our Iron Roads, their History, Construction, and Social Influences" (8vo, 1852); "The New Practice of the Court of Chancery" (1854; "Thoughts on the Doctrine of Eternal Punishment," with Reference to the Views of the Rev. F. D. Maurice and the Neoplatonists (8vo., 1857); and "The Wonders of the Heavens" (12mo, 1861).

July 28.—Normanby, Constantine Henry Phipps, Marquis of. (*See* Normanby.)

July 29.—Cresswell, Sir Cresswell, Judge of the Court of Probate, Divorces, and Causes Matrimonial, died at Prince's Gate, Hyde Park. He was born in 1794, educated at the Charterhouse and Emmanuel College, Cambridge, and was called to the bar at the Middle Temple in 1819. Having attained the rank of king's counsel, in 1834, and led the Northern Circuit with an ability which gave him a high reputation, he was, in 1837, returned to Parliament in the conservative interest, as member for Liverpool. In 1842 he was appointed one of the Justices of the Common Pleas, where he sat for sixteen years, and, as a judge, was universally allowed to be one of the ablest and most impartial. In 1858, on the establishment of the new court for the hearing of causes connected with matrimony, divorce, and wills, Sir Cresswell was appointed its first judge, and in that capacity successfully discharged the heavy duty of moulding the practice and procedure of an entirely new and untried jurisdiction. He was apparently in robust health when he was thrown from his horse in St. James's Park, on the 17th of July, fracturing his knee-pan. From this he was rapidly recovering when he suddenly died by disease of the heart, which had been hitherto unsuspected.

Aug. 1.—Kower, The Maharanee Jendan. (*See* Kower.)

Aug. 7.—Botfield, Berigh. (*See* Botfield.)

Aug. 8.—Gilbart, James William. (*See* Gilbart, J. W.)

Aug. 11.—Field, Joshua, Esq., an English civil engineer, died at Balham, Hill-house, Surrey, aged 76 years. His attention had been especially directed to the marine engine and to steam navigation, since the year 1816, and he was one of the well known firm of Messrs. Maudslay, Sons and Field, of Lambeth. This establishment took a very prominent part in the prosecution of steam navigation, and engaged to construct engines of adequate power to propel a vessel across the Atlantic, of the necessary size to carry sufficient fuel for the voyage, at a time when many competent authorities doubted its practicability, and the first constructors of the day declined to undertake it. The engines were completed and fitted on board the "Great Western" in 1838, at Bristol, and the vessel reached New York in 13 days and 10 hours, thus exceeding the most sanguine expectations of the promoters. In 1817 Mr. Field was one of six young men who founded the Institution of Civil Engineers, of which he was elected president, January, 1848, after having served for some time as vice-president.

Aug. 13.—Delacroix, Eugene. (*See* Delacroix.)

Aug. 14.—Harcourt, Admiral Octavius Vernon. (*See* Harcourt, O. V.)

Aug. 14.—Clyde, Rt. Hon. Colin Campbell, Lord. (*See* Clyde, Lord.)

Aug. 27.—Millar, Alexander, died at Montrose, aged 16 years. He was a native of Arbroath. When a mere child his power of mental calculation was such as to astonish all with whom he came in contact. One of his favorite amusements was in calculating how many seconds any person had lived. His power as a mental arithmetician grew with his growth, and enabled him to carry off the highest prizes at the schools he attended. He was also a very ready rhymester, and was accustomed to relate any ordinary event in rhyme. As his mind increased in vigor his bodily health declined, until he early fell a victim to an overwrought brain.

Aug. —.—Armellini, Carlo, formerly one of the Roman triumvirate, died at Brussels, aged 87 years. Pius IX., soon after his accession to the papacy, in June, 1846, intrusted to Armellini the preparation of the reforms which were effected between 1846 and 1848. When the Pope fled to Gaeta he was fixed on as one of the members of the triumvirate, and on the subversion of the Roman Republic he withdrew from Italy to Belgium, where he spent the remainder of his days.

Sept. 7.—Read, Samuel, Esq., member of the late School of Naval Architecture, died at Walthamstow, aged 67 years. In early life he distinguished himself by his scientific attain-

ments, and was honored by being made a member of the Committee of Reference, the Council of Science, and other like committees instituted by successive Governments for the improvement of naval architecture. He assisted materially in the establishment of the Institution of Naval Architects, to the "Transactions" of which he contributed several valuable papers, and, as an acknowledgment of his services, was recently elected to the honorary membership of the society. His published writings upon the higher branches of his profession were numerous and of a very high order, and in particular, the "Reports on Naval Construction" have taken their place amongst the standard works of the shipbuilding profession.

Sept. 8.—Beauchamp, Earl. (*See* Beauchamp.)

Sept. 14.—Gwilt, Joseph. (*See* Gwilt, Jos.)

Sept. 16.—Kilvert, Rev. Francis. (*See* Kilvert, Francis.)

Sept. 17.—Cockerell, Charles Robert. (*See* Cockerell, C. R.)

Sept. 20.—Grimm, Jakob. (*See* Grimm, Jakob).

Sept. 23.—Hope, Admiral Sir Henry. (*See* Hope, Henry).

Sept. 28.—Chitty, Edward, Esq., an English barrister, died at Waltham-green, aged 59 years. He was called to the bar by the Society of Lincoln's Inn, July 7th, 1829. He was the author of "New Orders of the Court of Chancery," 1831; "Index to Equity and Bankruptcy Cases," 1837; and a portion of a "Digested Index to all the Common Law Reports relative to Conveyancing and Bankruptcy," 1851.

Sept. 30.—Buckle, William, Esq., vice-president of the Society of Mechanical Engineers, died at his residence, Royal Mint, London, aged 69 years. He was the builder of the first locomotive engine which made the journey from Liverpool to Manchester, and was the contemporary and friend of Watt and Stephenson. He superintended the arrangements of the visit of George IV. to Ireland. Subsequently he became connected with the Soho Works of Messrs. Boulton and Watt, at Birmingham, where he held a responsible post till 1851, in which year he was appointed by Sir John Herschel to an important office in the coining department of the royal mint.

Oct. 8.—Whately, Right Hon. Richard. (*See* Whately, Richard.)

Oct. 12.—Lyndhurst, Lord. (*See* Lyndhurst.)

Oct. 13.—Billault, Auguste Adolphe M. (*See* Billault.)

Oct. 18.—Hope, G. W. (*See* Hope.)

Oct. 19.—Nichols, John Bowyer. (*See* Nichols J. B.)

Nov. 2.—Bunning, J. B., Esq., an English architect, died at his house in Gloucester Terrace, aged 61 years. His professional training was obtained mostly in the office of his father, a surveyor, in London. In 1835 his design for the City of London School was selected in a competition, and the building erected under his superintendence was opened in 1837. In the same year he was appointed surveyor to the London Cemetery Co., and subsequently laid out the Nunhead Cemetery, with all the roads and approaches. At this time he was surveyor to the Haberdashers' Company and attended to the erection of a large number of buildings on the Company's estate. In 1841 or thereabouts he was appointed surveyor to the London and County Bank, erecting buildings in Canterbury, Chatham, Brighton, &c. He was surveyor of the Thames Tunnel, Victoria Life Office, and architect of the Bethnal Green Union Workhouse, Chelsea Waterworks, and a mansion in Regent's Park, for the late Baron Vaughan. In 1843 he was elected to the office of clerk of the "City's Works," and in 1847 the designation was changed to that of architect, which important position he occupied for twenty years. He carried into effect many valuable street improvements. In 1849 he completed the Coal Exchange. In 1852 the City Prison, Holloway. In 1853 Billingsgate Market, and in the following year the Freemasons' Orphan Schools, at Brixton; in 1855, the Metropolitan Cattle Market in Copenhagen Fields. In 1858 was commenced the entire reconstruction of Newgate Gaol, and in the same year Rogers's Almshouses in Brixton. He designed the decorations of the annual banquets of the Lord Mayor, also for the entertainment of the Emperor and Empress of the French, the King of Sardinia, of the same year, and the International Exhibition Ball, July, 1862; also the decorations of the city at the reception of the Princess of Wales—which were unsurpassed by that of any capital in Europe. His death was probably the result of the exposures in superintending these preparations during unfavorable weather.

Nov. 12.—Duncan, Philip Bury. (*See* Duncan, P. B.)

Nov. 13.—Comonfort, Ygnacio. (*See* Comonfort.)

Nov. 15.—Frederick VII., King of Denmark. (*See* Frederick VII.)

Nov. 20.—Conington, Francis Thirkill, M.A., fellow of Corpus Christi College, Oxford, died at Boston, aged 35 years. He had held the office of scientific examiner in the University, and for some years had been a contributor to periodicals. He was the author of the "Handbook of Chemical Analysis," published in 1858, which has taken its place among the text-books of the subject.

Nov. 20.—Elgin, Lord. (*See* Elgin, Lord.)

Dec. 4.—Harding, Duffield J., an English artist, died at Barnes, Surrey, aged 65 years. He was a native of Deptford, was apprenticed to an engraver, but studied for an artist, and at the age of 18 received the silver medal from the Society of Arts. He was one of the first to work on stone with a brush instead of a crayon, whereby greater facility in labor was

ensured. He was the author of a work entitled "Sketches at Home and Abroad," published in 1836, and was one of the principal members of the Old Society of Painters in water colors.

Dec. 13.—Green, Joseph Henry, F. R. S., a distinguished English surgeon, died at Hadley, He was born in 1791, and received his professional education at St. Thomas's Hospital, was admitted a member of the Royal College of Surgeons in 1815, and in 1818 joined Sir Astley Cooper as joint lecturer on anatomy and physiology. In 1820 he became a surgeon to St. Thomas's Hospital, and delivered lectures on surgery and pathology. He was remarkable for his skill in operating, especially for lithotomy. In 1830 he was appointed to the professorship of surgery in King's College, and the following year wrote a pamphlet called "Distinction Without Separation," addressed to the president of the Royal College of Surgeons, proving that the distinction usually recognized between physician and surgeon does not really exist. In 1855, on the death of Mr. Lynn, surgeon to the Westminster Hospital, and a member of the Council of the College, Mr. Green was unanimously elected to the chair, and in 1840 was requested by his colleagues to deliver the annual Hunterian oration, afterward published at their suggestion under the title "Vital Dynamics," and again, in 1847, he became Hunterian orator, and published the lectures under the name of "Mental Dynamics." In 1846, on the resignation of Sir Benjamin Brodie, he was elected a member of the Court of Examiners, and in 1849 obtained the honor of the president's gown. At the time of his death he was president of the Council of Medical Education and Registration of the United Kingdom.

Dec. 24.—Thackeray, William M. (*See* Thackeray.)

OHIO. Quite an excitement of a political nature existed in Ohio during a portion of the year. It was occasioned by the arrest of Clement L. Vallandigham. (*See* Habeas Corpus.) The Democratic State Convention, which assembled at Columbus, on June 11th, nominated him for Governor, and George E. Pugh for Lieutenant-Governor. It also adopted a series of resolutions, declaring in the preamble that the Democratic party has ever been and still is a law-abiding party, and asks nothing but its rights under the Constitution and laws; it neither resorts to nor countenances a violation of either; it claims all the guarantees of public and private liberty, and the right to discuss public measures, and to propose and advocate that policy which it deems best for the nation, and to have its policy passed upon by the people at an untrammelled election, &c. It then resolved that the foundation of all free government is the will of the people, to give effect to which, free thought, free speech, and a free press are absolutely indispensable; that it is an inherent and constitutional right of the people to discuss all measures of the Government, and to approve or disapprove of them; that these are their rights in time of war as well as of peace, and that they will not surrender these rights nor submit to their forcible violation; that there is a manifest difference between the Administration of the Government and the Government itself: the one consists of civil and political institutions created under the Constitution, the other consists of the agents of the people subject to their approval or condemnation; that they protest against the emancipation proclamation as unwise, unconstitutional and void, and are also opposed to compensation out of the Federal Treasury; that the powers recently assumed by the President under the guise of military necessity, relative to martial law and the suspension of the writ of habeas corpus, are unwarranted by the Constitution; that they will hail with pleasure and delight any manifestations of a desire to return to the Union by the seceded States; that the warmest thanks of the nation are due to the soldiers; that Ohio will adhere to the Constitution and the Union as the best, and it may be the last hope of human freedom; that they hail with pleasure the manifestations of conservative sentiments among the people of the Northern States exhibited in the elections; that a convention should be held to amend the constitution as soon as practicable, and that they will earnestly support every Constitutional measure tending to preserve the Union. They further resolved:

That the arrest, imprisonment, pretended trial, and actual banishment of Clement L. Vallandigham, a citizen of the State of Ohio, not belonging to the land or naval forces of the United States, nor to the militia in active service, by alleged military authorities, for no other pretended crime than that of uttering words of legitimate criticism upon the conduct of the Administration in power, and of appealing to the ballot box for a change of policy (said arrest and military trial taking place where the courts of law are open and unobstructed and,) for no act done within the sphere of active military operations in carrying on the war, we regard as a palpable violation of the following provisions of the Constitution of the United States:

1. "Congress shall make no law * * * abridging the freedom of speech or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

2. "The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

3. "No person shall be held to answer for a capital or otherwise infamous crime, unless in a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger.

4. "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law."

And we furthermore denounce said arrest, trial, and banishment as a direct insult offered to the sovereignty of the people of Ohio, by whose organic law it is declared that "no person shall be transported out of the State for any offence committed within the same."

That Clement L. Vallandigham was at the time of his arrest a prominent candidate for nomination by the Democratic party of Ohio for the office of Governor of the State; that the Democratic party was fully competent to decide whether he was a fit man for that nomination, and that the attempt to deprive them of that right by his arrest and banishment, was an unmerited imputation upon their intelligence and loyalty, as well as a violation of the Constitution.

The further resolutions request the President to restore Mr. Vallandigham to his home; and tender thanks to Gov. Seymour, of New York, for his letter relative to the arrest. (*See* NEW YORK)

That the establishment of a military government over the loyal States, where war does not exist, to supersede the civil authorities and suppress the freedom of speech and of the press, and to interfere with the elective franchise, is not only subversive of the Constitution and the sovereignty of the States, but the actual inauguration of revolution.

That it is the sworn duty of the Governor of the State to protect her citizens in the enjoyment and exercise of all their Constitutional rights; and we have beheld with deep humiliation and regret, not only the failure of David Todd, Governor of Ohio, to perform that duty, but what is still worse, his active participations in the violation of those rights.

That we denounce as traitors to the country the Abolition Jacobins who are seeking to bring about civil war in the loyal States, with the view of turning, if possible, the bayonets of the army against the breasts of the fathers, brothers, and friends of the soldiers, and subjecting those States to a military surveillance and dominion.

A committee was appointed by the convention to correspond with President Lincoln relative to the arrest of Mr. Vallandigham. (*See* PUBLIC DOCUMENTS.)

The Republican Union Convention assembled at the same place, and nominated John Brough for Governor, and Charles Anderson for Lieutenant-Governor, and adopted a series of resolutions declaring that the calamities of the present rebellion were brought on by nullification and secession, which they denounce as incompatible with the unity, integrity, power, and glory of the republic; that the war should go on with the utmost vigor until the authority of the Government is reëstablished, and the old flag floats triumphantly over every State; that they lay aside personal preferences and prejudices, and draw no party line except with those opposed to the Government; that, confiding in the honesty, patriotism and good sense of the President, they pledge themselves to support him to put down the rebellion; that gratitude is due to the soldiers; that they sympathize with the army in its hardships, and that all lovers of the Union will stand by it and support the disabled and the families of those who fall fighting for their country.

The election took place on the 13th of October, and resulted as follows in the citizens' vote:

Brough	247,190
Vallandigham	185,274
Majority on the citizens' vote	61,916

Polls were opened, under a law of the State, in the camps where the soldiers were stationed. The soldiers' vote was chiefly for Brough. It seems that in the camps at Chattanooga each soldier was required to write his name on the ticket he voted, of which a correspondent of the "Cincinnati Commercial" gives the following account:

The election for State and county officers of Ohio. came off yesterday in the camps of Ohio soldiers, ac, cording to the provisions of the Soldiers' Voting Law. Its results are creditable to the patriotism and intelligence of the gallant men from the Buckeye State, who enjoy a full share of the deathless renown of Stone river and Chickamauga. The full returns were not in last evening. Brough had received about 8,000; Vallandigham, 240.

It is a fact worthy of mention in relation to the election, that while out of the large vote cast for Brough, there was not a man who could not write his own name on his ticket, quite a percentage of the Vallandighamers had to make their marks. The 59th, that cast the largest Vallandigham vote, displayed by far the greatest number of illiterate men in its ranks. This fact will be substantiated by a glance at the ballots.

The total vote of the soldiers was as follows:

Brough	41,467
Vallandigham	2,288
	39,179
Add citizens' majority	61,920
Total majority for Brough	101,099

The total vote of the citizens was 432,464. The total vote of the State in 1862, was 363,087; do. in 1861, 358,791; do. in 1860, 442,441.

The Legislature was divided as follows:

	Senate.	House.
Union	29	73
Democrat	5	24

The military force furnished by the State to the army up to December 31st, 1863, was one hundred and twenty-nine regiments of infantry, two companies of guards, eight companies of sharpshooters, twelve regiments of cavalry, one squadron of cavalry, two battalions of six months' cavalry, one regiment and twenty-six batteries of light artillery, and two regiments of heavy artillery. Total, 200,452 men. About 8,000 white and colored soldiers have been recruited in the State for other States.

The State was invaded, during the year, by a force of the enemy under Gen. Morgan. (*See* ARMY OPERATIONS.)

The balance in the Treasury at the close of the year, was $423,786. During the year, $676,752 of the public debt was paid off, and the sum of $153,436 advanced as military expenses to the Federal Government.

The Commissioner of Statistics states the mortgage debt of the citizens for several years past to have been as follows:

1859	$30,747,033	1862	$22,759,253
1860	28,738,936	1863	19,973,171
1861	29,734,966		

The average length of a mortgage is a little over two years. By adding together the amounts of two years before the war, and two years since, it shows that sixteen millions of mortgage debt have been paid off in the last two years, thus:

In 1859 and 1860, mortgage debt	$59,485,969
In 1862 and 1863, " "	42,732,421
Decrease of mortgage debt	$16,753,545

The same general fact of the diminution of debt is proved by the reduction of suits and judgments at law. This class of statistics is presented in the following table:

Years.	Suits.	Judgments.
1857	29,720	17,500
1858	.....	18,080
1859	.....	17,057
1860	25,147	19,938
1861	22,604	19,222
1862	21,183	18,187
1863	13,346	10,912

It thus appears that since 1860, the suits at law have diminished 12,000, or nearly half, and the judgments 9,000, also nearly half.

The following is a statement of the condition of the banks of issue in Ohio at the periods of 1855, 1860, and 1863. Thus:

	No.	Capital.	Circulation.
1855	60	$5,675,740	$9,151,340
1860	55	5,861,364	8,534,887
1863	56	5,052,940	6,652,311

	No.	Deposits.	Discount.	Specie.
1855	60	$4,849,209	$13,079,685	$1,934,482
1860	55	5,210,403	12,247,501	2,000,219
1863	56	11,405,439	11,366,451	1,828,591

The general movement from 1860 to 1862 (the period of the war) is as follows:

Decrease of capital	$800,424
" of circulation	1,882,576
" of discounts	881,050
" of specie	172,628
Increase of deposits	6,195,036

The annual profits of the State in the last ten years, by the construction of her public works, are estimated at $20,000,000 on the carriage alone, aside from the stimulus given to all kinds of industry. Ohio has more miles of canals and railroads than any other State of the Union, having a route of railroad to every thirteen square miles, while New York has one to every seventeen square miles, and Illinois one to every twenty. The only State equalling Ohio in the production of grain is Illinois, but this State has 16,000 square miles more than Ohio. In the production of animals, of which there were in 1860 8,240,067, Ohio is actually the first. The total value of agricultural products, including grains, wool, hay, and animals, at Cincinnati prices, is estimated at $136,000,000. Of this amount, more than one half is surplus, so that the value of agricultural exports amounts to $80,000,000, as ascertained at shipping points of lake, river, canal, and railroads. The wealth of Ohio has doubled in the last ten years. In 1850, it was assessed at $504,000,000, and in 1860, at $1,193,898,000, showing an increase of $600,000,000 in ten years. Twenty years ago the taxes of the State were $1,890,000, now they amount to $8,000,000—more than fourfold. This is not an increase of the ratio of taxation, but of taxable property; the valuation of property twenty years ago being only one ninth of what it is now. The commissioner estimated that Ohio would pay $16,000,000 of the internal revenue, which, if the other States paid in proportion, would bring the internal revenue up to $160,000,000 per annum.

Details of the local institutions of the State, will be found in the ANNUAL CYCLOPÆDIA, 1862.

OPELOUSAS, the capital of St. Landry parish, or county, in Louisiana, is situated 50 miles in direct line west of Baton Rouge, and seven miles from the head of navigation on the Courtableau. It is the seat of Franklin College, and contained a court house and other public buildings. It was occupied by Gen. Banks on the 20th of April, 1863.

ORDNANCE. The improvement made in the manufacture of ordnance and projectiles since the spring of 1861, in the United States and in Europe, has been so considerable as to be deserving of record. At the commencement of the civil war, the amount of ordnance in the country was not large, though sufficient for all emergencies which had thus far occurred. The Secretary of War reports that there were in the possession of the United States, at the beginning of the war, 1,052 pieces of siege and sea-coast artillery of all calibers, and 231 pieces of field artillery. These were of a great variety of sizes, and some of them in unfit condition for service. The larger sea-coast artillery were mostly columbiads, or, as they are called in Europe, Paixhan guns—smooth-bore cast iron guns, cast solid and bored. A few were Rodman guns, smooth bores, cast hollow, and with a water core which gave the inner surface of the cannon the character of chilled iron. The smaller guns were of a great variety of patterns and material—cast iron, bronze, and brass, and their projectiles ranging from three to forty-eight pounds. The whole field artillery actively organized consisted of seven batteries, each of four guns, smooth bore, six and twelve pounder howitzers. There was not at that time a single rifled cannon in the United States service. The Navy Department had on hand, on the 4th of March, 1861, 2,966 guns of all calibers. Of these, 1,872, or nearly two thirds, were thirty-two pounders, of six different patterns; 107 were twelve pounders, of two patterns; 29 were twenty-four pounders; 575 were eight-inch guns, of four different patterns; 27 were ten-inch guns; 305 were nine-inch Dahlgrens; 19, ten-inch Dahlgrens, and 32, eleven-inch Dahlgrens. Nearly or quite one half of these guns were captured by the enemy or destroyed, at the burning of the navy yard at Portsmouth, Va. Only 555 in all were on board ships, and of these nearly one fourth were on the ships destroyed at that time. Of the army artillery, it is doubtful if there were 500 pieces in serviceable condition at the command of the Government at the beginning of the war, and in the navy the amount of all calibers did not exceed 1,000. Some of the States, and some private individuals, possessed a few

pieces, usually of small caliber. There had been for some years before the public, several inventions for the purpose of applying the principle of *rifling*, which had been so successful in small arms, to cannon, but none of these had been adopted by the Government, or were in use in the field batteries or forts under the control of the War Department, or in the vessels of the navy. The adaptation of the system of rifling invented by Charles T. James for small arms, was proposed, and repeated experiments were made with it, but it was found to require material modifications, and the death of the inventor by the explosion of his own cannon, in October, 1862, caused the abandonment of the efforts at improvement of that gun. Capt. R. P. Parrott, of the West Point foundry, had invented just previous to the war, a rifled cannon, which, with some improvements in the projectiles and the method of rifling, has proved the most successful of the numerous attempts at producing rifled cannon in this country. It is a muzzle loader (the breech-loading cannon having proved objectionable), and consists of a cast-iron gun, much lighter than ordinary, but having a "reinforce" or cylindrical jacket of wrought iron shrunk around the breech at the seat of the charge. His method of shrinking this cylinder on the cast-iron gun is peculiar. The gun is laid nearly horizontally with its axis, the muzzle being slightly depressed, and when the cylinder is heated and slipped on, a stream of cold water is forced continuously into the bore of the gun, and from its slight depression flows out constantly. By this means the inner surface of the cylinder is cooled soonest, and contracts closely on the gun, drawing the outer surface around it. Six calibers of these guns are made by order of the Government, viz.: 10, 20, 30, 100, 200, and 300 pounders. The following table gives the diameters and length of bore, the weight and relative caliber, of each of the smooth bores:

Size.	Diameter of bore.	Length of bore.	Weight of gun.	Caliber.
10-pdr.....	2.90 in.	70. in.	890 lbs.	3 pdr. sm'th br.
20 "	3.67 "	79. "	1,750 "	6 " "
30 " army..	4.20 "	120. "	4,200 "	9 " "
30 " navy..	4.20 "	96.8 "	3,550 "	9 " "
100 "	6.40 "	130. "	9,700 "	32 " "
200 "	8.00 "	136. "	16,500 "	8-inch "
300 "	....	...	26,000 "	

We give below the ranges of each of the first four sizes at different elevations.

TEN-POUNDER GUN, BORE 2.9 INCHES.
Ranges with charge of one lb. of mortar powder.

Elevation.	Projectile.	Range, yards.	Time of flight.
1°	Case shot, 10½ lbs.	600	
2°	" " "	930	3"
2¼°	Shell, 9¾ lbs.	1,100	3¼"
3⅞°	" "	1,460	4¾"
4¼°	" "	1,680	5¾"
5°	" "	2,000	6¼"
6°	" "	2,250	7¼"
7°	" "	2,600	8¼"
10°	" "	3,200	10½"
12°	" "	3,600	12⅞"
15°	" "	4,200	16"
20°	" "	5,000	21"

Mortar powder should always be used with this and the next two sizes.

TWENTY-POUNDER GUN. BORE, 3.67 INCHES.
Ranges with charge of two lbs. of mortar powder.

Elevation.	Projectiles.	Range, yards.	Time of flight.
1°	Case shot, 19½ lbs.	620	1⅞"
2°	" " "	950	3½"
3⅝°	Shell, 18¾ lbs.	1,500	4¾"
5°	" "	2,100	6¼"
10°	" "	3,350	11¼"
15°	" "	4,400	17¼"

THIRTY-POUNDER SIEGE GUN. BORE, 4.2 INCHES.
Ranges with 3¼ lbs. mortar powder.

Elevation.	Projectile.	Range, yards.	Time of flight.
3¼°	Shell, 29 lbs.	1,500	4¼"
5°	" "	2,200	6⅝"
10°	" "	3,500	12¼"
15°	" "	4,800	17⅝"
20°	" "	5,700	21¼"
25°	" "	6,700	27"

ONE HUNDRED-POUNDER GUN. BORE, 6.40 INCHES.
Charge, ten lbs.; number 7 powder.

Elevation.	Projectile.	Range, yards.	Time of flight.
3¼°	Long shell.	1,450	4½"
5°	Long shell.	2,100	6¼"
5°	Solid shot.	2,200	6¼"
10°	Long shell.	3,520	13"
10°	Solid shot.	3,810	13"
15°	Long shell.	4,790	18"
15°	Solid shot.	5,030	18¼"
15°	Hollow shot.	5,190	19"
20°	Long shell.	5,853	21¾"
20°	Solid shot.	6,125	22¾"
20°	Hollow shot.	6,338	23"
25°	Long shell.	6,820	28"
25°	Solid shot.	6,910	29"
25°	Hollow shot.	7,180	29½"
30°	Short shell.	7,810	32¼"
30°	Hollow shot.	7,988	32¾"
35°	Hollow shot.	8,453	36¾"

The charge for the 8-inch or 200-pounder gun, is 16 lbs. The projectiles weigh about 150 lbs., and the ranges as ascertained in the siege of Charleston, are somewhat greater than those of the 100-pounder. At the greatest elevation the range attained exceeded five miles. The 300-pounder weighs 26,000 lbs., uses a charge of 25 lbs., and a projectile weighing 250 lbs. At an elevation of 35° it has thrown this formidable missile over five and one fourth miles.

The Parrott projectile was designed expressly for the gun. The groove, the twist, the caliber, and the heavy charge for each caliber, are all founded upon the proper adaptation of the projectile to the gun. The length of the shell is equal to three calibers, and is cylindro-conical in form. A brass ring is fitted around the contraction of the base, making it cylindrical. The gas entering between the iron and the brass, forces the latter into the groove, by which the rotary motion is communicated to the projectile. The ring is prevented from slipping off the shell by having the two surfaces in contact corrugated, and by some projections on the upper edge of the ring, which are jagged into the metal of the shell. Great simplicity, accuracy, and strength are the crowning merits of this gun.

For siege purposes, for attacks on fortifications by vessels of the Monitor type, and for naval conflicts requiring great weight of metal, the Government have adopted the Rodman guns of 8, 10, 13, 15 and 20-inch caliber, and the Dahlgren of 9, 10 and 11-inch caliber, the latter exclusively for the navy. Both these guns are smooth bores, though a very few of the Dahlgrens have been rifled. The Rodman gun, named after Major Rodman of the regular army, who is the inventor and superintendent of its manufacture, is of iron, cast hollow, and the core is kept cool during the casting by a constant stream of cold water passing through it.

The following table shows the weight of each size, the service charge, and the weight of the solid shot thrown by each:

Size of gun.	Weight.	Service charge.	Weight of solid shot.
Eight-inch.....	9,240 lbs.	10 lbs.	65 lbs.
Ten-inch.....	15,400 "	18 "	128 "
Thirteen-inch.	38,000 "	30 "	294 "
Fifteen-inch...	49,000 "	50 "	430 "
Twenty-inch...	116,000 "	100 "	1,000 "

Of the 9, 10 and 11-inch Dahlgren guns, 804 had been made since the war commenced, to Nov. 1st, 1863, and about 200 more were to be furnished by the close of the year. Of the Rodman guns, the number has been over 2,000. The first of the 20-inch guns was cast in Pittsburg, on the 11th of February, 1864, after many months of preparation for its casting and finishing. The Rodman and Dahlgren guns are all cast at Pittsburg, and the Parrotts at West Point.

For field service the ten and twenty-pound Parrott, the brass twelve-pounders (Napoleons, as they are generally called), and for light artillery the steel cannon manufactured by Krupp, of Prussia, and the Wiard guns, are all in use, though the preference is given to the first three. The Wiard gun is a breech loader, with a long and slender barrel, except at the breech, which is very bulky, and composed of successive layers of hard and soft metals.

Mortars of larger size than had ever before been used for siege purposes on this continent, have been tried during the existing war, and from floating carriages—mortar schooners. They lack precision when thus employed, and though they accomplished some good purposes in the various instances in which they were employed on the Mississippi river, they effect so much less than the cannon of the same caliber, that they are not likely to be very generally employed in the future. Two sizes were adopted, 10-inch and 13-inch, requiring service charges of 10 and 20 pounds of powder, and throwing a projectile weighing 100 and 200 lbs. respectively. The 10-inch mortars weighed 9,500 lbs., and the 13-inch 17,000 lbs. Of the latter 200 had been cast previous to November 1st, 1863.

The Confederates have introduced a new rifled gun into their service, invented by Capt. Brooke, one of their artillery officers. It seems to bear a strong resemblance to the Blakely (English) and Treadwell guns, and is hooped with iron or steel bands closely adherent to the cannon, not merely at the seat of the charge, but along its whole length. Dr. Girard, a French writer formerly resident in this country, and who has, since the war, visited Charleston, describes it as follows: "An attentive observer would not fail to remark the circular bands closely united to the piece, and which are destined to give a better resisting force. With regard to its rifling it is on the system of inclined planes instead of grooves. The projectiles are of forged (wrought) iron. Those I had an opportunity of examining were adapted to 7-inch guns. Their form is elongated, cylindrical nearly their entire length, with the exception of the front part, which is slightly conical and rounded off at its periphery. The two extremities are vertical. The hinder part which presents itself to the breech of the piece bears on its circumference a bell-mouthed groove, and receives a copper ring whose ends nearly meet at the end of the projectile. The projectile has bands of copper running round it, one about four inches from the front, and the other close to the hinder part. These bands alone are destined to take the rifling of the piece. The mean length of these projectiles is 12 inches, their posterior diameter $6\frac{94}{100}$, their anterior diameter $6\frac{87}{100}$, and their weight from 116 to 120 lbs. At a distance of 260 yards, and with a charge of 12 lbs. of powder, they penetrated four iron plates of two inches each, backed with 18 inches of oak, the whole fixed against a clayey cliff."

The form and material of the projectiles for rifled ordnance have been a matter of profound study and research with numerous inventors. The Government, after a great number of careful and thorough trials, has given the preference to the inventions of four manufacturers, viz.: the Parrott, Shenkl, Hotchkiss and Sawyer projectiles, while a fifth, the Roberts shot, shell, and musket cartridge, is receiving examination with a fair prospect of being introduced into the service. The Parrott projectile, whether shell or shot, is long, pointed at the anterior extremity, and of smaller circumference in the centre than at either extremity. The base alone fits closely to the bore of the cannon, and has a ring of soft brass or a cup of the same metal, which by the expansive force of the gas of the projecting charge, is driven into the grooves to an extent sufficient to give it the rotary motion, and the extensive range of the rifle. The Hotchkiss and Sawyer projectiles use a metallic alloy of lead and antimony as a jacket to be forced into the grooves of the rifled ordnance, and the Shenkl missile applies papier maché to the same purpose. In all three, the softer material is driven upon the tapering spindle of the iron which forms the body of the projectile, from its posterior portion, by the force of the expansion produced

by the ignition of the powder, and held there by shoulders projecting from the iron itself, and the rotary motion is thus imparted nearer the centre of gravity than in the Parrott projectile. The Roberts projectile has a core of iron tapering to a point at the posterior end, with a shoulder near the anterior extremity, and the soft metal (lead and antimony) which forms the jacket is in sufficient quantity to render the projectile cylindrical in form, and is forced forward by the action of the gas so as to check all windage and make the anterior portion of the projectile heaviest. The inventor claims for it better range, less deflection, no danger of stripping, and economy of cost of the missile itself, and of wear or injury to the gun. His shell projectile, constructed externally in the same way, is a percussion shell, for which he claims safety from accidental explosion, and certainty of explosion at the moment of impact.

The attention of inventors has also been directed to the adaptation of ordnance to firing under water either from ships or from submarine batteries, thus destroying the immunity which war vessels were supposed to enjoy from injuries by shot striking them far below the water line. Experiments have been made on this subject both in England and the United States, and it seems to be demonstrated that a ship of war could carry her entire armament below the water-line, and by firing under water speedily sink any war vessel now afloat. As yet no vessel has been constructed to do this, but two submarine batteries, destined to be navigated under water, and to make their attacks upon ships of war without becoming visible themselves, have been commenced in this country, though neither is yet completed. One of these was planned, and partly finished, by the late Major E. B. Hunt, and it was from the effect of the gases generated by firing under water that he fell and met with the injuries which resulted in his death.

In Great Britain, the rifled ordnance most in favor has been the Armstrong gun, Whitworth's gun, and the Blakely gun. Other inventors, especially Mr. Bashley Britten, Mr. Lynall Thomas, Mr. Jeffrey, Mr. Hadden, Commander Scott, of the Royal Navy, and Mr. Westley Richards (the celebrated rifle manufacturer), have taken out patents for projectiles. The Armstrong gun, though adopted by the War Department in 1858, and being, to the present time, with slight exceptions, the only rifled cannon in either the army or navy service, is not at all satisfactory, and will probably be discarded before long. The gun is built up by a welded coil of iron, either with or without an inner tube of steel, and hoops of coiled iron are shrunk over this coil. It is a breech loader, and the vent pieces are separate and must be lifted out or slid on one side after each discharge. This vent piece is very liable to get out of order, as its adaptation to its place is a very delicate operation, and it, as well as the breech screws, is often blown out or injured by the discharge of the gas at the breech of the gun. The inventor has endeavored to obviate the objections to this by furnishing two extra vent pieces to every gun; but these prove insufficient. There is considerable emission of gas at the breech, and this is sometimes attended with danger. The mode of rifling is what is called the fluted bore; the number of grooves varying from eight in the three-pounders, to seventy-six in the hundred-pounder or seven-inch gun. The projectile, which after almost innumerable experiments, he has adopted, is nearly a plain cylinder with almost flat or slightly rounded ends, coated with lead, which in firing enables it to take the form of the grooves, and thus prevent windage. Nearly 3,000 of his guns have been manufactured by the British Government since 1858, at an expense of about 13 millions of dollars, and in spite of his numerous improvements and changes in them, his friend and assistant, Mr. Anderson, now the superintendent of the Government Ordnance Works at Woolwich, states that "they are still very bad in many particulars." The objections to them are that they are weak and will not bear a heavy charge of powder, that their range is not as long as that of other guns, and their initial velocity less; that they are not superior, if equal, to the old smooth-bore guns of even smaller caliber in their power of penetrating iron plates at short range, and that the projectile strips off its lead almost at the moment of leaving the gun, thus endangering in many instances the troops engaged near it. These objections have proved so serious, that Sir William Armstrong has recently invented a new gun on the shunt principle of rifling, that is, with two sets of grooves, one for the admission of the projectile (his new gun is a muzzle-loader), and the other those by which, being rammed home, it must pass out when the gun is discharged, the latter fitting closely, and having a shorter "turn" than his previous gun, and the projectile being entirely of wrought iron. This gun, of which he has great hopes, has not yet been introduced into the service. Sir William Armstrong has also invented a shell built up of a great number of segments of cast iron cemented together with lead, and containing a bursting charge, which has been highly extolled, but is said in practice to be liable to burst prematurely. Whitworth's gun is in all respects the most original and ingenious application of the scientific principles of gunnery to the construction of ordnance yet attempted. He had become distinguished as early as 1854 for the adaptation of a new principle to the construction of the rifle and its projectile; and in 1857 commenced applying the same principle to ordnance, though in a desultory way, as he had no intention at that time of becoming a manufacturer of cannon. The principles which he applied to ordnance construction were the hexagonal form of the bore, and the rapid turn of the rifling (one revolution in ten inches in his

larger pieces). The term hexagonal as applied to the bore, though nearly, is not absolutely accurate, as the angles were a little rounded. The projectiles which he invented were also peculiar in form and character. They were of steel or "homogeneous iron," which is a mild steel, and is extensively used by Krupp, of Prussia, for cannon. In form they were hexagonal, with a twist corresponding to the turn of the bore; at first the anterior end was oval or rounded at its extremity, but when the penetration of iron plates with ordnance projectiles began to be recognized as a necessity, he made the head or front flat, with the edge a little raised and sharp. The hexagonal surfaces were slightly hollowed to give the projectile more steadiness of motion. At a later period he still further improved both its steadiness and range very greatly by making it taper toward the posterior end, giving it lines somewhat resembling those of a ship of the new model. These projectiles have sometimes made as many as 60,000 rotations per minute. We have said that Mr. Whitworth did not at first intend to become a manufacturer of cannon. At the instance of some of the ordnance officers he made several brass pieces on his principle, the brass blocks being furnished to him by the department, and subsequently some pieces from cast-iron blocks, which, however, burst after a few trials, cast-iron cannon made by boring proving too weak for the severe strain required from rifled pieces. The Ordnance Department having committed themselves fully to Sir William Armstrong's guns, refused, with some rudeness, to have anything more to do with Mr. Whitworth's rifled ordnance; and as he believed that he had hit upon the best principles for the construction of rifled guns, he resolved to go into their manufacture, and eventually convince the Government of the error they had made. The question of what was the best material for ordnance was the first to be decided, and having tested in his previous experiments brass and cast iron, neither of which seemed to him to possess the requisite tenacity and strength, he fixed upon "homogeneous iron," a mild steel, as combining the two qualities of hardness and toughness in the requisite proportion, and at the same time permitting the gun to be much lighter than if made of cast iron. His guns were hooped with steel through their whole length, the hoops being forced on cold by hydraulic pressure; back of the trunnions were three layers of hoops. Recognizing the advantages of breech-loading, he constructed his guns to load equally well from the breech or muzzle, but without any chamber at the breech for the expansion of the gases, which was not needful, as his projectile did not change size or form from firing. The bore was of the same size throughout. The construction of the breech was very simple, and there was no necessity for a separate vent piece, as in the Armstrong gun. The range and accuracy of these guns have never been surpassed; the three-pounder, in the experiment at Southport, having thrown its shot, at an angle of 35°, to a distance of 9,688 yards, and his twelve-pounder, a projectile 10,300 yards or nearly six miles. The Whitworth shell has, however, proved the *chef d'œuvre* of his inventions in connection with firearms. The power of his projectiles to penetrate iron plates of four and a half or five and a half inches, when fired from his seven-inch gun even at a distance of 800 yards, was fully demonstrated; but it was objected that they could only punch a round hole through the walls of the iron-clad vessels which could easily be plugged. Thereupon Mr. Whitworth demonstrated that this cylindrical flat-fronted projectile could be fired through the water without deflection or such obstruction of its velocity as to prevent its penetrating the hull of any ship far below the water line. He also undertook, what other inventors pronounced impossible, to make a shell which should penetrate five or six inches of iron armor, and then explode inside the vessel. For this purpose he made his shell of the same material as his shot (homogeneous iron), with a heavy flat front, and in the cavity placed his charge of powder or other explosive material, wrapped in several folds of flannel. No percussion cap or fuse was required, the impact of the shell upon the iron plating producing a condensation of the iron, accompanied with such disengagement of heat as was sufficient to explode the shell, while the flannel acted as a time fuse to delay the explosion till the shell had passed into the vessel. The advantage of this method of making shells, if it could be accomplished without impairing their formidable qualities, was obvious, for they could be transported without danger, and the numerous serious disasters resulting from their accidental explosion could be avoided. In a succession of experiments made upon the Warrior target at Shoeburyness, this shell accomplished all that its inventor promised, penetrating the target with its wooden backings, and when by experiment the requisite number of piles of flannel for enveloping the charge was determined, exploding with terrific force behind the target.

The Blakely gun has a steel tube for its core, thickest about the centre of the gun, tapering externally toward the butt and muzzle, and upon this hoops of iron in successive layers are driven. The form of his projectiles we have not seen, but they are said to be constructed on mathematical principles, and their rotation, like that of the Whitworth projectile, is very rapid. These guns have been constructed of very large caliber, and a considerable number of them have been imported by the Confederates, with whom, however, they are not now in favor, owing to their liability to burst. The British Government ordered from the inventor, in Jan., 1864, an 800-pounder cannon which is to be tested to destruction, and four others are to be manufactured on his plans at Woolwich.

The French *canons rayées* or rifle guns are not of large caliber, nor have they so extended a range as our Parrott guns or the Whitworth cannon. Both their field and siege guns are made of brass and have six grooves, each $\frac{63}{100}$ of an inch wide, by $\frac{2}{10}$ of an inch deep. The projectile has twelve buttons, six at the shoulder, and six at the base, one of each sliding in each groove. The gun is muzzle-loading. The initial velocity of the rifled gun is 1,213 feet per second, and that of the smooth-bore 12-pounder Napoleon 1,476 feet per second, but at 656 yards the velocity of the projectile from the rifle exceeds that from the smooth-bore gun. The following table gives some interesting particulars concerning each class of the French rifled cannon.

	Mountain.	Field.	Siege.
Caliber	3.4 in.	3.4 in.	4.76 in.
Length of bore	31.59 "	55.12 "	71.46 "
Length in calibers	9.53 "	16.57 "	15.25 "
Total length	37.8 "	63. "	78.62 "
Weight	221 lbs.	728 lbs.	1,368 lbs.
Preponderance	33 "	97 "	176 "
Diameter of projectile	3.33 in.	3.33 in.	4.69 in.
Weight of shell empty	8.16 lbs.	8.16 lbs.	....
Weight of shell full	8.82 "	8.82 "	25.8 lbs.
Charge	1.21 "	1.21 "	2.65 "
Point-blank range	547 yds.	547 yds.	547 yds.
Extreme range	4,374 "	....	6,562 "

Thus their largest siege gun is about equivalent to our Parrott 30-pounder, though considerably lighter than that gun. The ironclads of the first class have 100-pounder pivot guns, but their officers say that these cannot be fired in a rough sea, and are a failure.

The use of gun cotton instead of gunpowder for rifled ordnance is receiving considerable attention, both on the continent of Europe and in Great Britain. It has been adopted in Austria, and a commission of scientific experts in England have been investigating its comparative value for two years past, and have made partial reports. Its advantages are said to be, that it produces no smoke; that it does not foul the gun; that its explosion can, by the mechanical arrangement or plaiting of its fibres, be regulated and adjusted to any required velocity, from one foot per second to one thousand feet per second; that it occupies far less space than gunpowder, 100 lbs. occupying only four cubic feet, while the same weight of gunpowder occupies 1,981 cubic feet; that the same weight produces more than three times the number of cubic feet of gas, and consequently an equivalent charge need be but one third of the weight. The recoil is also stated to be reduced in the proportion of 263. The manipulation of gun cotton requires more scientific skill, and more care than gunpowder, and, in inexperienced hands, it is more dangerous. If these objections can be obviated, it will come into more general use. A new substitute for gunpowder has been recently brought forward, which promises fairly. It is composed of starch treated with acids, in much the same way as for producing gun cotton.

OREGON is bounded on the north by Washington Territory, from which it is separated by the Columbia river and the 46th parallel of north latitude; east by a line from the mouth of the Owyhee river, due south to the parallel of 42° north; south along said parallel to the Pacific Ocean; west by the Pacific Ocean. Its area is about 102,606 square miles, or 120,320,000 acres. The capital is Salem. Population estimated at 55,000.

The following measurement of rains was taken at Fort Umpqua, in the southern portion of Oregon, in the months of the respective years: the snow which fell is included, and the amounts are expressed in inches and hundredths:

MONTHS.	1857–58	1858–59	1859–60	1860–61	1861–92
October	2.10	7.05	2.90	5.95	3.98
November	6.46	8.17	8.55	11.09	18.05
December	12.60	14.69	4.75	8.73	18.95
January	11.70	9.08	7.65	11.50	8.21
February	10.40	15.35	5.77	10.49	6.02
March	7.80	14.45	4.20	7.40	16.39
Totals	51.06	68.79	33.82	55.16	71.60

The following table shows the number of rainy days during the twelve months ending March 31st, 1863. It includes all rainy days, whether it rained all of the day, or only a part, and also all days on which snow fell:

April	1862	13	November,	1862	3
May,	"	16	December,	"	22
June,	"	11	January,	1863	24
July	"	9	February,	"	24
August,	"	6	March,	"	13
September,	"	5			
October,	"	6	Total		149

For the condition of the local institutions of the State, *see* ANNUAL CYCLOPÆDIA, 1862.

P

PEASE, CALVIN, D.D., an American clergyman, born in Canaan, Litchfield county, Conn., August 12th, 1813; died at Burlington, Vt., Sept. 17th, 1863. His parents were both of Puritan stock, and his early training was judicious and eminently calculated to lay the foundation of the purity of character which marked his maturer years. In November, 1826, his family removed to Charlotte, Vt., where he was occupied upon his father's farm until 1832, when he entered Hinesburgh Academy, to fit for college, and at the expiration of a year entered the University of Vermont, at Burlington. Here he at once took a high position, which he maintained to the end of his college course. He graduated in 1838, and from that time until 1842 was employed as principal in the academy at Montpelier. In 1841 he delivered the master's oration at Burlington, and received the degree of A. M. In 1842 he delivered the annual address before the associate literary societies of the University,

and the same year was elected to the professorship of the Greek and Latin languages in that institution. He continued in this position until December, 1855, when he was elected to succeed Dr. Worthington Smith, as president. Late in the period of his professorship he was licensed to preach the Gospel, by the Winooski Association. Though he had not made theology a systematic study, yet he was urged to this step by his friends, who knew his rare ability as a writer and speaker, and his eminent qualifications, spiritual and intellectual, for usefulness in the pulpit. At the commencement, in 1856, he was inaugurated as president of the University, and a few weeks later received the degree of Doctor of Divinity from Middlebury College, Vt. During his presidency he received various marks of appreciation and regard, among which were his appointment as a member of the Vermont Board of Education, at its organization in 1856, and his election to the presidency of the Vermont Teachers' Association the same year, both of which offices he held until he left the State, and by his activity and usefulness in these positions had a leading part in shaping the present highly successful educational policy of that State. In November, 1861, he received a call to the pastorate of the First Presbyterian church in Rochester, New York, which, in consideration of the demands of his health, and the claims of his family, he deemed it his duty to accept. He entered upon his ministry in Rochester in January, 1862, and in May was installed as pastor of the church. The period of his ministry here, though short, was eminently successful and happy, embracing the most interesting portion of his life. Within these few months he did his greatest and best work, for which all his previous life, labor and experience were but the preparation, and it was their fitting crown and reward. During the last year of his life he was elected a member of the American Philosophical Society of Philadelphia. Dr. Pease left many valuable manuscripts and sermons, but published only a few. His earliest published work was a "Discourse on the Import and Value of the Popular Lecturing of the Day," delivered before the literary societies of the University of Vermont (1842). Subsequently he published in the Bibliotheca Sacra "Classical Studies" (July, 1852); "The Distinctive Idea of Preaching" (1853); "Characteristics of the Eloquence of the Pulpit," delivered as an address before the Rhetorical Society of Auburn Theological Seminary (1838); "The Idea of the New England College and its Power of Culture," delivered at his inauguration as president of the University (1856); Address before the Medical Department of the University (1856); Baccalaureate Sermons, 1856, 1857, 1859, 1860; and a number of occasional sermons.

PENNSYLVANIA. For the details of the invasion of Pennsylvania by the Confederate army, *see* ARMY OPERATIONS.

The entire force which Pennsylvania has contributed to the Federal armies is as follows:

Under the call of April 15th, 1861, twenty-five regiments, consisting of 20,979 men, for three months. They were mustered out of service at the expiration of their time.

Under the act of Congress of July 22d, 1861, four independent regiments of 4,711 officers and men, for three years.

Under an act of the Legislature of the State of May 15th, 1861, the "reserve volunteer corps," comprising thirteen regiments of infantry, one of cavalry and one of artillery, consisting of 15,856 men, and called into the service of the United States by requisition of the Federal Government, July 22d, 1861.

Seventy-three regiments, containing 89,048 men, raised on requisitions of the President under the act of Congress of July 22d, 1861, together with organizations authorized by the War Department to be raised by individuals in the State, all for three years.

Under the call of July 7th, 1862, forty-six regiments, including eighteen nine-months regiments, the others being for three years, containing in total 40,383 men.

Recruits forwarded to the three-years regiments, 9,259 men. Enlistments in organizations of other States and in the regular army estimated at 5,000 men.

Fifteen regiments organized under the draft ordered by the President from the militia, August 4th, 1862, and containing 15,100 men, for nine months, when they were mustered out of service. Thus the total force furnished to Dec. 31st, 1862, was 200,336.

During the year 1863 the only fully organized regiment for three years put into service from the State was the 19th cavalry. To regiments in service 4,458 recruits have been forwarded. All other regiments and commands have gone into service for a shorter period, and were engaged in the new military departments into which the State was divided on June 9th, 1863.

In the department of Monongahela five regiments of ninety-days militia and one company of artillery and one of cavalry were organized, containing 3,750 officers and men. Four commands, containing 1,416 officers and men, were also organized for six-months United States service.

In the department of the Susquehanna twenty-three regiments and one battalion of three-months militia, one battalion of cavalry, and four batteries, with several unattached companies, comprising 21,292 officers and men, were raised. For United States six-months service commands, containing 3,068 officers and men, were organized. A force of "emergency" militia was also organized, containing 7,062 officers and men. Thus the force raised in the department of Monongahela was 5,166; and in the Susquehanna, 31,422.

Five regiments of colored troops have been recruited in the State. They compose the 3d, 6th, 8th, 22d and 25th United States regulars.

The revenue and expenditure of the State for the year 1863, were as follows:

REVENUE.

Ordinary receipts	$3,959,438 61
Miscellaneous	330,013 04
Total	$4,289,451 65
On hand November, 1862	2,172,844 10

EXPENSES.

Expenses	$3,139,121 08
Military	208,074 44
Other	967,768 53
Total	$4,314,964 05
November, 1863	2,147,331 70

The excess of expenditure for the year was made up from the balance on hand. The State debt was as follows, on Dec. 1st, 1863:

Funded debt, viz.:		
6 per cent. loans, ordinary	$ 400,630 00	
5 " " "	35,709,986 45	
4½ " " "	268,200 00	
		$36,378,816 45
Unfunded debt, viz.:		
Relief notes in circulation	$97,251 00	
Int. certificates outstanding	15,356 63	
" " unclaimed	4,448 38	
Domestic credit'rs' certifi's	724 32	
		117,780 33
		$36,496,596 78
Military loan, per act of May 15th, 1861		3,000,000 00
Public debt, December 1st, 1863		$39,496,596 78
Public debt December 1st, 1862		$40,448,213 82
Deduct amount redeemed at the State treasury during the fiscal year ending Nov. 30, '63, viz.:		
5 per cent. stocks	$888,499 78	
4½ per cent. stocks	63,000 00	
Relief notes	109 00	
Domestic credit'rs' certifi's	8 26	
		951,617 04
Public debt December 1st, 1863		$39,496,596 78

The redemption of $951,617 04 by the commissioner of the military fund was in currency, and gave rise to great complaints, particularly on the part of the foreign holders who had loaned specie and got back not more than two thirds of that value. The commissioner had, however, no option under the law.

The interest on the debt of Pennsylvania is paid in specie. But the funds are derived from the banks, which are required by law to pay into the treasury their ratable proportion of such premium on gold as is required to meet the interest. By the act of January 30th, 1863, the banks were required to exchange a sufficient amount of coin for currency, receiving in return treasury certificates pledging the State faith to return coin before March, 1864, with 2½ per cent. interest. $1,968,904 coin was so obtained, and there is $41,040 interest due the banks. The State had to pay $1,013,986 premium on the coin to return it. In the years 1837–'39, the State was forced to suspend the payment of her interest or pay in paper. When the difficulty passed, the State, by the act of June 12th, 1840, appropriated a sufficient sum to reimburse her loanholders for the difference in value between specie and the currency in which they had been previously paid, and then declared "that hereafter the interest falling due on Pennsylvania stocks shall always be paid in specie or its equivalent." This is the law at present. The taxable property of Pennsylvania is as follows:

Real and personal estate		$595,591,994
Tax assessment	$1,545,643 94	
½ mill tax	294,859 72	
		$1,840,503 66
Population		2,921,046
Population taxable		642,468

An election was held in the State on the second Tuesday of October, for the choice of a governor, one third of the Senate and the Assembly of the Legislature, and a judge of the Supreme Court.

The Democratic Convention assembled at Harrisburg, on July 1st, and nominated George W. Woodward for governor, and Walter W. Lowrie for judge of the Supreme Court. The convention adopted a series of resolutions, in which they declare that they again renew their fidelity to the Constitution, and inasmuch as it embodies the only guarantee for public liberty and private right, the man who sneers at the "Constitution as it is," proves himself deficient in the first elements of patriotism, and any officer who violates it, is unworthy of public confidence; that among the rights provided by the Constitution, that of security in life, liberty, and property, is so plainly written down, that any one who can misunderstand it, has not fit mental capacity for any public station; that they have heard with alarm and indignation of the power claimed for the President to arrest citizens for the expression of honest opinions, and that he delegates this power to others, a large proportion of whom must, in the nature of things, be incapable of wielding it honestly or wisely; that those who attempt to suppress books and newspapers by violence, are the enemies of a free Government; that thanks are tendered to the democracy of Ohio for the vindication they have given to the Constitution; that it is the duty of the chief magistrate of the State to protect the State and the people from violence, come from whatever quarter it may; that the democracy of Pennsylvania have been true to the cause of the Union; that they will exercise the right to consider, discuss, ascertain, and urge such measures as will be most likely to keep the whole Union together under one Government; that the Administration, in departing from the resolution of Congress, has totally changed the grounds of the war, and greatly delayed a just hope of an honorable peace.

The Republican or Union Convention assembled at Pittsburg, on the 5th of August, and nominated Governor Andrew Curtin for reëlection, and Daniel Agnew for judge. The resolutions adopted declare their inflexible purpose to be to maintain the Union by every necessary effort, service, and sacrifice; that the rebellion was without cause, and is stained with every crime; that there can be but two parties, one which supports, and the other which cripples the constituted authorities; that all en-

gaged in the rebellion are worthy only of patriotic hatred, and those who tolerate treason in loyal States are doubly recreant; that President Lincoln has won for himself the affection and regard of the whole American people; that the Constitution should be so amended that soldiers can vote; thanks are tendered to the sons of the State in the army and navy; and that the governor, by his eminent services, has achieved proud eminence among the loyal States.

The election was held on the 13th of October, on which day the following letter appeared in a Philadelphia paper:

ORANGE, N. J., *October 12th*, 1863.

Hon. Charles J. Biddle:

DEAR SIR: My attention has been called to an article in the Philadelphia "Press," asserting that I had written to the managers of a democratic meeting at Allentown, disapproving the objects of the meeting, and that if I voted and spoke it would be in favor of Governor Curtin. I am informed that similar assertions have been made throughout the State.

It has been my earnest endeavor heretofore to avoid participation in party politics, and I had determined to adhere to this course, but it is obvious that I cannot longer maintain silence under such misrepresentations.

I therefore request you to deny that I have written any such letter or entertained any such views as those attributed to me in the Philadelphia "Press," and I desire to state clearly and distinctly that, having some few days ago had a full conversation with Judge Woodward, I find that our views agree, and I regard his election as governor of Pennsylvania called for by the interests of the nation.

I understand Judge Woodward to be in favor of the prosecution of the war with all the means at the command of the loyal States, until the military power of the rebellion is destroyed. I understand him to be of the opinion that, while the war is urged with all possible decision and energy, the policy directing it should be in consonance with the principles of humanity and civilization, working no injury to private rights and property, not demanded by military necessity, and recognized by military law among civilized nations; and, finally, I understand him to agree with me in the opinion that the sole great objects of this war are the restoration of the unity of the nation, the preservation of the Constitution, and the supremacy of the laws of the country.

Believing our opinions entirely agree upon these points, I would, were it in my power, give to Judge Woodward my voice and my vote.

I am, very respectfully, yours,
GEORGE B. McCLELLAN.

The votes were given as follows:

Curtin	269,496
Woodward	254,171
Majority	15,325

David Agnew was also elected judge.

The Legislature was divided as follows:

	Senate.	House.
Republican	17	52
Democrat	16	48

Some small disturbances occurred in different parts of the State in consequence of opposition to the officers making the enrolment preparatory to the draft. Also in the Lehigh county, at the coal mines, much dissatisfaction existed for a short period in November. The public institutions of the State were well sustained during the year.

A large amount of claims appear to have grown out of the raids of the enemy on the borders of the State. In May and June, 1861, Gen. Patterson took possession of considerable land and tenements in Franklin county, for the use of his troops. The Federal Government had not paid these claims, and the subject was brought before the Legislature. Another class of claims arose in September, 1862, when Gen. Longstreet occupied Hagerstown, Md., and threatened the Pennsylvania border. Horses, forage, and merchandise were then impressed by Gen. Reynolds for the service of his troops. These claims were reported to the Legislature. Another class arose from the raid of Gen. Stuart, in October, 1862. In his course, he passed in the vicinity of Mercersburg, Bridgeport, St. Thomas, Chambersburg, Fayetteville, and Greenwood, in Franklin county, and through Cashtown, Fairfield, and other places in Adams county, seizing and destroying property along the line of his advance and retreat. Supposing the charges would not be paid by the Federal Government, the Legislature, in April, ordered the Dauphin County Court to appoint appraisers to ascertain the amount of the different claims. The appraisers reported an aggregate of $118,871 of damages.

Other claims have arisen since those above mentioned; some for the purchase of horses for the army of Gen. McClellan, after the battle of Antietam, for which imperfect vouchers had been given; others, from the advance of Gen. Lee's army, covering the counties of Franklin, Somerset, Bedford, Fulton, Adams, Cumberland, and York. The amount is estimated at millions, and if payment is not made by the United States, it will be urged upon the State.

PETIGRU, JAMES LOUIS, an American lawyer and statesman, born in Abbeville District, S. C., in the early part of 1789, died in Charleston, S. C., March 3d, 1863. On his father's side he was of mixed Scotch and Irish descent, and his maternal ancestors formed part of the Huguenot colony which in 1695 sought refuge in Carolina from religious persecution in France. His temperament exhibited blended traits of these two sources of origin, the Celtic element, however, predominating. His education was completed at the University of South Carolina, where he was graduated in 1809, with the first honors, in a class distinguished for scholarship, and of which many members subsequently gained eminence in political and professional life. A few years later he was admitted to the bar of his native district, and commenced practice as a country lawyer. His rising eminence soon led him into the larger field of the metropolis, and in a few years he became the leader of the Charleston bar. In 1822 he succeeded Robert Y. Hayne as Attorney General of the State, which office he held until 1830, when he was in turn succeeded by Hugh S. Legaré, afterward U. S. Secretary of State under President Tyler.

Until this period no popularity could have

been more decided or grateful than that of Mr. Petigru; but the two succeeding years brought strife and discord into the social circles of South Carolina, in consequence of her political relations with the General Government, and the prospects he might have entertained of reaching the highest honors of the State were seriously injured, if not destroyed. It was during the nullification troubles of 1830–'32 that he first showed that strong attachment to the Federal Union, which became the controlling principle of his political life, and from which, in the darkest hours of the national crisis, he never deviated. The people of South Carolina were then divided into two parties, of which the larger, under the leadership of Calhoun, McDuffie, and Hayne, insisted upon the constitutional right and the necessity of applying the State veto to the protective tariff bills of Congress. Mr. Petigru took sides against this doctrine, and became one of the leaders of the "Union and State Rights Party," in company with William Drayton, Daniel E. Huger, Henry E. Dessaussure, and other distinguished lawyers, representing various sections of the State. This latter organization, while sympathizing with the nullifiers in their dislike of the protective system, and in some of their opinions on the subject of State rights, joined issue with them on the proposed remedy of nullification by the State veto. In this conflict of opinion and doctrine the two parties were more than once on the eve of civil war. But the nullifiers triumphed; the State vetoed, by ordinance, the obnoxious tariff bill; and the compromise bill of Mr. Clay soon after restored quiet to the country.

During the controversy, Mr. Petigru showed himself an earnest and resolute worker. He wrote and spoke with vigor and eloquence throughout the campaign, and in periods of great popular excitement, when the passions of men could with difficulty be restrained, he was always to be found in the midst of the excitement, and fearless of danger. In the subsequent calm which followed, and the restoration of a more pacific temper to society, he was probably one of the last to be forgiven by the triumphant party, his views being considered antagonistic to the recognition of the sovereignty of the State, and identical with measures of Federal usurpation. But though politically suspected, his talents and virtues, his ability as an advocate, and his high social position sufficed to keep him honored in the community, and he still remained without a rival at the bar. Subsequently he served in the State Legislature; held for a brief period the office of District Attorney of the United States, at a time when such a position subjected him to popular odium; and during the last few years of his life was one of the commissioners for codifying the laws and statutes of South Carolina.

The secession of South Carolina from the Federal Union in December, 1860, found him too advanced in years to take an active part in public or political controversies; but with no less energy than he had combated the heresies of the nullifiers thirty years previous, did he declare his opinions against the dissolution of the Union; and this, so far as can now be ascertained, in opposition to every other individual of any note in the State. Amidst such unanimity of opinion as then prevailed in South Carolina, another person in the position of Mr. Petigru might have fared badly; but his political "wrong-headedness," as it was mildly called, was pardoned in one whose character was so deeply respected, and he remained in Charleston until his death, abating in no degree the opinions he had originally formed, and tolerated in the expression of those opinions. Of his unwavering devotion to the Union, even after the bombardment of Fort Sumter, a remarkable and affecting illustration is afforded in a recently published letter from him to the Hon. Reverdy Johnson, of Maryland, dated April 16th, 1861. "I came in," he says, "with the Constitution, which went into operation only a few weeks before I saw the light: and I have ever devoutly believed that Union is our greatest interest. Unfortunately for me, my countrymen have, in the course of the last fifty years, taken up the idea that it was a mistake, and that cotton is our greatest interest. The universality of the cotton doctrine, by which I am surrounded, had no sort of influence over my way of thinking, and I have the misfortune of witnessing, day by day, manifestations of enthusiasm in which I have not the slightest participation. You may be sure, then, of my ready and hearty concurrence in your able and lucid argument against the right of secession; for the Union would be but a precarious possession if it stood upon the mutable ground of the popular opinion of expediency from day to day. In fact, if it had been authoritatively proclaimed at the time of its adoption that it was only binding as long as it received the voluntary adhesion of the several States, it would never have been adopted at all; for the people would have justly said that it was no improvement on the Confederacy. For the Confederacy would have answered all its purposes if it could have been sure of the voluntary adherence of the several States to the duties that were submitted to their free arbitrament. There is no doubt the men of 1787 did undertake a new thing in attempting to divide the civil power between the Nation and the State, so as to leave each of them sovereign within their several spheres. But our secessionists pretend that they did not mean it. * * * * *

"What is to be the end of all this seems to me inscrutable. But even if the Gulf States and South Carolina do flake off forever, I will never cease to witness with joy whatever increases the prosperity and honor of the United States."

There is no evidence that during the last two years of his life he modified in any degree the views herein expressed.

POLAND.—At the outbreak of the Polish revolution on January 22d, 1863, the Kingdom of Poland, properly so called, constituted a part of the dominions of the emperor of Russia, containing 2,331 geographical square miles, with a population (according to the census of 1859) of 4,764,446 inhabitants. It was divided into the following five governments (provinces):

	Geographical Sq. Miles.	Inhabitants in 1859.
Warsaw	668,29	1,699,461
Lublin	548,61	952,224
Radom	454,45	932,603
Augustovo	341,69	628,010
Plotzk	318,22	552,148

The largest cities of the kingdom were Warsaw, with a population of 162,777 inhabitants (in 1861), Lodz, 29,617, Lublin, 18,304. The total number of towns was 453, with 1,164,487 inhabitants. The great majority of the inhabitants belonged to the Roman Catholic Church, which numbers 3,657,140; 4,856 were orthodox Greeks, 215,967 United Greeks, 274,707 Protestants of the Augsburg Confession (Lutherans), 4,189 Reformed, 1,581 Menonites, 1,451 Moravians, 599,875 Israelites.

The Polish Nationality extends far beyond the limits of the Kingdom of Poland. The number of Poles, according to Schaffarik, one of the standard writers on the Slavic races, amounts to about 10½ millions, of whom 2,159,-648 are at present within the limits of Austria, 1,950,199 within those of Prussia, and the rest in Russia, where they inhabit, besides the Kingdom of Poland, the western provinces of Russia Proper.

The insurrection of the Poles against the Russian rule, forms one of the most important events in the political history of Europe during the past year. It not only maintained itself, in spite of the utmost efforts of the Russian Government to suppress it, but it gave rise to the gravest diplomatic complications which Europe has seen for many years. At the end of the year the Polish question not only remained unsolved, but it had become the general opinion of the political world, that Europe would continue to be exposed to the greatest danger until a satisfactory and permanent solution of of it might be found. It had existed for many years, and if the insurrection should be quelled, the difficulty will still survive. In order to explain fully the character of the present insurrection and the grave diplomatic complication which has thus arisen, it will be necessary to give in brief a general history of this Polish question.

Poland, until the year 1772, was one of the most powerful European empires, having an area of about 13,000 geographical square miles and 13,000,000 inhabitants. In 1772, Austria, Prussia, and Russia agreed upon the First Partition of that country, in consequence of which Prussia received 631 (geogr.) square miles, with 416,000 inhabitants, Austria 1,280 square miles, with 2,700,000 inhabitants, and Russia 1,975 square miles, with 1,800,000 inhabitants. Thus Poland lost in all, in consequence of the First Partition, 2,886 square miles, with about 5,000,-000 inhabitants. Russia henceforth exercised a controlling influence upon the destinies of the nation. In order to escape the approaching doom of their nationality, the Polish Diet undertook to reform their constitution. They were encouraged in their efforts by the king of Prussia; and a new liberal constitution, which gave to the towns and to the peasants a representation at the Diet, was proclaimed on May 3d, 1791. It was approved by Prussia, and eulogized by Fox and Burke. The Government of Russia protested against the right of Poland to adopt a new constitution, and made it the pretext for commencing war. Austria and Prussia were appealed to, in vain, for help; both censured Poland for having changed her constitution without their formal consent, took sides with Russia, and with the latter, arranged the Second Partition of Poland (1793), which gave to Russia 4,553 geographical square miles, with 3,000,000 of inhabitants, and to Prussia 1,060 square miles, with 1,100,000 inhabitants. The Diet was again compelled to ratify this dismemberment of the country. The remainder of the Polish Empire, about 3,861 square miles, with 3½ millions of inhabitants, was entirely under Russian influence. In 1794, the patriotic party made the first attempt to reëstablish the Empire within its ancient limits. The insurrection broke out in March, 1794, Kosciuszko was proclaimed dictator, and succeeded in raising a National army of 70,000 men. The Poles, from March to November, fought with the utmost bravery against the combined forces of Prussia, Russia and Austria, but the defeat at Praga, on Nov. 4th, decided the fate of Poland; and a Third Partition, October, 1795, put an end to her independence. Russia at this time received 2,030 square miles, with about 1,200,000 inhabitants, Prussia 997 square miles, with about 1,000,000 inhabitants, Austria 834 square miles, with more than one million inhabitants. In all, Russia had received, by the three partitions, above 8,500 square miles with 4,600,000 inhabitants; Austria more than 2,100 square miles with 5 million inhabitants, and Prussia, about 2,700 square miles with 2,550,000 inhabitants. Napoleon restored to a part of the former Polish Empire a national independence by establishing, in 1807, the Duchy of Warsaw, which was enlarged, October, 1809, by the Treaty of Vienna. But the hopes of the Poles, for a reëstablishment of their entire empire through Napoleon were doomed to disappointment, and, in consequence of the destruction of the French army in Russia (1812), the Duchy of Warsaw ceased to exist.

At the Congress of Vienna, which remodelled the whole map of Europe, and placed the European state system upon an entirely new basis, the Polish question was found by the assembled diplomats to be one of the most difficult to solve. The final stipulations of the Congress with regard to Poland are still regarded by

the European Powers generally as conclusive, and it is on the ground of the violation of them by Russia that some of these Powers at present justify their diplomatic interference. In every subsequent attempt to settle the Polish question diplomatically, the provisions of the Congress of Vienna must necessarily have a very considerable, if not decisive, influence, and an acquaintance with them is indispensable to understand the negotiations to which this question will yet undoubtedly give rise. The following is a translation of the Article of the Treaty of Vienna (art. i.) relating to Poland:

"The Duchy of Warsaw, with the exception of the provinces and districts, otherwise disposed of in the following articles, is reunited with the Kingdom of Poland. It shall be irrevocably connected with that empire by its Constitution, to be possessed by his Majesty the Emperor of all the Russias, his heirs and successors, in perpetuity. His Imperial Majesty reserves to himself the right to give to this state, enjoying a distinct administration, such interior extension as he shall judge proper. He will, in addition to his other titles, assume that of Czar, King of Poland, in conformity with the protocol, used and hallowed by the titles attached to his other possessions.

"The Poles who are respectively subjects of Russia, Austria and Prussia, shall obtain a representation and national institutions regulated according to that mode of political existence which each of the Governments to which they belong, shall deem useful and proper to grant."

The Constitution which the Emperor Alexander I. gave to the Kingdom of Poland on Nov. 27th, 1815, promised to the Poles a national representation in two Chambers, freedom of the press, independence of the courts, responsibility of the Ministers, and an independent administration, which during the absence of the Czar was to be conducted by a Viceroy. But soon the Russian Government began to restrict this Constitution. In 1819, the censorship of the press was again introduced; in 1825, the biennial representation and the publicity of the proceedings were abolished. On Nov. 29th, 1830, a revolution broke out against the Russian rule. But the insurgents were from the beginning divided into two parties: an aristocratic one, under the leadership of Czartoryski, Lubeczki, Chlopicki, Michael Radzivill, etc., and a democratic one, under the leadership of Lelewel, etc. The former made an attempt at a reconciliation with the Czar, which, however, failed, as the Czar demanded an unconditional surrender. On Jan. 25th, 1831, the Diet excluded the House of Manov forever from the Polish throne. The insurrection was virtually suppressed Sept. 8th, 1831, by the surrender of the City of Warsaw. The Russian Government maintained that the Poles by their insurrection had forfeited those rights which the Congress of Vienna had stipulated for them, and consequently by a ukase of Feb. 26th, 1832, abolished the Constitution of Nov. 27th, 1815. In the place of the Constitution the Organic Statute of 14 (26) February, 1832, was issued. By it Poland was declared a Russian province, the National Polish Army dissolved, and the Polish recruits divided among the Russian divisions; a Council of State, whose members need not be Poles, and were appointed by the Emperor, was substituted for the Diet; the taxes were not used for Poland alone, but paid into the treasury of Russia; religious and personal freedom was again guaranteed. England and France protested against this measure of the Russian Government, as an infraction of the spirit, if not of the letter, of the treaties of Vienna.

The legislation which was inaugurated in 1832, continued substantially until 1861. Alexander II., who from the beginning of his reign had shown a disposition to mitigate the rigorous treatment Poland had received during the reign of Nicholas I., tried to allay the excitement which showed itself in the beginning of the year 1861, by issuing a ukase, on 14th (26th) March, 1861, which, beside conceding other reforms, reëstablished the Council of State for the Kingdom of Poland, and ordered all future official acts to be in the name of the Emperor as King of Poland. This was followed by another ukase, of the 1st (13th) of January, 1862, which suppressed the special department in the Council of the Emperor for the affairs of Poland as being superfluous, since the reëstablishment of the Council of State for the Kingdom Poland. Other reforms followed in the course of the year. The Russian Government seemed to enter fully into the plan of the Polish Marquis Wielopolski, who in 1831 had been one of the heads of the insurrection, but had since completely changed his views, and for many years devoted his great talents wholly to bringing about a reconciliation between Russia and Poland. He had come to the conclusion, that not a severance from Russia could lead to a restoration of a Polish nationality, but that the only way to attain this result was to gain the sympathy and coöperation of Russia for uniting all the formerly Polish provinces into one kingdom under the supremacy of Russia. The Archduke Constantine, in particular, a warm partisan of all measures of Panslavic tendency, became the patron of this project, and was on May 27th (June 8th), 1862, appointed Namiestnik (Administrator) of the kingdom, to attempt a practical execution of the plan. In order to enlist, if possible, the Roman Catholic clergy in the scheme, the director of the Roman Catholic Seminary of St. Petersburg, Felinski, who was regarded as staunchly loyal to the Imperial Government, was appointed Archbishop of Warsaw. Yet, all these efforts remained fruitless. But few of the influential Poles could be gained over to this plan. On the contrary, the national, anti-Russian party displayed new strength. A large number of the Polish noblemen expressed their views on the reforms introduced by Russia, in an address to Count

Zamoiski, their leader. They demanded the restoration of the ancient rights of the nation. "We do not keep aloof," they said, "from making use of the institutions recently conceded to us, but we deem it a duty to declare, that the policy hitherto adopted has brought the country into a condition, in which neither military power, nor martial law, dungeons and exile, nor even sentences of death can quiet it; on the contrary, all such measures would only increase the excitement, and force the country upon a way equally disastrous to the Government and to the people. As Poles, we confidently support the Government only, when the Government shall be a national, Polish one, and when all the provinces of our country shall be united under free laws." Count Zamoiski was summoned to St. Petersburg, for having called forth this address, and as his defence was considered unsatisfactory, sent into exile. This and other measures neutralized all the effects, that some of the reforms of the Government might otherwise have produced. A revolutionary party extended its ramifications throughout the country, having its movement conducted by a Central Committee in Warsaw. The excitement ran to a fearful height, several attempts were made against the lives of Grand Duke Constantine and Marquis Wielopolski, and the year 1862 closed with forebodings of serious disturbances.

The agitation was not confined to the Kingdom of Poland, but extended to the Old Polish Provinces. In order to prevent patriotic manifestations, the Government interdicted or postponed the triennial assemblies of the nobility in these provinces. An exception was made in favor of that of Minsk, which was opened on November 22d, 1862. Never had a meeting of the nobility been more fully attended, the members considering this attendance a duty to their country. An address to the Emperor setting forth the wishes and wants of the country, was unanimously agreed upon. When the Governor forbade the sending of an address, it was resolved to insert the proposition for it in the minutes. The assembly renewed its former declarations in favor of the equality of all classes and all creeds, freedom of conscience, and institutions founded upon the spirit of the nation.

January, 1863, was inaugurated by the attempt of the Government to enforce a very rigorous conscription law in the towns, which were regarded as the seat of the revolutionary agitation. In Warsaw, the recruiting began in the night of January 14th. According to the Polish accounts, those indicated by the managers of the conscription were torn from their beds, and dragged to the citadel under a guard of Cossacks, gendarmes, and other armed men. When those for whom they were in search were not found, they seized married men, fathers of large families, and held them as hostages for their surrender. In a similar way, the conscription was enforced in the country towns. Large numbers of the conscripts and other disaffected people assembled in the forests, in several parts of the kingdom, with the object of preparing for an insurrection. On January 16th, the Central Committee issued a proclamation stating that they had taken all the measures in their power to prevent the recruiting, but that they had been taken by surprise, and their calculations were upset by unforeseen circumstances, especially by the hostility of the French Government, which had retarded the introduction of arms into Poland. The committee proclaimed the whole country in an exceptional state, and declared the Marquis Wielopolski and his son, and all those who had taken part in the recruiting, to be outlaws. They also gave orders that the youth should quit the city to hide in the woods, in the neighborhood of Warsaw. A large number of secret societies met, on January 18th, at Perotsk, in the neighborhood of Warsaw, but they were dispersed by the military, who arrested about 50 persons. On the night of January 22d, several attacks were made upon the soldiers at Warsaw, and about 30 Russians killed, and three times that number wounded. The loss of the insurgents was very great. Simultaneously, serious conflicts took place at Block, Plonz, Radzin, Siedlic, and other places. Railway and telegraphic communication was interrupted at several points. The lower and middle classes, working men, and the proprietors of small estates, equally took part in the movement, while the great landed proprietors and the peasants kept aloof. On January 25th, the whole kingdom was placed under martial law.

At the beginning of February, several large bodies of insurgents had already been formed. The main body, consisting of about 5,000 men, was under the command of Langiewicz; and posted in the mountains of Krzyz. A second division, commanded by Count Jyskiewicz, took up a position near Rawa, on the river Rawka, in the district of Warsaw. The third division, commanded by Frankviski, was posted in the district of Lublin. The insurgents soon took possession of several towns, as Olkusz, on Feb. 1st; of Lodz, an important manufacturing town in the district of Masovia, where they took from the branch establishment of the bank, 18,000 rubles, and from the post office, 31,000 rubles. Skirmishes between the insurgents and the Russians were now of frequent occurrence. In some the Russians were defeated, and numbers of them fled into Prussian territory.

The Russian Government at once sent heavy reënforcements of troops into Poland; at the same time, the conscription was stopped, and the Council of the Empire received orders from the Emperor, to propose several bills having for their object the introduction of reforms into the government of Poland. The Prussian Government showed its sympathy with Russia, by escorting back the Russian

troops that had fled to Prussian territory, with military honors. Austria preserved an entire neutrality, and protested against occasional violation of the Austrian territory by Russian troops, in pursuit of the Poles.

On February 8th, a convention was concluded between the Governments of Prussia and Russia, by which Prussia engaged to prevent the insurgents from receiving rëenforcements and arms, or from taking refuge on the Prussian territory, and, if called upon, to accord to Russia all the facilities possible for crushing the insurrection. Additional articles regulated the mutual relations between the Prussian and the Russian armies in case of an armed intervention. This convention was severely and unanimously rebuked throughout Europe, and led to a coalition of France, England, and Austria. The Second Chamber of the Prussian Parliament, on February 28th, adopted by 246 to 57 votes, a motion of the deputies Hoverbeck and Carlowitz, recommending neutrality in the Polish question, and asking that both Russian soldiers and Polish insurgents entering Prussian territory should be disarmed.

No attempt was made at provoking an insurrection in the Prussian and Austrian portions of Poland; on the contrary, the Provisional Government of Warsaw expressly warned the inhabitants of those provinces against any revolutionary outbreak. This view was shared by nearly all the Polish exiles, and Gen. Dembinski, among others, declared him to be an enemy of Poland, who would seek to cause an insurrectionary outbreak in Austrian Poland. Still the warmest sympathy with the insurrection was generally manifested in the Polish provinces of Prussia and Austria. With the success of the insurrection, notwithstanding the strict guard of the frontiers, thousands of volunteers rushed to the seat of war. In the Kingdom of Poland, the movement became in the beginning of March a national one, in the fullest sense of the word. Even those classes, which had opposed and even strongly condemned the insurrectionary outbreak, regarded it to be their duty to show their sympathy with the cause of Polish independence, and to indorse the principal demands of the National party. In Warsaw, most of the members of the Council of State who were independent of the Government, tendered their resignation. The same was done by the Municipality. Even the Archbishop of Warsaw, Felinski, whom the Russian Government had looked upon as their most unflinching partisan, tendered his resignation as member of the Council of State. Subsequently, he even addressed a letter to the Emperor, advocating the claims of the Polish nation, in consequence of which he was exiled to the interior of Russia. In the eight provinces of Russia, which had formerly been parts of the Polish Empire, the national movement likewise showed itself. In Lithuania, all the marshals of the corporations, all the judges and judicial officers, and all the independent public functionaries sent in their resignations *en masse*, basing these resignations upon a resolution not to receive any communication from the Government in the Russian language. The sympathy with the insurrection was not confined to the Polish inhabitants of these provinces, who form only a small minority of the total population (1,027,000 out of 9,849,000), but extended to the Lithuanians (1,645,000), who for centuries had been united with the Poles, and to a part of the Ruthenians, who had formerly belonged to the United Greek Church, and had been forced, in 1839, against their will, into a union with the Russian State Church. Corps of insurgents were formed in several of these provinces, especially in that of Grodno, though they never became so numerous and efficient as in the provinces of Poland Proper.

Among the Russians, the insurrection did not find as many friends as some of its leaders had expected. Alexander Herzen, Bakunin, and other chiefs of the revolutionary Russian party, openly took sides with the Poles; and through their influence a few Russian officers were induced to join the Polish insurgents; but the majority of the Russians regarded the struggle as a sacred cause of the Russian nationality, and not only supported but goaded on the Government.

The hereditary fault of the Poles, internal dissensions, showed itself among the commanders of the national forces immediately upon the outbreak of the insurrection. On February 19th, Gen. Mieroslavski, well known to the people, from the prominent part he had taken in former revolutionary plots in Poland, and in the European revolution of 1848, informed the insurgents that the Provisional National Government had appointed him commander-in-chief of all the insurrectionary forces. He began his operations on the frontier of the governments of Plocz and Kalish, but was signally unsuccessful. Soon after he had assumed the commandership-in-chief, his corps was dispersed, and he himself disappeared altogether from the seat of war.

Marian Langiewicz was more successful, and for some time was expected to become the Garibaldi of Poland. He was born on August 5th, 1827, at Krotoshin, in the grand duchy of Posen. He studied, in 1848, mathematics at the university of Breslau, and for some time the Slavic languages at the university of Prague. Being without means of subsistence, he for two years acted as a private teacher in the family of a Polish nobleman, after which he entered the Prussian army. In 1859 he was an officer of the artillery when, believing the prospects for a Polish revolution to be brightening, he resigned, and went to Paris, where Mieroslavski appointed him teacher at his new military school. This place he resigned, in order to join Garibaldi, upon his famous expedition for the annexation of Naples

and Sicily to the kingdom of Sardinia. After the conclusion of this campaign, he was appointed teacher of the artillery scholars at the Polish military school at Cuneo. When this school was suppressed, he spent some time at Warsaw, in organizing the secret societies of the revolutionary party; from there toward the close of the year 1862, he went to London. After the outbreak of the insurrection, he at once appeared upon the seat of war, and soon became the most distinguished of the insurrectionary leaders.

The scene of the operations of Langiewicz, was the governments of Radom and Lublin, in the southern part of the kingdom, and on the frontier of Galicia. There, in a short time, he organized the largest of any insurgent corps, consisting of more than 6,000 men, and provided with six cannon. By skilful marches and manœuvres he several times surprised the enemy, and several times eluded their vigilance, when they expected to encircle him by overwhelming numbers. Polish accounts claim that he gained signal successes over the Russians at Malogaszezes, on February 26th, and March 4th at Skala.

On March 10th, shortly after the Provisional Government had appointed him general, Langiewicz assumed the dictatorship by the following proclamation:

Countrymen,—In the name of the Most High, the most patriotic sons of Poland have commenced a struggle caused by terrible abuses, and directed against the eternal enemies of liberty and civilization. Notwithstanding the extremely unfavorable circumstances in which the enemy, by a great increase of oppression, hastened the armed conflict, the struggle commenced by an unarmed people has already lasted two months, gains strength, and develops itself with energy.

In presence of this war to the death, of the massacres, the pillage, and the conflagrations which mark the progress of the enemy, Poland feels painfully the absence of a visible central power, capable of directing the forces engaged in the struggle and of summoning new assistance to the field.

Although the nation possesses more capable and worthy citizens than I, and although thoroughly conscious of the heavy duties of the office and the weight of responsibility which it involves, the gravity and necessity of the moment have decided me, after consulting with the Provisional Government, to assume the supreme power of Dictator, which I shall surrender to the representatives of the nation as soon as the yoke of the Muscovite is shaken off.

While retaining the immediate direction of military operations in my own hands, I recognize the necessity of establishing a civil government whose functions will be regulated by a special ordinance continuing the work of the Provisional Government.

I confirm the principle of liberty and equality to all citizens, granting land to the peasants, with indemnity to the proprietors.

Poles of all provinces beneath the Muscovite yoke, I summon you to the struggle against the domination of Russian barbarism. The concord of all citizens, irrespective of difference of classes and religious community, of sacrifices and unity of strength, will render our now scattered forces terrible to the enemy, and insure the independence of our country.

To arms for the liberty and independence of our fatherland. (Signed) LANGIEWICZ.

This proclamation produced a great sensation. Gen. Wysczky at the same time was appointed his military coadjutor, while the direction of the civil administration was intrusted to Bentkovsky, member of the Second Prussian Chamber. Langiewicz appointed the insurgent leaders Jezioranski and Waligorski generals, and accredited foreign agents to all foreign governments, to protect the interests of the insurrectionary government. On March 13th, the Dictator published a decree constituting the Civil Court of Poland, by the nomination of four directors and two secretaries.

The dictatorship of Langiewicz called forth a protest from Mieroslavski, dated March 11th, 1863. Mieroslavski claimed to have previously been invited to take the dictatorship, by the following act of the National Provisional Government: "The National Provisional Government, considering the insurrection of Poland, invites General Louis Mieroslavski to take the dictatorship and chief command of the insurrection. Warsaw, Jan. 23d, 1863." Mieroslavski further states that he had ordered a proclamation to be published, in order to be distributed at the proper time, but that from prudential reasons the authorities only and the leaders of the insurgent detachments were informed of it. He charged Langiewicz with having "taken advantage in the most unjustifiable manner" of his prudence, seizing upon the moment when a serious attack of illness compelled him to seek a quiet refuge, to proclaim himself second dictator of the Polish nation, over some thousand square miles of territory. Ladislas Danilovski, and Ladislav Jeska, by declaration of March 15th, certified that they, conjointly with Ladislav Janovski, had, as commissioners of the Central National Committee, taken to Paris the invitation to Mieroslavski to assume the dictatorship, and they, therefore, in common with Mieroslavski, protested "against the iniquitous attempt" of Langiewicz.

This internal dissension was soon followed by a fatal blow to the national cause. The Russians moved with overwhelming numbers against Langiewicz. On March 17th, they overtook him at Chrobrze, on the river Nida. The left wing and the centre of the insurgents fought bravely, and even gained some advantages; but the right wing, mostly consisting of raw recruits, was thrown into disorder. Russian cavalry seized the wagons in the rear of the Poles, who found it necessary to retreat across the Nida. On March 18th, the retreat was continued, and the bridge across the Nida destroyed by order of Gen. Langiewicz. But this delayed the Russians, who were commanded by Prince Schachovskoi, but little; and the insurgents were again defeated at Zagoscie and Novemiasto. On May 19th, a fresh detachment of Russian troops advanced from Kielce; the Poles were attacked at Busk, from four sides, and were totally routed and dispersed. Langiewicz, together with three female adjutants, Misses Postorojtov, Voichiechovska, and Krasinska, the cavalry general Czapski, and

several officers crossed the Vistula, on the night of March 19th, at Uscie-Yesnickie, and escaped into Galicia. He was captured and brought first to Tarnov, from there to Cracow, and subsequently to Moravia. His female companions were at once set at liberty. The Poles lost about four hundred in killed, but all the rest of their army were dispersed. This was the end of the only large body of troops which the Poles, during the year 1863, were able to organize. Henceforth they had to confine themselves exclusively to guerilla warfare, which presented but few interesting incidents.

The Central Committee of Warsaw, on March 21st, declared the power of Dictator Langiewicz to have ceased, and resumed the supreme direction of the insurrection. Mieroslavski, who returned from Paris to Cracow, seemed to have fallen into discredit. It was even reported that he had been outlawed, and that one of the two indorsers of his protest had been hanged.

On April 12th, the Emperor issued an offer of an amnesty to the Poles. In this document the instigators of the insurrection are designated as "individuals who, by long years of an unsteady life abroad, have become accustomed to instigate disturbances and violence, and to plot in secret. The task of the present age," the Emperor said, "is to establish the prosperity of the country, not by streams of blood, but by peaceable legislation." He offered a complete amnesty to all Poles who had taken part in the insurrection, if they were not guilty of desertion from the army or of other crimes, and if they returned to their allegiance by the 1st (13th) of May. He again assured them of his wish to open a new era in the political life of Poland, by gradually developing national institutions.

The Central Committee of Warsaw replied to this amnesty by a declaration that the Poles would not lay down their arms until the independence of the country had been secured. Another act of the Central Committee forbade the inhabitants of Poland henceforth to pay taxes to the Russian officials, and ordered all Poles serving in the Russian army to join the insurrectionary force. The Committee also divided the kingdom into twenty-three districts, each one of which was to furnish, without delay, four hundred men to the insurgent army. Each place was also to pay a certain amount of taxes to the National Government. For each district, branch committees were established, to attend to the recruiting, the levying of taxes, and the enforcement of the penal laws.

The secret government which, on May 1st (13th), adopted formally the style and title of the "Polish National Government," was represented by no less than six secret journals, all secretly printed and almost publicly distributed in Warsaw, and from Warsaw transmitted to every part of the kingdom. The *Movement* (*Ruch*) was the national official organ, and the edicts and the laws which it published claimed obligatory force throughout the whole country. The others were semi-official publications to which the orders of the government were from time to time communicated, or independent prints supporting the government, and containing news of the insurrection, and of the general position of the Polish question at home and abroad.

The National Government continued issuing decrees during the whole of the year, and endeavored to enforce their execution by threatening with the severest penalties all who should refuse obedience. In July it ordered a general conscription of all men from eighteen to forty-five years of age, appointed the places for their rendezvous, and issued minute instructions for carrying on the war. It also published a municipal law for Poland Proper, for Lithuania and Ruthenia, established three supreme courts, and again forbade all Poles to pay taxes to the Russians. On July 17th, it decreed a new forced loan of twenty-one millions of Polish florins, to be paid in three equal instalments, and on July 25th it appointed "citizen" Ladislav Czartoryski diplomatic agent-general for Paris and London. It also published a financial report, according to which it had at its disposal thirty-seven millions of rubles.

Though it was for the interest of the Polish cause to magnify as much as possible the power of the National Government, the latter often showed its secret influence by daring acts. Thus, by its order, 3,700,000 rubles were, on June 9th, abstracted from the Treasury of Warsaw, the inspector and the clerks yielding to the demand of the National Government, and disappearing from Warsaw as soon as the money had been secured. In September it prevailed upon a large number of Polish officers, who were still in the employ of the Russian Government, to resign, and caused all the printers of Warsaw to refuse printing the Government journals. In November and December, however, the Russian Government succeeded in arresting to some extent the operations of the National Government, as some of its presses and secret journals were discovered and seized. In November a new forced loan of 40 millions of Polish florins was decreed, but it seemed that the exhausted country was no longer able to furnish it. There were indications that dissension between an aristocratic and a democratic party in the National Government continued throughout the year; but the statements concerning this point are vague and contradictory.

The history of the insurrectionary movements during the last months of the year is monotonous, and presents hardly any notable features. The Poles did not undertake to organize any considerable army, but confined themselves to the guerilla warfare. Most of their prominent leaders perished in the unequal struggle; thus the Italian Nullo (on May

5th), and the Poles Cieszovski (April 4th), Czachovski, Lelewel (Sept. 6th). Most of their reënforcements were received from Galicia, but during the last months of the year the Russians were well informed by their spies of the expeditions fitted out in Galicia; and most of them were dispersed as soon as they crossed the frontier of the kingdom. A naval expedition, fitted out in England, under the command of Lapinski, in June, failed, as well as another which tried to penetrate into Russia from Moldavia. A large portion of the rural population both in the Kingdom of Poland and in the old Polish provinces continued to withhold from the insurrection not only its coöperation but its sympathy. Yet the Russians entirely failed to put a stop to the war. The guerillas were in November and December as active as ever. Gen. Kruk, one of the five chief commanders (one for each province), whom the National Government had appointed, claimed to have defeated the Russians at Chelm, in the government of Lublin, on Nov. 9th, and on Nov. 18th, the Polish General Bozack surprised and defeated the Russians at the town of Opatov, in the government of Radom.

Many exaggerated reports were spread by the Polish papers relative to the extent of the insurrection and the number of the National troops. Lithuania was represented by them as unanimous in favor of the insurrection of Poland Proper, and even so distant governments as Witebsk, Smolensk, the Ukraine, were said to have risen against the Russian authority. These reports were not confirmed, and it appears very doubtful whether in any government outside of Poland Proper, a majority of the population felt any sympathy with the insurrection. As to the number of guerillas, all accounts assert the impossibility of stating it with any degree of accuracy. It was probably most of the time between 10,000 and 30,000.

The outbreak of the insurrection, of course, arrested the reformatory policy which the Grand Duke Constantine and Marquis Wielopolski intended to pursue. During the first days after the beginning of the war, the Russian Government held out the promise of some further reforms; but when this, as well as the offer of an amnesty, failed to produce any effect, the utmost rigor was used for the suppression of the rebellion. Gen. Berg, who in March was appointed commanding General at Warsaw, and Gen. Mouravieff, who was appointed Military Governor of the governments of Kovno, Vilna, Witebsk, Minsk and Grodno, to which later the government of Augustovo,* in Poland Proper, was added, ruled with an iron hand. Mouravieff, in particular, by a degree of cruelty which has no parallel in modern history, incurred the general condemnation of the civilized world. Toward the close of the year, Grand Duke Constantine was temporarily relieved from his post as Administrator of the Kingdom and Chief Commander of the Army; some time before, Marquis Wielopolski had left Warsaw on a furlough of several months.

The convention concluded on February 8th, between Russia and Prussia, was deemed, at least by France, to be such an interposition of the latter in behalf of the former, in her contest with her revolted subjects, as to be a matter of international concern.

On Feb. 17th, M. Drouyn de l'Huys addressed a note to M. de Talleyrand, the French Minister at Berlin, in which he expressed a regret that Prussia had departed from her neutrality, and enumerated as inconveniences likely to result from that step, that the Polish question had thereby acquired European importance; that the idea of unity between the different populations of the ancient Kingdom of Poland had been revived; that a really national insurrection had been brought about; that the Prussian Government had by this means cast itself into serious embarrassments; and that it had created a political situation of grave uneasiness, and likely to prove the source of future complications for the Cabinet.

Another despatch from M. Drouyn de l'Huys to the Duc de Montebello, French Minister at St. Petersburg, February 18th, 1863, states that the Polish question excites in France the sympathy of all classes, and that the representatives of the European Powers, assembled at the Congress of Vienna, were actuated by the same sentiments when, seeking to repair the misfortunes of Poland, which was one of the principal objects of their solicitude, they placed at the head of the general act, destined to serve as the basis of the new political system of Europe, the stipulations which connected Poland with that system. He recapitulates a conversation with the Baron de Reichberg, from whom, he says, he had not concealed that "even despite of us, events may grow more and more embarrassing, and the pressure of public opinion become greater as the gravity of the circumstances increases." He comments upon the hopes aroused upon the accession of the Emperor Alexander to the throne, and considers that if they should not be realized, Russia would create embarrassment for herself, and place France in a disagreeable position. He concludes by requesting the Duc de Montebello to lay the question in this shape before the Prince Gortschakoff.

In a despatch to the Duke of Grammont, French Minister at Vienna, dated Feb. 19th, gratification was expressed by M. Drouyn de l'Huys that "the Court of Austria had protected herself against the fault into which the Cabinet of Berlin had fallen in signing the convention of St. Petersburg." The despatch goes on to say that "it is notorious that, in the different phases which the Polish question has

* The report that the government of Augustovo had been detached from the Kingdom of Poland, and attached to Russia Proper, proved to be erroneous. It was only detached from the Military Administration of Gen. Berg, and placed under that of Gen. Mouravieff.

assumed during the last century, the attitude of the Cabinet of Vienna has not been identical with that of Russia and Prussia." This difference, it is said, has not escaped the Polish population, and has not been without influence in their dispositions toward Austria. In a despatch to Baron de Gros, the French Minister at London, dated Feb. 21st, 1863, M. Drouyn de l'Huys expresses the expectation that the British Minister at Berlin has received instructions perfectly coinciding with those of the French Minister. He suggests, however, whether it would not be advisable to give to the manifestation of the opinion of the two Governments "a more permanent and a more determined form;" whether, for example, they could not "combine the terms of an identical communication, to be delivered simultaneously to the Berlin Cabinet, and then brought to the cognizance of the St. Petersburg Cabinet?" It also appeared to M. Drouyn de l'Huys, that "a step of this nature would obtain the adhesion of the Austrian Government," as there was reason to believe that the Vienna Cabinet took the same view as England and France of the convention between Prussia and Russia. In order to give the English Cabinet some idea of the views of France, a copy of a draft of a note was inclosed, in which, however, as M. Drouyn de l'Huys stated, France was willing to admit all reasonable alterations.

A circular despatch from M. Drouyn de l'Huys to the French diplomatic agents abroad, dated March 1st, stated that "the Government of Her Britannic Majesty had not adhered to the step which France was disposed to take; that Austria, on her part, while adopting the view of France, had not thought herself justified in officially discountenancing a convention with which she had from the first declined solidarity; that France in this state of things had no means with which to pursue further a proposition which supposed an agreement.

The view taken by Great Britain of the Polish question may be inferred from the note of Earl Russell of the 5th of March, 1863, addressed to the Powers that signed the Treaty of Vienna. It differs from the French in referring to the proclamation of the Emperor Alexander, which formed no part of the final act, instead of invoking the treaties. The following were the demands proposed to be made of Russia: 1st. An immediate amnesty in favor of the Polish insurgents. 2d. The realization of the promises made by the Emperor Alexander to the Poles in his celebrated proclamation of November, 1815. 3d. The immediate convocation of the Polish Diet.

On April 17th, the representatives of Austria, France and England, at St. Petersburg, presented to the Russian Cabinet notes of their Governments concerning the Polish question. The notes of France and England are dated April 10th, that of Austria is dated April 11th.

The French note says what characterizes the disturbances in Poland—what gives them an exceptional importance—is the fact that they are not the effects of a temporary crisis. Effects which are almost invariably reproduced with each generation cannot be attributed to purely accidental causes. These convulsions, which have become periodical, are the symptom of an inveterate evil; they are so many proofs of the impotency of all plans hitherto designed to reconcile Poland with the position hitherto conceded to it. On the other hand, these too frequent disturbances are a source of anxiety and alarm. Poland, occupying a central position on the continent, cannot be disturbed without the other states touching upon her frontier suffering a shock which reverberates through the whole of Europe. This has always been the case whenever the Poles have taken up arms. These conflicts do not only create anxiety in the public mind, but, if they are prolonged, may disturb the relations between the cabinets, and cause most lamentable complications. It is the common interest of all the powers to see that these incessantly recurring dangers are stopped. The French Government feels confident that the Court of Russia will show that it is animated by those liberal views of which the reign of the Emperor Alexander has already given such striking proofs; and that it will take measures to place Poland under the conditions of a durable peace.

The English note takes the ground that the general sympathy which is felt for the Polish nation might, of itself, justify her Majesty's Government in making, in favor of the Polish race, an appeal to the generous and benevolent feelings of his Imperial Majesty; but that the Government of Great Britain has a peculiar right to make its opinions known to that of Russia, because Great Britain having, in common with other European Powers, been a party to the Treaty of Vienna, her Majesty's Government should interpose with regard to any matter which may appear to constitute a departure from the provisions and stipulations of that treaty. The English Government regrets to be obliged to say that, although the union of the kingdom to the empire has been meditated in accordance with the stipulations of the Treaty of Vienna, the conditions upon which that union was distinctly made to depend have not been fulfilled by the Russian Government. The Emperor Alexander, in execution of the engagements contracted by the Treaty of Vienna, established in the Kingdom of Poland a national representation and national institutions, corresponding with the stipulations of the treaties. But upon the suppression of the revolt, in 1830, those arrangements were swept away. Prince Gortschakoff, like his predecessors, argues that the suppression of that revolt cancelled all the engagements of Russia in the Treaty of Vienna with regard to the Kingdom of Poland; but the English Government cannot acquiesce in a doctrine which it deems so contrary to

good faith, so destructive of the obligations of treaties, and so fatal to all the international ties which bind together the communities of European States and Powers. Such an assertion might have been made if the Emperor of Russia had held Poland as part of the original dominions of his crown, or if he had acquired it by the unassisted success of his arms, or unsanctioned by the consent of any other Power. But the Emperor of Russia held Poland by the solemn stipulation of a treaty made by him with Great Britain, Austria, France, Prussia, Portugal, Spain and Sweden, and the revolt of the Poles could not release him from the engagements so contracted, nor obliterate the signatures by which his plenipotentiaries had concluded, and he himself had ratified, those engagements. These engagements, in the opinion of the English Government, have not been, nor are they now, faithfully carried into execution by the Russian Government. The English Government forbears to dwell upon that long course of action, civil, national, and military, carried on by the Russian Government within the Kingdom of Poland, of which the Poles so loudly complain; it would rather advert to the much desired termination of their lamentable troubles. It is evident that even if Poland shall be reduced to subjection, the remembrance of the events of the struggle will long continue to make it the bitter enemy of Russia, and a source of weakness and of danger, instead of being an element of security and of strength. The English Government would beg, moreover, to submit to the Imperial Government that, besides the obligations of treaties, Russia, as a member of the community of European States, has duties of comity toward other nations to fulfil. The conditions of things which has now for a long course of time existed in Poland, is a source of danger, not to Russia alone, but also to the general peace of Europe. The disturbances which are perpetually breaking out among the Polish subjects of his Imperial Majesty necessarily produce a serious agitation of opinion in other countries of Europe, tending to excite much anxiety in the minds of their Governments, and which might, under possible circumstances, produce complications of the most serious nature.

A second English despatch of the same date (April 10th), gives an account of an important conversation between Earl Russell and Baron Brunnow. The baron asked whether the communication which her Majesty's Government was about to make to St. Petersburg would be of a pacific nature. Earl Russell replied that it would be, but that, as he did not wish to mislead Baron Brunnow, he must say something more. Her Majesty's Government had no intentions that were otherwise than pacific, still less any concert with other Powers for any but pacific purposes. But the state of things might change. The present overtures might be rejected, and the insurrection continue to assume larger dimensions; if, in that case, the Emperor of Russia should take no conciliatory steps, dangers and complications might arise not at present in contemplation. Baron Brunnow, in reply, stated that there were projects afloat for altering the map of Europe, that in these projects compensations to Russia were concluded, that Russia entered into none of these projects, and trusted Great Britain would do likewise. Earl Russell said it was the wish of her Majesty's Government to do so; but Russia had herself, in some cases, been active in proposing and carrying into effect territorial changes. But England trusted that the Emperor of Russia, by granting an amnesty and the benefit of free institutions to Poland, would put an end to this insurrection.

The Austrian note, of April 11th, directs the attention of the Russian Government to the pernicious influence of the Polish insurrection upon the Austrian provinces. Grave embarrassments are thus occasioned to the Austrian Government, which is therefore bound to attach peculiar importance to prevent their recurrence. By replacing the Polish provinces subject to Russia in the conditions of a durable peace, Russia would avert consequences disastrous to all Europe, but peculiarly to the countries which are more frequently affected by conflicts that inevitably result in agitating public opinion to a degree alarming for the various Governments, and calculated, moreover, to bring about serious complications.

The replies of Russia to the Three Great Powers are dated April 26th, and were published by the *Journal de St. Petersburg*, of May 3d. In his reply to England Prince Gortschakoff subdivides the English despatch into two portions: the first relating to what may be considered as the legal bearings of the Polish question; and the second to the expediency of reëstablishing peace in Poland upon a durable basis. In regard to its legal obligations, the Russian Minister thinks that his Government can thoroughly vindicate its conduct. He corrects the mistake into which he alleges that Earl Russell had fallen when he stated in his despatch that it was provided by that treaty that the Duchy of Varsovia should be converted into a Polish kingdom and joined to the Russian empire under certain conditions. On the contrary, he points out, it was merely provided that the subjects of Russian, Austrian and Prussian Poland respectively should obtain "a representation and national institutions regulated after the mode of political existence which each of the Governments to which they appertained should judge it convenient to accord to them." Prince Gortschakoff goes on to say that Alexander I. gave a constitution to Poland at the close of the year 1815, but this act was purely spontaneous on his part, and, so far from constituting an irrevocable engagement toward the foreign Powers, was, in fact, never communicated to them. The revolt of 1830, he says, had the effect of annulling the

constitution granted in conformity with the Treaty of Vienna, and when in that year the Russian Government succeeded in reëstablishing its supremacy in Poland, it was by the virtue, as it were, of re-conquest entirely absolved from all precedent obligations. Coming to the second branch of the question, he says, it is the object of the Czar, as it is the desire of her Majesty's Government, that a practical solution of the Polish question should be arrived at. The only difference of opinion which exists between the two cabinets is due to the fact that the English Government continues to maintain that a restoration of the Constitution of 1815 is the "sole panacea" for the troubles of Poland.

Prince Gortschakoff goes on to say: "But the English Government and nation can hardly assert that there is only one form of government possible for all peoples, whatever may be their history and development. There are many degrees to pass through, and each nation must proceed in this path according to its own instincts. It is just and natural that a sovereign, animated by the most benevolent intentions, should calculate the bearing and extension of institutions destined to place his subjects in the most favorable conditions of existence." Prince Gortschakoff then appeals to the liberal measures which the present Czar has inaugurated in Russia, and remarks that a similar "solicitude" has been brought to bear upon Poland. He says that foreign states misapprehend the real nature of Polish institutions. They are, in truth, most liberal, although distance and "the chimerical passions of a hostile party" have prevented strangers from appreciating them. The system inaugurated by the present Emperor contains "a germ which time and experience must develop." It will one day end in becoming "a species of self-government, established on the basis of those provincial and municipal institutions which have in England secured the greatness and prosperity of that country." They have hitherto been prevented from bearing their full fruit by "the party of disorder," and "it has been impossible to show how they work, or how far they respond to the real necessities and to the degree of maturity of the country. It is only when this experiment shall have been made that it will be possible to pass a judgment upon this work, and to complete it.

"Russia is too directly interested in the tranquillity of Poland not to understand the duties of her position toward other nations. It would be difficult to assert that she has met, in this respect, with scrupulous reciprocity. The continual conspiracy which is being organized and armed abroad to keep up disorder in the kingdom is a fact of public notoriety, the inconvenience of which principally consists in the moral effects which the favorers of the insurrection deduce from it, in order to lead astray the peaceable population, by gaining credit for the belief in direct assistance from abroad.

"If the Government of her Britannic Majesty lays stress upon (*releve*) the reaction which the troubles of Poland exercise on the peace of Europe, we must be still more struck with the influence which the agitations of Europe have in all times had the power to exercise on the tranquillity of Poland. Since 1815 this country has witnessed the development of a material welfare unknown until then in her annals, while other states have in the interval undergone many interior crises. This repose was only troubled, in 1830, by the consequences of commotions coming from abroad; 18 years later, in 1848, while almost the whole of Europe was convulsed by the revolution, the Kingdom of Poland was able to preserve its tranquillity. We are persuaded that it would be the same at present, were it not for the continual instigations of the party of cosmopolitan revolution. If this party, everywhere devoted to the overthrow of order, at present concentrates all its activity upon Poland, a grave error would be committed in supposing that its aspirations will stop short at that limit. What it seeks there is a lever to overturn the rest of Europe. Those cabinets which attach importance to seeing the Kingdom of Poland return a moment earlier to the conditions of a durable peace, cannot therefore more certainly ensure the realization of this desire than by laboring on their side, to appease the moral and material disorder which it is sought to propagate in Europe, and thus to exhaust the main source of the agitations at which their foresight is alarmed."

With reference to this despatch, Lord Russell, writing on May 2d, to Lord Napier, English Minister at St. Petersburg, says: "Baron Brunnow came to me this morning, and, before giving me a copy of the despatch of his Government in answer to mine to your Excellency, of the 10th of April, said to me, in substance, what follows: 'You have declared to me that the step which Lord Napier was instructed to take was taken with a pacific intention. The Imperial Cabinet has received your despatch in a similar spirit of peace and of conciliation. You have told me that the representation you have made is founded upon the basis of the stipulations of the Treaty of Vienna of 1815. The Imperial Cabinet on its part accepts the basis. The Imperial Cabinet is ready to enter upon an exchange of ideas upon the ground and within the limits of the treaties of 1815.'"

The reply to France is a much less elaborate document than the despatch sent to England. Prince Gortschakoff states that the wishes expressed in the name of the Emperor Napoleon harmonize with those of the Emperor of Russia. The Emperor Alexander admits the just interest which the powers bordering on Poland, and those who coöperated in settling the state of Europe, must naturally take in all the complications of a nature to disturb its harmony. The Emperor Napoleon, in pointing out to Russia the opportunity for taking measures to

place Poland in the condition of durable peace, responds entirely to the wishes of the Emperor Alexander. But it is upon the selection of the measures conducive to this end, that it would be desirable to come to an understanding. The French Minister of Foreign Affairs points out the insufficiency of the combinations, hitherto conceived to reconcile Poland with the position granted to her. This is an additional motive not to recommence experiments which have been a source of misfortune to Poland as well as to Russia—a cause of troubles to Europe, and which in all probability would lead to the same results. The evils from which the kingdom is actually suffering are the revolutionary tendencies, the curse of our age, which are now concentrated in Poland. The Governments whose duty it is to cure this evil, cannot devote too much attention to it. The Emperor Napoleon can best accelerate the realization of the wish he expresses to Russia in the name of humanity, and in that of the permanent interests of Europe, by aiding in putting down the cosmopolitan revolution. The Russian Government hopes that, appreciating the question in a high point of view, with all the difficulties it implies, and all the allowances it requires, the Emperor Napoleon will not refuse the moral support which may depend upon him, so as to facilitate to the Emperor of Russia the task pointed out to him by his solicitude for the Kingdom of Poland, his duties toward Russia, and his international relations with his neighbors and with the great Powers of Europe.

In his reply to Austria, Prince Gortschakoff refers to his replies to England and France as containing a full exposé of the views of the Russian Government. He then goes on to state, that the Emperor Alexander understands the preoccupations produced in the Cabinet of Vienna by the deplorable events which are taking place in the immediate neighborhood of the Austrian frontier, and the value which it must attach to seeing them brought to an end. But the return of Poland to the condition of peace does not depend solely upon the measures which may be applied. The source of the agitation in Poland is the cosmopolite revolutionary party. Foreign Governments which take an interest in the tranquillity of Poland, on account of the influence which the state of that country must have on the peace of Europe, can greatly contribute to remove this cause of disorder, the reaction of which would at last affect themselves. The Russian Government has the firm conviction that the Cabinet of Vienna will neglect nothing in its power to oppose the dangerous manœuvres of the revolutionary party.

In compliance with an invitation of the Emperor of France, most of the second-rate Powers of Europe also addressed notes to the Russian Government with regard to the Polish question; thus Sweden on April 7th, Spain on March 21st, Italy on April 23d, Holland on April 28th, Denmark on May 8th, and Portugal, to all of which notes Russia replied. But neither the notes nor the replies contained anything noteworthy. Belgium, Switzerland, and the United States of America declined the invitation of France to address Russia. The opinion of the Government of the United States is expressed in a note of the Secretary of State to Mr. Dayton, American Minister at Paris, dated Washington, May 11th, 1863. Mr. Seward informs Mr. Dayton that M. Mercier had read to him a despatch, dated April 23d, in which M. Drouyn de l'Huys, the French Minister of Foreign Affairs, states that the Emperor, appreciating the value of the traditional sympathy of the United States for Poland on the one hand, and their evident friendship for Russia on the other, would be happy to obtain the coöperation of the United States in this important question. Secretary Seward goes on to say that "the American Government is profoundly and agreeably impressed with the consideration which the Emperor has manifested toward the United States, by inviting their concurrence in a proceeding having for its object the double interests of public order and humanity. Nor is it less favorably impressed with the sentiments and the prudential considerations which the Emperor has in so becoming a manner expressed to the Court of St. Petersburg," as they are such only "as appeal to the just emotions and best sympathies of mankind." He feels assured by the enlightened and humane character of the Emperor of Russia that this appeal will be accepted, and that it will meet at St. Petersburg with all the favor compatible with the general well-being of the vast states which the Emperor of Russia governs with so much wisdom and moderation. Nevertheless, notwithstanding the so favorable reception which the United States Government is disposed to give to the suggestion of the Emperor of the French, the American Government finds in its traditional neutral policy an insurmountable difficulty in associating itself, by an active coöperation, with the Cabinets of Paris, London, and Vienna, as it is requested. This note was very well received in St. Petersburg. Prince Gortschakoff at once addressed a note to the American embassador at St. Petersburg expressing, in the name of the Emperor, the satisfaction and the gratitude which the heart of his Majesty has felt by seeing the imperial policy and intentions so well appreciated by the American people.

The Governments of France, England, and Austria were entirely dissatisfied with the Russian replies. New negotiations led to the determination to address new and identical notes to St. Petersburg, designating the points which, in the opinion of the three Governments, the Government of Russia ought to grant to the Poles, as the basis of pacification. These "six points" were as follows: 1. Complete and general amnesty. 2. National representation, with powers similar to those which are fixed by the charter of the 15th (27th) November, 1815. 3. Poles to be named to public

offices in such a manner as to form a distinct national administration, having the confidence of the country. 4. Full and entire liberty of conscience; repeal of the restrictions imposed on Catholic worship. 5. The Polish language recognized in the kingdom as the official language, and used as such in the administration of the law and in education. 6. The establishment of a regular and legal system of recruiting. Earl Russell, in submitting to Prince Gortschakoff these six points, stated it to be the opinion of her Majesty's Government that the Poles would not be satisfied by mere declarations of good intentions.

The French note to the Russian Cabinet respecting Polish affairs recommends, in the same terms as the English and Austrian notes, the acceptance of the "six points" as a basis for the pacification of Poland. M. Drouyn de l'Huys does not suggest that the Russian Government will object to these proposals, or hesitate to accept them as bases for negotiations. He thinks "that there is room to anticipate a provisional pacification, founded upon the maintenance of the military *status quo*, which it would be the duty of the Emperor of Russia to proclaim, and which the Poles should on their side observe on their own responsibility." Polish affairs may then be submitted to the consideration of a conference of the eight Powers which signed the Treaty of Vienna. Thus if, as the French Cabinet hopes, Russia accepts the bases of negotiation proposed to her, "this question, withdrawn from the decision of force, which might cut it once more without solving it, would henceforth enter on the path of friendly discussion, the only way to prepare a solution vainly sought up to the present day, and which would be worthy alike of the enlightenment of the epoch and of the generous sentiments by which all the cabinets are animated."

The despatch of Count Rechberg is dated Vienna, June 18th, and addressed to the Austrian Minister at St. Petersburg. After a retrospective introduction of a very friendly character, Count Rechberg says, respecting the replies of Russia to the former notes of the three Powers: "They have appeared to us to correspond with what we expected from the wisdom and liberal intentions of the Emperor Alexander. The Cabinet of St. Petersburg appeared, in fact, to display a desire to proceed to an interchange of ideas on the means the most calculated to attain the common object of our desires. Austria, France, and Great Britain found themselves, therefore, in a manner invited to express their views in a more precise way, and to explain them amicably to the Russian Government. Animated by the spirit of conciliation which actuated our first step, we have not hesitated to follow the path indicated to us. We have consequently examined what are the conditions by which, in our opinion, tranquillity and peace could be restored to the Kingdom of Poland; and we have succeeded in expressing these conditions in the following six points which we recommend to the consideration of the Cabinet of St. Petersburg. Like England and France the Government of Austria is in favor of calling a conference of the Powers which signed the Treaty of Vienna." Count Rechberg remarks on this subject: "To judge from a passage of Prince Gortschakoff's despatch to Baron Brunnow, the Cabinet of St. Petersburg seems to admit the interest which all the Powers who signed the general Act of the Congress of Vienna have in participating in deliberations concerning the country designated in that Act as the Duchy of Warsaw. We should have no objection for our part to such a form of negotiations, and we should be ready to accept preliminary negotiations or conferences between the eight Powers signing the general Act of the Congress of Vienna, if Russia recognized the expediency of such conferences, in order to discuss the development and application of the programme which we have drawn up above."

Prince Gortschakoff replied to these notes on July 22d. In polite but determined language, Russia declined either to accept the six points, or to agree to the proposed Congress. In point of ability, this reply is one of the most remarkable documents issued on the Polish question. At the outset, Prince Gortschakoff says: "We have pleasure in learning that Lord Russell admits with us the barren nature of a prolonged controversy relative to the signification of the 1st article of the Treaty of Vienna; and that with us, likewise, he desires to place the question upon ground which should offer more opportunities for arriving at a practical solution. Before taking our stand upon this ground, we deem it useful to put in a clear light our positions respectively. The Imperial Cabinet admits the principle that every Power signing a treaty has a right to interpret the sense thereof from its own point of view, provided always that that interpretation remains within the limits of the meaning that is possible to be put upon it according to the text itself. In virtue of this principle, the Imperial Cabinet does not dispute this right in any one of the eight Powers which have concurred in the general proceedings of Vienna in 1815. Experience has, it is true, demonstrated that the exercise of such right issues in no practical result. The experiments made already in 1831 have had no issue but to place on record the divergence of opinions. Nevertheless this right exists. It extends as far as the limits which I have indicated above, and is incapable of obtaining a wider range but with the express consent of the contracting party most directly interested. Accordingly it depended upon the Imperial Cabinet to maintain the strict application of this principle, observing the line of action taken in the course of the month of April last, with respect to events which occurred in the Kingdom of Poland. If, in reply to that appeal, it went further into the subject, it was entirely owing

to its perfect readiness to seek to conciliate, and in order to reply with courtesy to an appeal which bore a similar character. The Russian Cabinet is still ready to enter upon an exchange of views upon the basis and within the limits of the treaties of 1815.

"The Russian Government subscribes to the principle laid down by Earl Russell, that the basis of government is in every case the confidence which it inspires in the governed; but the indispensable corollary of this principle is respect for authority, and no government can allow that a fraction of the people be vested with the right of seeking elsewhere than under the legitimately constituted authority, by armed rebellion, supported by hostile or foreign parties, the well-being and the prosperity which they might declare that they could not realize without the aid of inspirations from abroad."

Coming to the six points, Prince Gortschakoff refers to his former despatch to show that the Emperor has already either decreed or prepared the greater part of the measures which they include. But Russia is unable to share the hope, without certain reserves, that an adoption of the six points would lead to a complete and permanent pacification of the Kingdom of Poland. In the opinion of the Russian Government, reorganization of the kingdom must in all cases be preceded by the reëstablishment of order in the country. That result is dependent upon the stoppage of the material assistance and moral encouragement obtained from abroad by the insurrectionists. We must presume that the sources of information from which the English Government have formed their judgment of the state of affairs in Poland, are not of an impartial origin. If Earl Russell were exactly informed of the occurrences in Poland, he would know that the masses of the people have kept aloof from it, that the rural population have even evinced hostility to it, that the insurrection sustains itself alone by a terrorism unprecedented in history, and that the insurgent bands are principally recruited from elements foreign to the country. The principle of action of the directing committees from without is to keep up agitation at all cost, in order to furnish an occasion and a pretext for a diplomatic intervention which should lead to military action. As long as this situation lasts, the measures which Earl Russell recommends would with difficulty find application practically. The same causes would again produce the same effects. The presence of armed bands, the terrorism of the Central Committee, and the appearance of an immediate pressure from without, would moreover take from these measures the fitness of time, the dignity and the effectiveness which the Russian Government could expect from their spontaneous adoption. The instigators of the rebellion would not accept the adoption of the six points as a solution of the Polish question. They demand neither an amnesty, nor an autonomy, nor a representation either more or less complete. The absolute independence of the kingdom even would be for them only a means for arriving at the final object of their aspirations. This object is dominion over provinces where the immense majority are Russian by race or by religion; in a word, it is Poland extended to the two seas, which would inevitably bring about a claim to the Polish provinces belonging to other neighboring powers. The final result would be a general conflagration, and the subversion of the peace and the equilibrium of Europe.

The project of Alexander I. to combine the Duchy of Warsaw "with the Polish provinces anciently dismembered into a kingdom under the sovereignty of Russia, with an administration in accordance with the wishes of the people, was a passing inclination of that sovereign and must be excluded, even in an exchange of ideas made within the limits of the treaties of 1815. The proposal of an armistice is rejected. The Emperor of Russia, it is said, owes it to his army, to the peaceable majority of the Poles, and to Russia to take energetic measures to crush the insurrection. The proposal of a conference of the eight Powers which signed the Treaty of Vienna for the purpose of discussing the six points is also rejected. If the measures were to be submitted to ulterior deliberation, there would result a direct interference of foreign Powers in the most intimate details of the administration, an interference that no great Power could admit." It would also "further increase the pretensions and illusions of the Polish agitators." The only conference which Russia will accept is a conference with Austria and Prussia, between which "the traditions of history" and immediate neighborhood establish a certain community and reciprocity of interests. On this point Prince Gortschakoff says: "All the arrangements destined to regulate the interior administration and the mutual relations of the Polish territories placed, since the Congress of Vienna, under their respective dominions, have been laid down in treaties concluded directly between these three Courts on April 21st (May 3d), 1815. They have been successfully completed by a series of special conventions whenever circumstances have required it. The general principles mentioned in these treaties, and which could interest Europe, have alone been inserted in the Act of the Congress of Vienna, signed on May 27th (June 9th), by all the Powers invited to concur in it. At present it is not a question of these general principles, but the administrative details and ulterior arrangements would furnish useful matter for discussion by the three Courts in order to place the respective position of their Polish possessions, to which the stipulations of the treaties of 1815 extend, in harmony with present necessities and the progress of time." In conclusion, Prince Gortschakoff expresses the hope that the great Powers, by clear and categorical language, would contribute to dissipate the illu-

sions of the insurgents, and to thwart the calculations which they found upon an active intervention in favor of their exaggerated aspirations. Thus they would bring nearer the moment when the Emperor of Russia could execute and develop the reformatory measures which he designs to adopt for Poland.

His reply to France agrees in substance with the one addressed to England. It emphatically insists on the moral solidarity of the great Powers in presence of the evident action of the revolutionary elements of all countries concentrating at present in Poland, stating that this gives the question a European character. Prince Gortschakoff says that Russia is the more compelled to call the attention of the French Government to this fact, since one of the principal focuses of the agitation which exists is Paris itself. The Polish emigrants, profiting by their social relations, have organized a vast conspiracy, destined to mislead public opinion in France by a system of misrepresentation and calumny, and to keep alive disorder in the Kingdom of Poland by assisting it with material by the terror of a secret committee, and, above all, by propagating the conviction that active foreign intervention will take place in favor of the most senseless aspirations of the insurrection. "We have pleasure," says Prince Gortschakoff, in conclusion, "in believing that the French Government will not permit its name to be abused for the advantage of the revolution in Poland and in Europe."

The reply to Austria, dated July 15th, did not present any new points of importance. In the concluding passage of this despatch, Prince Gortschakoff says: "As to the substance of our propositions, we believe that if appreciated in the spirit which has dictated them, and if honestly applied, they may lead to a rational and practical solution which would at once give satisfaction to the rights and interests of the three neighboring Powers, to the stipulations of the treaty of 1815, on which the general equilibrium reposes, to the reasonable wishes of the Poles, and the solicitude which Europe has manifested on behalf of the tranquillity of these countries. We can therefore only regret the different impression which the directions addressed by Count Rechberg to the Austrian embassadors at London and Paris lead us to anticipate." The publication of the Russian note in the official Vienna journal was accompanied with the remark, that immediately after the receipt of the Russian reply, a note was addressed to the Austrian embassadors at the Courts of London and Paris, that Austria would not separate herself from the alliance, and she would not negotiate separately with Russia, as demanded by the latter. The Austrian Government was of the opinion that the note of Prince Gortschakoff might be interpreted as indicating some secret negotiations between the Courts of Vienna and St. Petersburg; and Count Rechberg, in a note to the Austrian Minister at St. Petersburg, dated July 19th, called the attention of Prince Gortschakoff to this point. In reply, Prince Gortschakoff, in a note of July 27th, expressed surprise to find that Count Rechberg had hinted the possibility of Russia entertaining a reservation. He then proceeds: "If this view of the subject has been put forward by Count Rechberg from a desire to remove all idea of a separate agreement, which might be judged incompatible with the engagement contracted by Austria with the point of departure by which she connects her measures, let us hasten to bear witness that no agreement whatever has taken place between her and ourselves upon the subject of the late overtures. We have deduced no approbation from the Austrian note of the 18th June, and have anticipated her refusal of a conference between Russia, Prussia, and Austria. We have not dreamt of establishing any assimilation between Galicia and Poland; but tradition, precedents, and the assistance received by the insurgents from Galicia, attest their common interests, and show the necessity of an understanding between the three Northern Courts. The proposition for a conference was conceived in a friendly spirit, in conformity with the relations and interests of the two Courts, and we should regret any different interpretation." The despatch terminates with an expression of Prince Gortschakoff's regret that the note of Count Rechberg presages a different impression.

England and France declared the reply of Russia to be entirely unsatisfactory, and M. Drouyn de l'Huys, in a new note, designated it as a refusal to grant the six points. Prince Gortschakoff protested against this view. In another despatch, addressed to the Russian embassador at Paris, he says that the greater part of the measures indicated in the six points had been granted, but that, far from pacifying the kingdom, they were the starting point of the insurrection. The agitators made reforms a pretext for raising the country. Having conceived the hope of complete independence by the aid of foreign intervention, they could not appear satisfied with the liberal institutions, the basis of which was being carried out by the Government. Prince Gortschakoff further deprecates any intention to represent the French Government as an accomplice of the revolutionary party. "We adhere," he says, "to our observations concerning the suspension of hostilities. It is necessary that the rebels should lay down their arms or the Government abdicate all authority. It is impossible to otherwise understand the question of dignity and public order. Our despatch contained neither irony nor provocation, but a feeling of wounded dignity might have manifested itself in the expression of our ideas."

Earl Russell replied again to Prince Gortschakoff in a note of August 11th. He insists that the Russian Government, not the Poles, bears the chief responsibility for a continuation of the war. "Her Majesty's Government have

no hesitation in declaring their conviction that the principal obstacle to the reëstablishment of order in Poland is not the assistance obtained by the insurgents from abroad, but the conduct of the Russian Government itself. The Empress Catherine in 1772 promised to the Poles the maintenance of their religion. The Emperor Alexander I. in 1815 promised to the Poles national representation and national administration. These promises have not been fulfilled. During many years the religion of the Poles was attacked, and to the present hour they are not in possession of the political rights assured to them by the treaty of 1815, and the constitution of the same year. The violation of these solemn engagements on the part of the Russian Government produced disaffection, and the sudden invasion of the homes of Warsaw, in a night of January last, was the immediate cause of the present insurrection. Unless the general feeling in Poland had been estranged from Russia, the moral and material assistance afforded from abroad would have availed the insurgents little. It is true, however, that lively sympathy has been excited in Europe in favor of the Poles. In every considerable state where there exists a national representation—in England, in France, in Austria, in Prussia, in Italy, in Spain, in Portugal, in Sweden, in Denmark,—that sympathy has been manifested. Wherever there is a national administration the administration has shared, though with prudence and reserve in expression, the feelings of the legislature and the nation. Russia ought to take into account these sympathies, and profit by the lesson which they teach." His despatches conclude as follows: "In communicating their views to Prince Gortschakoff, it remains to her Majesty's Government to discharge an imperative duty. It is to call his Excellency's most serious attention to the gravity of the situation, and the responsibility which it imposes upon Russia. Great Britain, Austria, and France have pointed out the urgent necessity of putting an end to a deplorable state of things which is full of danger to Europe. They have at the same time indicated the means which, in their opinion, ought to be employed to arrive at this termination, and they have offered their coöperation in order to attain it with more certainty. If Russia does not perform all that depends upon her to further the moderate and conciliatory views of the three Powers, if she does not enter upon the path which is open to her by friendly counsels, she makes herself responsible for the serious consequences which the prolongation of the troubles of Poland may produce."

The French note, which was simultaneously addressed to Prince Gortschakoff, was accompanied with a note, in which M. Drouyn de l'Huys explains the European character of the stipulations which were accepted by Russia, Austria, and Prussia at the Congress of 1815. The French Minister recalls "1. That Russia has entered into an engagement to bestow on the Kingdom of Poland a distinct constitutional *régime*. 2. That Russia, in making the reservation to approximate the Polish institutions to those of Russia, could only allude to the Polish provinces without the Kingdom of Poland Proper. The Powers have a direct and positive right to claim for Poland a faithful execution of the treaties." The note of Austria to Russia expresses great regret that Russia has not given a more satisfactory reply to the notes of the Great Powers. The note then proceeds to state that the interest of Europe demands an early fulfilment of the work of conciliation in Poland. "Foreign influences," it says, "are not the only cause of the insurrection. Poland would be tranquil if Russia had fulfilled the political and religious engagements which she had contracted. The proposed conference of the great Powers ought certainly to be acceptable to Russia." In conclusion, Prince Gortschakoff is requested to give his most serious attention to the present state of things, for the consequences of which Austria declares Russia alone will be responsible.

The replies of Prince Gortschakoff to these three notes are dated Sept. 7th (old style, August 26th). Prince Gortschakoff regrets that the expectations, based upon the diplomatic discussions and their results, had not been fulfilled, and that the differences of opinion had not been removed. He, therefore, thinks that a further extension of these discussions appears superfluous. He finally states that Russia assumes the full responsibility of her acts. In the reply to France, Prince Gortschakoff moreover emphatically declines any discussion on the Polish provinces of Russia Proper. He says: "We will draw attention to only one point in the despatch of M. Drouyn de l'Huys, because we are anxious to remove beforehand every fresh subject of misunderstanding. I refer to the allusion made by the French Minister of Foreign Affairs, several times and under various forms, to the western provinces of Russia, as participating to a certain extent in the international stipulations which determined in 1815 the position of the Duchy of Warsaw. The Imperial Cabinet cannot in any way admit this point of view even to the slightest extent, and your Excellency is requested to reiterate to M. Drouyn de l'Huys the declaration already made in my previous despatch, that his Majesty the Emperor, always ready to scrupulously fulfil his obligations toward all the Powers, must peremptorily exclude, even from an interchange of friendly opinions, any allusions to parts of his empire to which no international stipulations of any kind whatever apply." These notes were accompanied by a memorandum of considerable length. This document treats the question exclusively in an international point of view. It gives an historical sketch from the Congress of Vienna. It thoroughly examines the extent Russia is bound by those treaties, and dwells at considerable length upon the congress itself. It endeavors

to prove that the autonomy already decreed for the Kingdom of Poland, and the application of which has not been suspended, but obstructed, by the revolution, satisfies the obligations contracted by Russia toward Europe. It concludes with asserting that the Emperor of Russia is decided to maintain the engagements of 1815 in all their extent.

Thus ended one of the most memorable diplomatic negotiations of modern times. The most prominent part in it was taken by the Government of France, which induced all the second-rate Powers of Europe to participate. Throughout the progress of the negotiation, and, especially, after the last reply of Russia, declining any further discussion of the subject, the semi-official press of France were crying for war, and most of the other papers were joining in this cry. But England refused positively to make any warlike demonstration, and Austria associated herself with England. Thus left alone, the French Emperor deemed it inexpedient to pursue any longer a warlike policy. He gave, quite unexpectedly, a new turn to the whole negotiation, by proposing, on the opening of the French Chambers on November 7th, the assembling of a European Congress for settling not only the Polish but all national complications. (*See* CONGRESS, EUROPEAN.)

PRESBYTERIANS. The statistics of the Old School Presbyterian Church, in 1863, were reported as follows: synods in connection with the General Assembly, 35; presbyteries, 172; licentiates, 288; candidates for the ministry, 399; ministers, 2,205; churches, 2,541; licensures, 82; ordinations, 91; installations, 100; pastoral relations dissolved, 94; churches organized, 29; ministers received from other denominations, 10; ministers dismissed to other denominations, 11; churches received from other denominations, 6; churches dismissed to other denominations, 8; ministers deceased, 27; churches dissolved, 13; members added on examination, 8,781; members added on certificate, 6,535; total number of communicants reported, 227,575; adults baptized, 2,165; infants baptized, 10,194; amount contributed for congregational purposes, $1,294,785; amount contributed for the boards, $346,448; amount contributed for disabled ministers' fund, $10,973; amount contributed for miscellaneous purposes, $150,444; whole amount contributed, $1,802,650. The large decrease in these statistics, as compared with those of the preceding year, arises from the circumstance, that the Presbyterians of the Southern States, who in December, 1861, formed an independent church organization, were, last year, for the first time omitted from the statistical records of the Church. The General Assembly of the Church met at Peoria, Illinois, on May 21st. An animated debate sprung up in this meeting, on a motion to hoist the national flag on the church in which it held its sessions. A large portion of the Assembly were opposed to this demonstration, as being of a political character, but a motion to lay the proposed resolution on the table was rejected: yeas, 90; nays, 130. As the trustees of the church, on the ensuing Sunday, had, of their own accord, hoisted the flag on the church, the Assembly disposed of the question on the next day, by adopting the report of the committee, which, while making strong avowals of loyalty, recommended no further action upon the resolution, together with an amendment, offered by Dr. Delancy, stating that "the trustees of this church concur in the desire expressed by many members of this Assembly to have displayed from this edifice the American flag, the beautiful symbol of national protection, unity, and liberty." The vote on this motion was 176 ayes, and 20 noes.

An important resolution was passed upon a request from the Presbytery of Saline, that the General Assembly reaffirm the testimony of the Assembly of 1818 in regard to slavery. In accordance with the report of the committee, the following declaration was adopted:

> The Assembly has from the first uttered its sentiments on the subject of slavery, in substantially the same language. The action of 1818 was taken with more care, and made more clear, full and explicit, and was adopted unanimously. It has since remained that true and scriptural deliverance on this important subject by which our Church is determined to abide. It has never been repealed, amended, or modified, but has frequently been referred to and reiterated in subsequent assemblies; and when some persons fancied that the action of 1845 in some way interfered with it, the Assembly of 1846 declared, with much unanimity, that the action of 1845 was not intended to deny or rescind the testimony on this subject previously uttered by General Assemblies; and by these deliverances we still abide.

An amendment proposed by Dr. Humphrey to insert before the words, "these deliverances," the word "all," was laid on the table.

The attitude which the General Assemblies of 1861, 1862, and 1863, had assumed, with regard to loyalty and the slavery question, produced a great dissatisfaction among a portion of the Kentucky Presbyterians, who entertained different views on slavery. The organ of this portion of the Church, the "True Presbyterian," of Louisville, expressed itself as follows on the Assembly of 1863:

> We are free to say that our chief comfort in reading them has arisen from the reflection that, in this Assembly, the Presbyterian Church must have reached her lowest point of humiliation, and therefore it may be expected that from this time she must begin to ascend to higher and more Scriptural views—that is, if the Lord in his anger has not given her over to irredeemable apostasy.

In December, 1862, Rev. Dr. McPheeters, pastor of the Pine street Presbyterian church, in St. Louis, was removed from his duties by the provost-marshal. The following letter from President Lincoln refers to it:

> EXECUTIVE MANSION, WASHINGTON, *Dec. 23d*, 1863.
>
> I have just looked over a petition signed by some three dozen citizens of St. Louis, and their accompanying letters, one by yourself, one by a Mr. Nathan Ran-

ney, and by a Mr. John D. Coalter—the whole relating to the Rev. Dr. McPheeters. The petition prays in the name of justice and mercy, that I will restore Dr. McPheeters to all his ecclesiastical rights.

This gives no intimation as to what ecclesiastical rights are withdrawn. Your letter states that Provost-marshal Dick, about a year ago, ordered the arrest of Dr. McPheeters, pastor of the Pine street church, prohibited him from officiating, and placed the management of the church out of the control of its chosen trustees; and near the close you state that a certain course "would insure his release." Mr. Ranney's letter says: "Dr. Samuel McPheeters is enjoying all the rights of a civilian, but cannot preach the Gospel." Mr. Coalter, in his letter, asks: "Is it not a strange illustration of the condition of things, that the question of who shall be allowed to preach in a church in St. Louis shall be decided by the President of the United States?

Now, all this sounds very strangely; and withal a little as if you gentlemen making the application do not understand the case alike, one affirming that the Doctor is enjoying all the rights of a civilian, and another pointing out to me what will secure his release! On the 2d of January I wrote to General Curtis in relation to Mr. Dick's order upon Doctor McPheeters; and as I suppose the Doctor is enjoying all the rights of a civilian, I only quote that part of my letter which relates to the church. It is as follows: "But I must add that the United States Government must not, as by this order, undertake to run the Churches. When an individual, in a church, or out of it, becomes dangerous to the public interest, he must be checked, but the Churches as such must take care of themselves. It will not do for the United States to appoint trustees, supervisors, or other agents, for the Churches.

This letter going to General Curtis, then in command, I supposed, of course, it was obeyed, especially as I heard no further complaint from Doctor McPheeters or his friends for nearly an entire year. I have never interfered, nor thought of interfering, as to who shall or who shall not preach in any church; nor have I knowingly or believingly tolerated any one else to interfere by my authority. If any one is so interfering by color of my authority, I would like to have it specifically made known to me.

If, after all, what is now sought is to have me put Doctor McPheeters back, over the heads of a majority of his own congregation, that, too, will be declined. I will not have control of any church or any side.

Yours, respectfully, A. LINCOLN.

There was a general desire in this church to reconnect the congregations in the States reoccupied, with the General Assembly, but no further progress was made in this direction than the authorization of the Board of Domestic Missions, by the General Assembly, to aid the Second Presbyterian church of Nashville, Tenn., which had resumed its connection with the General Assembly, to the amount of one thousand dollars per annum.

The minutes of the General Assembly of the New School Presbyterian Church for 1863, present the following statistics: synods 22, same as last year; presbyteries 106, a gain of two; ministers 1,616, a gain of 61; licentiates 162, a gain of 11; churches 1,454, a loss of 12; added on examination 4,744, and on certificate 4,079; communicants 135,894, a gain of 440; adults baptized, 1,556; infants baptized, 3,191; contributions for expenses of General Assembly $6,263.06, $1,125 more than last year; contributions to domestic missions $122,407.39, $30,486 more than last year; to foreign missions $80,528.97, an advance of over $11,000; to education $49,362.78, an advance of over $2,100; to publication $40,560.04, an advance of over $1,400. The whole amount of contributions reported is within a fraction of $300,000, an advance of 20 per cent. upon the amount reported last year.

The N. S. Presbyterian General Assembly met on May 21st, 1863, in Philadelphia, and elected Prof. H. B. Smith, moderator. The committee on the state of the country submitted nine resolutions, which were received with applause and adopted without a dissenting vote. The resolutions declare that—

The Administration duly placed in power is the Government, and the present Administration is the Government of the United States, and the most uncompromising support to the President and cabinet is religiously the duty of all good citizens. While we deprecate the losses of the war, it must be prosecuted vigorously to the end in order that the rebellion may be subdued, and that the flag of our country shall float over every foot of our land. The Government is founded on the great principles of human rights. The rebellion is based upon treason, and is offensive against heaven. It evinces depravity in its blind support of human bondage. Loyalty, firm and reserved, rising above all questions of party politics, should be the expression of this assembly as a Christian obligation. The system of human bondage, as practised in the South, is in direct violation of human rights and the teachings of our better natures. The strongest support is, therefore, given to the President in his proclamation of freedom to the colored people of the South. Prayers that wisdom be endowed by the Almighty upon the President and his cabinet are warmly recommended. All ministers are exhorted to sustain the Government in every way possible and proper, and to honor and obey religiously all civil and military officers throughout all future troubles. We condole sincerely with those whose children and brothers have fallen in the cause, but earnestly urge a continued support to the Government from the people.

In relation to an application from the Reformed Dutch Church for a correspondence between the two bodies, a report was read by a special committee recommending that the application be declined, inasmuch as it had cast imputations upon the orthodoxy of the General Assembly; but the assembly finally adopted an amendment to the report of the committee, that a correspondence be opened with the synod on terms according to those existing with other bodies, and the appointment of a commissioner to carry on this correspondence.

The General Assembly of the Cumberland Presbyterian church met on May 21st, 1863, at Alton, Illinois. A memorial having come up from the Ohio synod, respecting the subject of slavery and secession, a committee was appointed of one commissioner from each synod. The committee submitted the following report, which was adopted by all but two votes:

Resolved, That this General Assembly look with censure and disapprobation upon attempts from any quarter to dissolve this Union, and would regard the success of any such movement as exceedingly hazardous to the cause of religion, as well as civil liberty. And this General Assembly would strongly recommend to all Christians to make it a subject of prayer to Almighty God, to avert from our beloved country a catastrophe so direful and disastrous.

On the subject of American slavery, your committee submit that we should not view it as if it were about to be introduced, but as already in existence. We do not hesitate to declare that the introduction of slavery was an enormous crime—surpassed by few crimes that have disgraced the history of the world; and that there are at present great evils connected with it, and that we believe will more or less be connected with it while it exists. As to the remedy for these, the greatest and best minds of our country and the world have greatly differed, and been much perplexed, therefore we would recommend to those who, in the providence of God, have been placed in connection with this institution, to continue prayerfully to study the word of God, to determine their duty in regard to their slaves and slavery; and to those who are not thus situated, that they exercise forbearance toward their brethren who are connected with slavery.

The General Assembly also appointed boards or committees on publication, on missions, and on education, in place of those in Tennessee, and appointed some members to go to Nashville to get what could be had that belonged to these boards. The new board of publication is located at Pittsburg; that on missions at Alton; that on education at Owensboro', Kentucky.

The minutes of the General Assembly of the United Presbyterian Church present the following statistics for 1863: synods 7, presbyteries 45, pastors 361, ministers without charges 109, 29 missionaries in the foreign field, congregations 682, families 24,880, communicants 54,758, increase by examination and profession 2,787, increase by certificate 2,093, decrease by death 997, decrease by removal 2,218, infant baptisms 3,752, adult baptisms 237, contributed to home missions $12,085, contributed to foreign missions $16,039; total of contributions to the various funds of the Church, including salaries of pastors, $305,082, being an average of $5.57 per member. The General Assembly, in reply to a communication from the Reformed Presbyterian Church to coöperate with the latter for the purpose of obtaining an amendment to the Constitution of the United States that shall expressly recognize our national allegiance to God, and the supremacy of His law as revealed in the Holy Scriptures, adopted the following resolutions:

Resolved, That we lament that there is not a more distinct recognition of the existence of God and of the supremacy of his law, as revealed in the Scriptures, than it contains; that an amendment, introducing a becoming recognition of God into at least the preamble or adopting clause of the Constitution, is much to be desired; and that we instruct our people that it is their duty, as Christian citizens, to favor and coöperate with every legitimate effort to secure this end.

The general synod of the Reformed Presbyterian Church met in Cedarville, Ohio, on May 20th, 1863, and elected Rev. Dr. Crawford moderator. Resolutions were unanimously passed to memorialize Congress to take constitutional steps to have the Constitution so amended as to make specific mention of the authority of God, and free it from all "ambiguity" on the subject of slavery, in accordance with the intention of the framers and its own spirit.

The General Assembly of the Presbyterian Church of the Confederate States met on May 28th, 1863, at Columbia, South Carolina. A charter or act of incorporation, passed by the Legislature of the State of Tennessee, on March 19th, 1863, was presented to the Assembly, and at once accepted. Columbia Theological Seminary was transferred by the synods of South Carolina, Georgia, and Alabama to the control and management of the General Assembly. A general statement of the property of the seminary was submitted, showing that the entire amount was $277,940. A report "on the subject of slavery and the duties growing out of this relation" was presented by the Rev. Dr. Lyon. The report takes ground against the reopening of the slave trade, and in favor of the amelioration of the condition of the slave. One of the fundamental propositions is in the following words: "Slavery ceases to be a justified relation when the advantages growing out of it are not mutual. We must give unto our servants that which is just and equal." To carry out this proposition the report makes the following recommendations: 1. That whites and blacks worship together in churches and families. 2. That slaves be never left to the uncontrolled management of hirelings. 3. That greater protection be given by the laws to the lives of slaves, and that the testimony of slaves in cases relating to themselves, be taken at least as "circumstantial evidence." 4. That the marriage relation between slaves be sanctioned and protected by the laws of the State. 5. That the masters everywhere be instructed that an obligation rests upon them to give religious instruction to their slaves. The report was ordered to be printed and circulated, and the consideration of its various propositions referred to a special committee, to report to the next Assembly.

The subject of a union between the Presbyterian bodies of the South also received favorable notice. A committee was appointed to confer with a similar committee from the United Synod of the Presbyterian Church, concerning the terms of a union between the two bodies. Negotiations are also in progress with the Associated Reformed Synod of the South for a union, and intimations having been received of a desire of the Independent Presbyterian Church to unite with the Assembly, the Synod of South Carolina was directed to do what was expedient and right in the matter.

The conference of the committees appointed by the General Assembly and the United Synod, to agree upon a basis of union, met in September, at Lynchburg, Virginia. It consisted, on the part of the Assembly, of the Rev. Drs. Palmer, Ramsey, and Dabney, and on the part of the United Synod of the Rev. Drs. Moschelle, Read, and Ross. The conference was entirely successful, the two committees agreeing upon a doctrinal basis, and upon a proposition for uniting the synods, presbyteries, and churches of the two denominations.

In the Old and New School Presbyterian

Churches of the United States the idea of a union made likewise considerable progress. Several presbyteries of the wo denominations not only declared in favor of a union of the two bodies, but also—as far as in them lay—consummated it by holding joint sessions. The General Assembly of each body unanimously passed resolutions to appoint commissioners to represent them at the session of the other body—the first time since the great schism in the Presbyterian Church that this civility was interchanged.

The General Assemblies of the Free and the Established Churches of Scotland met on May 31st. The most important topic discussed by the former was on the overtures for union from the United Presbyterian Church. Upon the motion of Dr. Buchanan it was unanimously resolved to appoint a committee to take into consideration the whole subject of union among the non-established churches in Scotland, and to authorize them to act with the committee on union appointed by the Synod of the United Presbyterian Church, as well as with representatives of any of the other churches named or indicated by the overtures, should occasion or opportunity arise; the committee to report upon the whole subject to the General Assembly of next year.

On the 17th of June the committees of the two bodies held their first joint meeting, and appointed a joint sub-committee, to report as to the authoritative documents which serve to define the principles and position of the two churches. The first meetings of the joint committee were very harmonious, but toward the close of the year a great difficulty was experienced to harmonize the differing views of the churches as to the relation of the State governments to the church.

The Reformed Presbyterian Church of Scotland has been for some time agitated by the question whether the position of the church in regard to the exercise of the elective franchise and the taking the oath of allegiance by her members should be changed. Last year the dissension ripened into a disruption of the church. The majority of the synod, which was held, in May, in Glasgow, agreed that the time had gone past for visiting with excommunication those members who take the oath of allegiance to the queen. In consequence of this decision, the minority withdrew from the church, and declared themselves to be the proper Reformed Presbyterian Church.

PRISONERS, EXCHANGE OF. The commencement of 1863 found the cartel agreed upon by Gens. Dix and Hill in the preceding July, in full force and operation. The preponderance of prisoners on either side was not great, and notwithstanding certain acrimonious correspondence and retaliatory proclamations of the previous year, exchanges proceeded regularly at City Point on the James river, the chief place appinted for that purpose, to the mutual relief and advantage of the hostile parties.

The first indication of approaching complications was afforded by the message of Jefferson Davis to the Confederate Congress on Jan. 14th, in which he used the following language:

> So far as regards the action of the Government on such criminals as may attempt its execution [referring to President Lincoln's emancipation proclamation of Jan. 1st, 1863], I confine myself to informing you that I shall, unless in your wisdom you deem some other course more expedient, deliver to the several State authorities all commissioned officers of the United States that may hereafter be captured by our forces in any of the States embraced in the proclamation, that they may be dealt with in accordance with the laws of those States providing for the punishment of criminals engaged in exciting servile insurrection.

On May 1st, the Congress, after mature deliberation, passed a series of resolutions in conformity with these views. (*See* CONFEDERATE CONGRESS, p. 227.)

Previous to the adoption of these resolutions the following letter, which may possibly have led to the stringent measures which they embody, was sent by Gen. Hunter, commanding the Department of the South, to Jefferson Davis:

> HEADQUARTERS OF THE SOUTH, HILTON HEAD, PORT ROYAL, *April* 23*d*, 1863.
>
> *Jefferson Davis, Richmond, Va.:*
>
> The United States flag must protect all its defenders, white, black, or yellow. Several negroes in theemploy of the Government in the Western Department, have been cruelly murdered by your authorities and others sold into slavery. Every outrage of this kind against the laws of humanity which may take place in this Department, shall be followed by the immediate execution of the rebel of highest rank in my possession, man for man. These executions will certainly take place for every one murdered, or sold into a slavery worse than death. On your authorities will rest the responsibility of their barbarous policy, and you will be held responsible in the world to come for all the blood thus shed.
>
> In the month of August last, you declared all those engaged in arming the negroes to fight for their country, to be felons and directed the immediate execution of all such as should be captured. I have given you long enough to reflect on your folly.
>
> I now give you notice that unless this order is immediately revoked I will at once cause the execution of every rebel officer and every rebel slaveholder in my possession. The poor negro is fighting for liberty in its truest sense. Mr. Jefferson has beautifully said, "In such a man there is no attribute of the Almighty which will induce him to fight on the side of the oppressor." You say you are fighting for liberty. Yes, you are fighting for liberty,—liberty to keep four millions of your fellow beings in ignorance and degradation; liberty to separate parents and children, husband and wife, brother and sister; liberty to steal the products of their labor, exacted with many a cruel lash and bitter tear; liberty to seduce their wives and daughters and to sell your own children into bondage; liberty to kill these children with impunity when the murder cannot be proven by one of pure white blood. This is the kind of liberty—the liberty to do wrong which Satan, chief of the fallen angels, was contending for when he was cast into hell. I have the honor to be, very respectfully, your most obedient servant,
>
> D. HUNTER, Maj.-Gen'l Commanding.

The effect of the resolutions was to withhold from exchange, if captured, a certain class of soldiers of the United States army, who were not regarded by the enemy as prisoners of war. As no colored soldiers had up to this time fallen into their hands, notwithstanding a large number of colored persons employed as

ambulance and wagon drivers, laborers, servants, and in other capacities, had been captured by them and never accounted for, no direct issue seemed to be raised, and it remained for future events to develop one. The cartel was in reality interrupted when the resolutions became the law of the Confederacy, but its operation was not practically stopped until several months afterward, and then for reasons only partially connected with the position taken by the rebel authorities on this point.

The cartel of July, 1862, had been so arranged that a correct return of prisoners could be kept by both sides, in order that a balance sheet might at any time be struck between them. For this purpose City Point and Vicksburg were selected as points of exchange. But under a liberal interpretation of the cartel it became the practice for the commanders of opposing armies to parole and exchange prisoners at will, without the formality of sending them to the rear for transportation to the points of exchange, or designating such points. In consequence of this course it became impossible to determine with accuracy the balances between the contending parties; and the United States Government, for the purpose, among other things, of making its generals conform strictly to the regulations of the cartel in the matter of paroles, issued, on May 22d, a code of instructions compiled by Dr. Francis Lieber, and known as general orders, No. 100, in which it was provided that captures, to be valid, "must be reduced to possession," and that when the Government did not approve of a parole, the officer or man paroled must return to captivity. This was sent to Robert Ould, the Confederate agent of exchange at City Point, on May 22d, accompanied by a note from Col. Ludlow, the Federal agent at Fortress Monroe, in which he stated that, together with the cartel, it would govern the U. S. army. He added:

I would invite your special attention to article seven of the cartel, which provides that all prisoners of war shall be sent to places of delivery therein specified. The execution of this article will obviate much discussion and difficulty growing out of the mode, time, and place of giving paroles. No paroles or exchanges will be considered binding except those under the stipulations of said article, permitting commanders of two opposing armies to exchange or release or parole at other points mutually agreed on by said commanders.

The following order in relation to the same subject expresses more fully the views of the Government:

War Department, Adjutant General's Office, Washington, *July 3d*, 1863.

General Orders, No. 207.—1. The attention of all persons in the military service of the United States is called to article seven of the cartel agreed upon July 22d, 1862, and published in General Orders, No. 142, Sept. 25th, 1862. According to the terms of this cartel all captures must be reduced to actual possession, and all prisoners of war must be delivered at the places designated, there to be exchanged, or paroled until exchange can be effected. The only exception allowed is the case of commanders of two opposing armies, who were authorized to exchange prisoners, or to release them on parole at other points mutually agreed upon by said commanders.

2. It is understood that captured officers and men have been paroled and released in the field by others than commanders of opposing armies, and that the sick and wounded in hospitals have been so paroled and released, in order to avoid guarding and removing them, which, in many cases, would have been impossible. Such paroles are in violation of general orders and the stipulations of the cartel, and are null and void. They are not regarded by the enemy, and will not be respected in the armies of the United States. Any officer or soldier who gives such parole will be returned to duty without exchange, and moreover will be punished for disobedience of orders. It is the duty of the captor to guard his prisoners, and if through necessity or choice he fails to do this, it is the duty of the prisoner to return to the service of his government. He cannot avoid this duty by giving an authorized military parole.

3. A military parole not to serve till exchanged must not be confounded with a parole of honor, to do or not to do a particular thing not inconsistent with the duty of a soldier; thus a prisoner of war actually held by the enemy may, in order to obtain exemption from a close guard or confinement, pledge his parole of honor that he will make no attempt to escape. Such pledges are binding upon the individuals giving them, but they should seldom be given or received, for it is the duty of a prisoner to escape, if able to do so. Any pledge or parole of honor extorted from a prisoner by ill usage or cruelty is not binding.

4. The obligations imposed by the general law and usages of law upon the combatant inhabitants of a section of country passed over by an invading army, cease when the military occupation ceases, and any pledge or parole given by such persons in regard to future service, is null and of no effect.

By order of the Secretary of War,

E. D. TOWNSEND, Assistant Adj't-Gen.

This order was also sent to Mr. Ould, with the following remarks in explanation of the course the United States Government would pursue:

It is understood that officers of the United States and Confederate officers have, at various times and places, paroled and released prisoners of war, not in accordance with the cartel.

The Government of the United States will not recognize, and will not expect the Confederate authorities to recognize, such unauthorized paroles. Prisoners released on parole not authorized by the cartel, after my notice to you of the 22d of May, will not be regarded as prisoners of war, and will not be exchanged.

Where prisoners of war have been released without the delivery specified in the cartel, since the 22d of May last, such release will be regarded as unconditional, and the prisoners released as subject to orders without exchange, the same as if they had never been captured.

On July 3d, the very day of the promulgation of general orders, No. 207, General Lee received his final repulse at Gettysburg and on the 4th he retreated toward the Potomac. A number of prisoners taken by him during the battles of the three previous days still remained upon his hands, and being unable to take these with him into Virginia he paroled and released them on the spot. Gen. Meade at once disavowed these paroles as having been made in violation not only of order No. 207; but also of a liberal interpretation of the cartel, which required prisoners, when exchanged or paroled at a distance from either of the points of exchange, to be so exchanged or paroled at a point mutually agreed upon by the commanders of the opposing armies. (*See* Exchange of

PRISONERS, Vol. II., page 714.) In the present case nothing of the kind had been attempted, and the enemy, by showing his inability to remove his prisoners, failed to prove that he had reduced them to actual possession. Hence the Federal Government not only held these paroles to be invalidated, but ordered the officers and men to return to duty. The rebels complained bitterly of this proceeding, maintaining that the Federal Government had undertaken to supplement the cartel by its general orders, Nos. 100 and 207, by which the basis of exchanges had been affected without previous agreement. Mr. Ould even urged that, in accordance with general orders, No. 100, the paroled prisoners of Gettysburg, if their paroles were not approved, should return into captivity; and he charged unfair dealing upon the Government in framing its general order, No. 207 for the purpose of relieving them from this liability. To this it was replied that neither of the above orders was intended to be in violation of the cartel, but were designed to promote its complete and faithful operation; that if in any respect they were in violation of it, they were to that extent inoperative; and that, as Gen. Lee's paroles were not made in accordance with the cartel, they were necessarily void.

The battle of Gettysburg was followed by the unconditional surrender of Vicksburg and Port Hudson, by which the number of prisoners falling into the Federal hands was enormously increased. In both instances the commanders of the opposing armies, acting under the authority of the cartel, mutually agreed upon a place for the delivery of the prisoners on parole. The Port Hudson prisoners were accordingly sent to Mobile. Mr. Ould nevertheless undertook to release these men from their obligations, ostensibly because they were not exchanged at City Point or Vicksburg, the two places specially mentioned in the cartel (although that instrument provided for other arrangements, which in this instance were literally fulfilled), but really as a retaliatory measure to offset the disavowal of the Gettysburg paroles, and also, there is good reason to believe, for the purpose of filling up the depleted ranks of the rebel army. Other prisoners, to the number of several thousands, were for similar reasons subsequently absolved from their paroles. The proceedings above related involved no slight amount of acrimonious correspondence, extending over a considerable period, but cannot be said to have permanently interrupted the system of exchanges then in operation.

On May 15th, T. P. Graw and William Corbin, having been found guilty by a court-martial of recruiting for the rebel army within the Union lines, were executed at Johnson's Island, in Lake Erie, by order of Gen. Burnside. In retaliation for this act Captains H. W. Sawyer and John Flynn were selected by lot from among the Union prisoners in Richmond and ordered into close confinement under sentence of death. This proceeding coming to the knowledge of the Federal Government, Gen. W. H. Lee and Captain Winder were ordered into close confinement as hostages to await the fate of the Union officers. If the latter should be executed the rebel officers were also to be hung, and Col. Ludlow was directed to assure Mr. Ould "that the Government of the United States would proceed to retaliate for every similar barbarous violation of the laws of civilized war." This energetic action had the effect of restraining the Confederate Government from carrying their threat into execution, and early in 1864 the four officers were mutually exchanged.

Previous to July no engagement had occurred in which colored troops had fallen into the hands of the enemy. But the capture of a number of the 54th Massachusetts (colored) regiment, at the assault on Fort Wagner in Charleston harbor, showed that the enemy were determined to carry out literally the provisions of the resolutions of May 1st. To protect this class of soldiers from these harsh measures, the following sections were inserted in the general order, No. 100, already referred to:

57. So soon as a man is armed by a sovereign Government, and takes the soldier's oath of fidelity, he is a belligerent; his killing, wounding, or other warlike acts are not individual crimes or offences. No belligerent has a right to declare that enemies of a certain class, color, or condition, when properly organized as soldiers, will not be treated by him as public enemies.

58. The law of nations knows no distinction of color, and if an enemy of the United States should enslave and sell any captured persons of their army, it would be a case for the severest retaliation, if not redressed upon complaint. The United States cannot retaliate by enslavement; therefore death must be the retaliation for this crime against the law of nations.

But it having been suggested that these provisions were not generally known, and were not likely to impress the enemy with a proper sense of what the United States Government would do under the circumstances, the following retaliatory order was issued by the President:

EXECUTIVE MANSION, WASHINGTON, *July 30th.*

It is the duty of every Government to give protection to its citizens of whatever class, color or condition, and especially to those who are duly organized as soldiers in the public service. The law of nations and the usages and customs of war, as carried on by civilized powers, permit no distinction as to color in the treatment of prisoners of war as public enemies. To sell or enslave any captured person, on account of his color, and for no offence against the laws of war, is a relapse into barbarism and a crime against the civilization of the age. The Government of the United States will give the same protection to all its soldiers, and if the enemy shall sell or enslave any one because of his color, the offence shall be punished by retaliation upon the enemy's prisoners in our hands.

It is therefore ordered that for every soldier of the United States killed in violation of the laws of war, a rebel soldier shall be executed, and for every one enslaved by the enemy or sold into slavery, a rebel soldier shall be placed at hard labor on the public works, and continue at such labor until the other shall be released and receive the treatment due a prisoner of war.

ABRAHAM LINCOLN.

By order of the Secretary of War.
E. D. TOWNSEND, Ass't Adj.-Gen.

Of the fate of the negroes captured at Fort Wagner no certain intelligence reached the Federal Government for several weeks, the rebels maintaining a strict silence on the subject; but Secretary Stanton, ascertaining soon after that three colored men captured on board the gunboat Isaac Smith in the Stono river, had been placed in close confinement, ordered three rebel prisoners of South Carolina to be held as hostages for them, and directed this fact to be communicated to the Confederate Government. The comments of the Richmond papers show how this proceeding was regarded in the rebellious States:

It is not, said the "Examiner," merely the insolent pretensions of a regular Government affecting to deal with "rebels," but it is a deadly stab which they are aiming at our institutions themselves—because they know that if we were insane enough to yield this point, to treat black men as the equals of white, and insurgent slaves as equivalent to our brave soldiers, the very foundation of slavery would be fatally wounded.

* * * * * * * *

Under these circumstances what hope is there of the arrangement of the cartel upon a footing of equality? Will Lincoln's Government renounce that audacious pretension to treat us as criminals? Or will it, after deliberately enlisting our runaway negroes into its military service, consent to give them up to be dealt with by our State laws as insurgents? We know very well what these questions all tend to. We have long perceived that the time is at hand when no more prisoners will be exchanged, and no more prisoners will be taken. Our people and our troops are entitled at the hands of their Government to such protection as a Government can afford them. Our soldiers entered the Confederate service as the soldiers of a regular Government, and they cannot afford to meet the enemy in the character of malefactors. If there is to be no exchange on equal terms, better there should be no exchange at all—better that the enemy should understand there will be no quarter asked nor given; and then at least there will be equality.

Holding views like these, the rebels were not likely to yield their point readily, and during the whole year not a single instance has occurred of a negro soldier or a commissioned officer of a negro regiment being exchanged, or recognized as a prisoner of war. On the other hand no instance has come to light of the execution by the Confederate authorities of the death penalty upon prisoners of this class, and there is reason to hope that the firm attitude taken by the Federal Government may avert the horrors which such an act would promote. The complications, however, which the action of the enemy has caused in the general subject of exchanges, will be presently seen.

In August, Gen. S. A. Meredith was appointed to succeed Col. Ludlow as United States agent for exchanges at Fortress Monroe. With the arrival of this officer at his post commences a voluminous correspondence between him and the Confederate agent, in which occur so many radical contradictions of matters of fact that it is difficult to arrive at an exact statement of the controversy between them. It appears from the principal communication of Gen. Meredith that, while his predecessor, Col. Ludlow, was on duty at Fortress Monroe, Mr. Ould at one time made a declaration of exchange not in exact accordance with the cartel, and that he invited Col. Ludlow to a corresponding declaration of equivalents. The latter acceded to the proposition in this specific case, and was thus, according to Gen. Meredith, "without anticipating the magnitude of the evil which now appears as the result of that departure from the cartel," enticed into the establishment of a precedent whereby exchanges were declared without designating the persons exchanged by name or descriptive list. The evil effects of this loose method of procedure became apparent when Mr. Ould, on September 12th, declared a large part of the officers and men captured at Vicksburg, and a great number also who had been delivered at City Point, to be duly exchanged. This declaration, covering an indeterminate number of troops, designated by commands, but not enumerated, sent nearly 30,000 men back to the rebel service, according to Gen. Meredith, and, as he claims, with only a partial equivalent of Federal prisoners returned to him. He also charged that proper lists of Federal prisoners had not been furnished him. To this Mr. Ould rejoined that he had furnished a "tabular statement," covering all the Federal prisoners whose paroles were cancelled by the declaration of September 12th. But the persons enumerated in this document included, according to Gen. Hitchcock, the chief commissioner of Exchanges at Washington, upward of 18,000 men, of whom a considerable portion "were undoubtedly captured by guerilla parties, and were not soldiers, but, for the most part, peaceable citizens of the country, probably known as friends to the Union, who, for that reason, were seized and compelled to make an oath not to take up arms against the Southern Confederacy; and this class of persons Mr. Ould expects us to accept in exchange for rebel troops, captured mostly at Vicksburg, who, having been paroled in the South, were "declared" exchanged by Mr. Ould, without any conference or understanding with our agent, in violation of the provisions of the cartel, and in violation of the usages of war." He adds:

I do not mean to deny, in the reference just made to the tabular statement prepared by Mr. Ould, but that there were some men included in that statement who had been legitimately made prisoners of war, though not delivered according to the cartel; but, for the most part, the prisoners included in that tabular statement were not set down as having been captured upon any known battle-field, or as having been taken from or with any known Federal commander; nor are they reported as having been delivered to any Federal commander; but they are set down as having been captured at large in the State of Kentucky, nobody knows where; or in the State of Tennessee, or in other States of the West and South; whilst, in no less than four instances, they are reported as having been captured in "Kentucky and Tennessee"—the two States being thus coupled together—making it impossible, from the tabular statement itself, to determine where they were captured, or whether, indeed, any military captures whatever were made, except of a few at Chickamauga, and possibly a few at one or two other places.

In the belief that the declaration of Mr. Ould was made for the purpose of sending paroled men to the assistance of Gen. Bragg in Georgia, Gen. Meredith, on September 24th, declared all officers and men of the United States army, captured and paroled previous to September 1st, 1863, to be duly exchanged. The correspondence between the two agents thenceforth increased in acerbity, and amidst the assertions on the one side and the flat denials on the other, it is more difficult than ever to arrive at the facts. In justice to Mr. Ould, however, it should be stated that, in reply to Gen. Meredith's insinuation that the declaration of September 12th was made "as if for the express purpose of increasing the force of Gen. Bragg against Gen. Rosecrans," he declared that "not one of the officers and men named in that declaration of exchange was on the battle field of Chickamauga."

On October 2d Mr. Ould wrote to Gen. Meredith that thenceforth "the Confederate authorities will consider themselves entirely at liberty to pursue any course as to exchange or paroles which they may deem right and proper under all the circumstances of the case. At the same time, I am directed to express their entire willingness to adopt any fair, just, and reciprocal rule in relation to those subjects without any delay."

On the 20th of the same month Mr. Ould proposed "that all officers and men, on both sides, be released in conformity with the provisions of the cartel, the excess on the one side or the other to be on parole." This proposition was rejected by Gen. Meredith for the reason, among others, that the officers and privates of the Federal colored regiments, not being recognized by the rebels as prisoners of war, would not be delivered by them with the other prisoners. Another reason was the distrust entertained of the good faith of the Confederates with respect to the paroled prisoners held by the Federal authorities in excess of Confederate prisoners. On this subject General Hitchcock speaks as follows:

> It has been supposed, even in many parts of the North, that the proposition of Mr. Ould, of the 20th October, for an exchange of prisoners is fair, and ought to be accepted; but it does not appear to be considered that Mr. Ould has not proposed to yield to us a certain number of prisoners of war and receive a like number in return, which would be a most happy consummation that would be at once accepted by this Government. But his proposition is that we shall deliver to him all of the prisoners in our possession, amounting now to about 40,000 men, and receive in return about 13,000 men, leaving about 27,000 men, who might, for a few days, be considered on parole not to take arms unless duly exchanged. And then what would Mr. Ould do with those men? Judging by what he has actually recently done, he would undoubtedly assume to discharge those men from all obligation under their parole, and put them into the field to fight against national troops, standing under an unstained flag—the very troops who gallantly captured those men upon bloody battle fields within the past few months.

From the 29th of October, the date of Gen. Meredith's reply to this last proposition, all exchanges for a time ceased; but for the purpose of releasing the Union prisoners from the hardships of Confederate prisons, Gen. Meredith proposed in November to send Mr. Ould 12,000 or more Confederate prisoners (as many as he might hold of Federals), and receive in return an equal number of the latter. Mr. Ould refused to accept this proposition, but offered to agree to a general exchange. As the effect of this, however, would be to cancel the excess of prisoners in the hands of the Federal authorities by a delivery of 40,000 men for about 13,000, and to leave to the mercy of the rebel authorities such colored troops and their white officers as they then held, the offer was rejected. Subsequently an offer was made to Mr. Ould to receive all of the prisoners from Richmond under a solemn pledge that they should not be allowed to take arms unless duly exchanged with the consent of the rebel authorities, without reference to existing difficulties on the subject of exchange; and that the Federal Government would pledge itself to both feed and clothe all rebel prisoners in its hands. This proposition also was rejected.

In December Gen. Butler assumed command of the Department of Virginia and North Carolina, and, in accordance with his earnest request, was appointed agent of exchanges at Fortress Monroe. In the hope of resuming the exchange of prisoners he sent on the 25th of the month 520 prisoners to City Point, whom he offered to exchange for an equal number of Union prisoners, leaving all controverted questions between the Confederate authorities and his Government in abeyance. He received in return an equal number of men, but was notified that no more would be sent until a general exchange, as previously demanded, should be agreed upon. He was also notified that the Confederate Government would thenceforth hold no communication with him on this or any other subject. With this proceeding negotiations ended for the year.

The report of the Commissary-General of Prisoners, accompanying the Secretary of War's annual report, shows that the number of Confederate officers and men captured by the Federals since the beginning of the war, is: 1 lieutenant-general, 5 major-generals, 25 brigadier-generals, 186 colonels, 146 lieutenant-colonels, 244 majors, 2,497 captains, 5,811 lieutenants, 16,563 non-commissioned officers, 121,156 privates, and 5,800 citizens. Of these, the Federals had on hand at the date of the report, 29,229 officers and men, among whom were 1 major-general and 7 brigadiers. There have been 121,937 Confederates exchanged, against 110,866 Federal soldiers returned. The exchanges of officers on both sides are computed at their exchangeable value in privates.

Of the treatment of Federal prisoners by the rebel authorities it is sufficient to say, that the accounts of exchanged surgeons, officers, and men, generally concur in describing it as bad. Many have even denounced it as unneces-

sarily cruel. The enemy, in palliation of these complaints, allege that the Union prisoners are placed on an equality, as respects rations and clothing, with their own soldiers, and that they do not receive the comforts which might be reasonably expected, simply because it is not in the power of the Confederate authorities to give them. This, in the opinion of several exchanged surgeons, who were in the habit of making daily visits to the prison hospitals in Richmond, will not account for the dreadful mortality in those buildings, averaging, at certain periods, upward of 50 persons a day. Toward the close of the year, the Federal Government was permitted to send supplies of food and clothing to these prisoners; but charges of misappropriation of them having been made, the permission was, in December, revoked.

A somewhat remarkable episode in the history of the year, was the plot set on foot by the rebel authorities to liberate 2,500 of their officers confined on Johnson's Island, in Lake Erie, and in connection with this act to burn or destroy Buffalo and other lake cities. The expedition intended for this purpose was to rendezvous in Canada, surprise the Federal garrison on Johnson's Island, liberate the prisoners, convey them to Canada in vessels provided for that purpose, and forward them by Halifax to Nassau or Bermuda; the greater part of the funds being specially devoted to paying their passage to one of these points.

These facts coming to the knowledge of the American consul-general in Montreal, he at once laid them before the governor-general of Canada. The Canadian authorities gave the subject immediate attention, and, by November 11th, enough had been discovered of the plans of the rebels to authorize the governor-general to inform Lord Lyons, the British minister at Washington, by telegraph, of the existence of the plot. Lord Lyons at once communicated his despatch to the United States Government, and at midnight of the 11th the following despatch was sent by Secretary Stanton to the mayors of Detroit, Buffalo, and other Western cities:

The British minister, Lord Lyons, has to-night officially informed the Government that, from telegraphic information received from the governor-general of Canada, there is reason to believe that a plot is on foot by persons hostile to the United States, who have found an asylum in Canada, to invade the United States and destroy the city of Buffalo; that they propose to take possession of some of the steamboats on Lake Erie, to surprise Johnson's Island and liberate the prisoners of war confined there, and to proceed with them to attack Buffalo. This Government will employ all the means in its power to suppress any hostile attack from Canada; but, as other towns and cities on the shore of the lakes are exposed to the same danger, it is deemed proper to communicate this information to you, in order that any precautions, which the circumstances of the case permit, may be taken.

The governor-general suggests that steamboats should be watched, and that any steamboat or other vessel giving cause for suspicion, by the number or character of the persons on board, be overhauled.

You will please acknowledge the receipt of this telegram, and communicate to this department any information you may now or hereafter have on this subject.

(Signed) EDWIN M. STANTON, Sec'y of War.

The prompt movement of troops to the scene of danger, and the precautions taken by the local authorities in the lake cities, had the effect of averting the threatened catastrophe, and in a few days tranquillity was restored.

PRIZE, any property captured at sea in virtue of the rights of war. During the existing war between the United States and the States in insurrection, calling themselves the "Confederate States of America," the law of prize, as an established branch of the law of nations, has been administered by the courts of the United States in reference to the questions of blockade and of contraband of war. On the 19th of April, 1861, President Lincoln, by proclamation, announced a blockade, "in pursuance of the laws of the United States and of the laws of nations," of the ports within the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas. The proclamation contained the following language: "For this purpose a competent force will be posted so as to prevent entrance and exit of vessels from the ports aforesaid. If, therefore, with a view to violate such blockade, a vessel shall approach or shall attempt to leave any of the said ports, she will be duly warned by the commander of one of the blockading vessels, who will endorse on her register the fact and date of such warning; and if the same vessel shall again attempt to enter or leave the blockaded port, she will be captured and sent to the nearest convenient port, for such proceedings against her and her cargo, as prize, as may be deemed advisable." A like blockade of the ports of Virginia and North Carolina was announced by proclamation of President Lincoln, issued on the 27th of April, 1861. In the progress of the war, captures soon began to be made, by the cruisers of the United States, of enemy vessels and neutral vessels, engaged in breaking the blockade, and in carrying contraband of war to the enemy. Several important questions in regard to the blockade soon came before the district courts of the United States, where the proceedings in prize were instituted, and were decided in favor of the United States. From these decisions appeals were taken, and the cases came before the Supreme Court of the United States in December term, 1862. It was decided by that court: 1st, that the President had a right to institute a blockade of ports in possession of persons in armed rebellion against the Government, on the principles of international law, as known and acknowledged among civilized States; 2d, that the property of persons domiciled or residing within the States in rebellion, was a proper subject of capture on the sea, as enemy property, without regard to the question whether such persons were personally loyal or disloyal to the United States. It was also decided by that court, in those cases, that the warning and endorsement

on the register of a vessel, provided for in the proclamation of blockade, were unnecessary, where it appeared that the offending vessel had full previous knowledge of the existence of the blockade, and that it was being maintained by a blockading force. Upon the principles thus settled, the law of prize, as established by courts of admiralty under the law of nations, has been applied to captures made during the present war, it being for such purposes regarded as a public war, with all the consequences, with respect to blockades and trading with the enemy in contraband of war, and with respect to enemy property captured at sea, which are applicable in the case of a war between two recognized powers. The business of the courts of the United States in prize cases during the present war has, therefore, been, as a general thing, simply the application of the rules of prize law to the facts of the cases which have arisen. Some questions however of peculiar interest have been decided by the district courts of the United States in New York and in Florida, involving the rights of neutral vessels. The first case of the kind in New York was that of the Stephen Hart, a schooner which sailed from London, November 19th, 1861, on an ostensible voyage to Cardenas, in Cuba. She was captured by a United States vessel of war, on the 29th of January, 1862, off the southern coast of Florida, about twenty-five miles from Key West. Her cargo consisted entirely of arms and munitions of war, such as rifles, sabres, cannon, cartridges, percussion caps, powder, blankets, &c. The vessel and cargo were claimed as the property of English subjects. The principles decided by the court in the case were: that the question whether or not the property laden on board of the vessel was being transported in the business of lawful commerce, was not to be decided by merely deciding the question as to whether the vessel was documented for and sailing upon a voyage from London to Cardenas; that the commerce was in the destination and intended use of the property laden on board of the vessel, and not in the incidental, ancillary and temporary voyage of the vessel, which might be but one of many carriers through which the property was to reach its true and original destination; that neither was the unlawfulness of the transportation of contraband goods determined by deciding the question as to whether their immediate destination was to a port of the enemy; that the proper test to be applied was, whether the contraband goods were intended for sale or consumption in a neutral market, or whether the direct and intended object of their transportation was to supply the enemy with them; that, to justify the capture, it was enough that the immediate object of the voyage was to supply the enemy, and that the contraband property was certainly destined to his immediate use; that if the contraband cargo of the vessel had been destined for the use of the fleet of the enemy lying in the harbor of Cardenas, there could be no doubt that it might lawfully have been captured as prize of war, on its way to Cardenas; that if the contraband cargo was really destined, when it left its port of departure in England, for the use of the enemy, in the country of the enemy, and not for sale or consumption in the neutral port, no principle of the law of nations, and no consideration of the rights and interests of lawful neutral commerce, could require that the mere touching at the neutral port, either for the purpose of making it a new point of departure for the vessel to a port of the enemy, or for the purpose of transshipping the contraband cargo into another vessel, which might carry it to the destination which was intended for it when it left its port of departure, should exempt the vessel or the contraband cargo from capture as prize of war; that if it was the intention of the owner of the vessel, or of the owners of her cargo having the control of the movements of the vessel, that she should simply touch at Cardenas, and should proceed thence to Charleston or some other port of the enemy, her voyage was not a voyage prosecuted by a neutral vessel from one neutral port to another neutral port, but a voyage which was, at the time of her seizure, in course of prosecution to a port of the enemy, although she had not as yet reached Cardenas, and although her regular papers documented her for a voyage from London to Cuba; that such a voyage was one begun and carried on in violation of the belligerent right of the United States to blockade the ports of the enemy, and to prevent the introduction into those ports of arms and munitions of war; that the division of the continuous transportation of contraband goods into several intermediate transportations, by means of intermediate voyages by different vessels carrying such goods, could not make the transportation, which was, in fact, a unit, to become several transportations, although, to effect the entire transportation of the goods, required several voyages by different vessels, each of which might, in a certain sense, and for certain purposes, be said to have its own voyage, and although each of such voyages, except the last one in the circuit, might be between neutral ports; that such a transaction could not make any of the parts of the entire transportation of the contraband cargo a lawful transportation, when the transportation would not have been lawful if it had not been thus divided; that if the guilty intention that the contraband goods should reach a port of the enemy existed when such goods left their English port, that guilty intention could not be obliterated by the innocent intention of stopping at a neutral port on the way; that if there was, in stopping at such port, no intention of transshipping the cargo, and if it was to proceed to the enemy's country in the same vessel in which it came from England, there could, of course, be no purpose of lawful neutral commerce at the neutral port, by the sale or use of the cargo in

the market there, and that the sole purpose of stopping at the neutral port must merely have been to have upon the papers of the vessel an ostensible neutral terminus for the voyage; that if, on the other hand, the object of stopping at the neutral port was to transship the cargo to another vessel, to be transported to a port of the enemy, while the vessel in which it was brought from England did not proceed to the port of the enemy, there was equally an absence of all lawful neutral commerce at the neutral port, and the only commerce carried on in the case was that of the transportation of the contraband cargo from the English port to the port of the enemy, as was intended when it left the English port; that, in all such cases, the transportation or voyage of the contraband goods was to be considered as a unit, from the port of lading to the port of delivery in the enemy's country; that if any part of such voyage or transportation was unlawful, it was unlawful throughout; and that the vessel and her cargo were subject to capture, as well before their arrival at the first neutral port at which the vessel touched after her departure from England, as on the voyage or transportation by sea from such neutral port to the port of the enemy. These doctrines were enforced by the court, by citations from recognized English authorities on international law, including judgments of Sir William Scott, the eminent English admiralty judge, in several cases. Applying these principles to the case of the Stephen Hart upon the evidence disclosed in the case, the court came to the conclusion that, beyond any reasonable doubt, the cargo of the vessel was intended, on its departure from England, to be carried into the enemy's country, for the use of the enemy, by a violation of the blockade of some one of the enemy's ports, either in that vessel, or in another vessel into which the cargo was to be transhipped for the purpose of being transported by sea to the enemy's country; and that, being contraband of war, the cargo must be condemned as lawful prize. The vessel was also condemned. The material points of the evidence, leading to the condemnation of the vessel and cargo, were, that the mate of the vessel had been employed by reason of his being a citizen of the United States, familiar with the enemy's country, and qualified to conduct the vessel into one of the blockaded ports; that the vessel was captured in a position convenient for running the blockade; that the cargo was entirely of a military character; that no manifest or bills of lading, or invoices, or charter-party, were found on board of the vessel; that the master attempted to suppress a letter of instructions to himself from the claimants of the cargo, and a letter from one of those claimants to a person at Havana, in Cuba, who was the agent of the enemy at that place; that the mate attempted to conceal letters which showed that the design was that the vessel should, under his guidance, enter a blockaded port of the enemy, and which also contained specific directions for entering the harbor of Charleston; that no instructions were found from the claimant of the vessel to her master; and that the control of the vessel had been surrendered entirely by her claimant to the laders of the cargo and to the master as their agent; that the flag of the enemy was found on board of the vessel, and was thrown overboard at the time of the capture; that charts of many of the blockaded ports of the enemy were found on board; that the consignee of the entire cargo was the agent of the enemy in Cuba, and that the cargo was laden on board by the agent of the enemy in London; and that there was positive testimony that the actual destination of the cargo was the country of the enemy. These considerations were held to outweigh the facts, that the clearance of the vessel at London was for Cuba, and that her log-book described her voyage as one from London to Cardenas, Cuba. The doctrine contended for by the claimants in the case was, 1st, that the transportation of all articles, including arms and munitions of war, between neutral ports, in a neutral vessel, was lawful in time of war; and, 2d, that if a neutral vessel, with a cargo belonging to neutrals, was, in fact, on a voyage from one neutral port to another, she could not be seized and condemned as lawful prize, although she were laden with contraband of war, unless it was determined that she was actually destined to a port of the enemy upon the voyage on which she was seized, or unless she was taken in the act of violating a blockade.

The next case which arose in New York was that of the bark Springbok, captured on the 3d of February, 1863, by a United States steamer, from 150 to 200 miles east of the port of Nassau, N. P. The claimants of this vessel and cargo were all of them British subjects. Her log-book, bills of lading, manifest, clearance, and other official papers, spoke of her voyage as one from London to Nassau. She cleared from London, December 8th, 1862. The court, in its judgment in the case, reaffirmed the principles decided in the case of the Stephen Hart. There were on board of the Springbok some goods contraband of war. The whole cargo was claimed by the same owners. The court found, from the evidence, that the contraband articles were destined for the country of the enemy; that the cargo was intended to be delivered in the enemy's country, by transshipment at Nassau into a vessel in which it should be carried through the blockade, and that such was the intended destination of the cargo on its departure from England; that the papers found on board of the vessel, so far as they represented Nassau as the ultimate destination of the cargo, were false and simulated; that there was no *bona fide* intention of landing the cargo at Nassau, for sale or consumption there, so that it might be incorporated at Nassau into the common stock in that market, but that, if it was to be landed there at all, it was only to be

so landed for the purpose of being transshipped in bulk into another vessel, in pursuance of the original destination of the cargo to the enemy's country; and that the port of Nassau was to be used only as a port of transshipment of the cargo. The material points of the evidence, leading to these conclusions, were: that there was no mention, in the bills of lading, of the contents of any of the packages composing the cargo, except some tea, coffee, and spices; that the manifest made no mention of the contents of any of the packages; that there were no invoices of the cargo found on board; and that, besides army blankets, army clothing, cavalry swords, bayonets, army brogans, navy boots, tin plates, rope, saltpetre, and drugs, there were found on board fifty thousand navy buttons stamped with the initials C. S. N., meaning "Confederate States Navy," and eighty thousand army buttons, some stamped with the initial "I," some with "C," and some with "A," representing severally the words "Infantry," "Cavalry," and "Artillery," all of the buttons being stamped with the name and place of business in London of the claimants of the cargo. The non-contraband articles on board were condemned on the ground that they belonged to the owners of the contraband articles, upon the well settled principle, that where contraband goods destined for the use of the enemy are found on board of a vessel belonging to the owner of the contraband articles, even those goods which are innocent must share the fate of the contraband goods. The vessel was also condemned, upon the ground that, under all the circumstances disclosed in the case, she was employed in carrying on the unlawful enterprise of transporting contraband articles on their way to the enemy's country, to be there introduced by a violation of the blockade; and that she was so employed under such a state of facts as made her owners responsible for the unlawful transportation of contraband articles, and for the acts of the master in relation to such transportation, to such an extent as to justify the condemnation of the vessel. The material points of the evidence, leading to the condemnation of the vessel, as distinct from the cargo, were: that the charterer of the vessel was one of the owners of the cargo; that the agents in London of the charterer were the agents of the co-owners of the cargo; that the master of the vessel was the son of one of its three joint owners; that the master signed the bills of lading for the packages on board, to be transported in time of war ostensibly to Nassau, the principal port of call and transshipment for vessels and cargoes destined to the ports of the enemy by a breach of blockade; that the bills of lading and manifest were defective, and the invoices wholly wanting; that the master was appointed to the command of the vessel by her owners; that the only instructions he carried were instructions from the agents of the charterer to proceed to Nassau and report himself to a person there, and receive orders from that person as to the delivery of the cargo; that he knew that there were invoices of the cargo, and failed to carry them; and that he declared, in his testimony, his ignorance of the contents of the cargo, or that there were contraband goods on board. The case was regarded as one of the carrying of contraband articles under a false destination, and with false papers, making the owners of the vessel responsible for the acts of the master in so doing.

The third case in New York was that of the steamer Peterhoff, which was captured by a United States vessel on the 25th of February, 1863, off the island of St. Thomas. Upon her bills of lading, she was bound "for off the Rio Grande, Gulf of Mexico, for Matamoras." Her clearance was from London to Matamoras. The court, in its judgment in the case, reaffirmed the principles laid down in the two cases already referred to. The vessel left London early in January, 1863. Her registered owner was an English subject. Her cargo was laden by a large number of shippers, all of them British subjects, with the exception of one, who was a citizen of the United States, and a resident of Texas at the breaking out of the war, and was a passenger on the vessel. The shippers of the cargo were twenty-six in number. There were thirty-nine bills of lading, of which eighteen were endorsed to passengers, and three to the master of the vessel. Of the remaining eighteen bills, nine were endorsed in blank, and were found in the possession of the master or of some of the passengers, two of the nine being shipments by one of the passengers, and two others of them being shipments by the owner of the vessel. There were, in addition, one bill of lading, not endorsed, of goods shipped by the master, and eight bills of lading, not endorsed, of which no duplicates were found, and which were in the possession of the master or of some of the passengers. Duplicates were found of thirty of the bills, and of one of them (being one of a shipment by one of the passengers, endorsed in blank), there were four sets found. The value of the cargo represented by the passengers and master was a very large proportion of the value of the entire cargo, the portion represented by the passenger who was a citizen of the United States being in value more than one half of the whole. No one of the thirty-nine bills, which covered in all 4,472 packages, contained the name of any consignee, with the exception of one for 52 packages addressed to a firm at Matamoras. All the other bills declared the merchandise to be deliverable to the order of the shippers. The master testified that the entire cargo, except the 52 packages, was represented by himself and the three passengers. The same kinds of articles were covered by the bills of lading endorsed to the master and to the three passengers. Those articles comprised gray blankets, blucher boots, rope, horse equipments, quinine, chloroform, morphine, opium, and other drugs, and a cotton press. There were also on board a

number of sets of artillery harness, with their accompaniments, and a large quantity of horseshoes of a large size, together with anvils and blacksmith's bellows, tin, zinc, iron, steel, artillery-boots, waist-belts, and ball-bags. The conclusion of the court upon the evidence was, that the vessel, when captured, although ostensibly upon a voyage from London to neutral waters at the mouth of the Rio Grande, was laden with a cargo composed largely of articles contraband of war, which were not designed, on their departure from England, to be sold or disposed of in the neutral market of Matamoras, but were designed to be delivered, either directly, or indirectly by transshipment, in the country of the enemy, and for the use of the enemy. The material points of the evidence, leading to this conclusion, were: that the cargo, in the character and quantity of the articles composing it, had very little adaptation to the Mexican market, or to the small port of Matamoras, so far as any legitimate use or sale or consumption of it in Mexico, was concerned; that it was admirably adapted, in every particular, to the market of the enemy; that large quantities of the articles composing it were those for which there was a very urgent demand, to supply the present wants of the enemy; that the master of the vessel, when she was boarded, twice refused to go with his papers on board of the capturing cruiser; that papers on board of the vessel were destroyed by orders of her master, at the time of her capture, some by being burned and some by being thrown overboard; that the master, on his first examination, denied that any papers were destroyed, and then, after other witnesses had testified to such destruction, invented a false story as to the contents of the package which was thrown overboard; that the manifest of the cargo did not disclose its contents, except in a few unimportant instances; that the invoices found on board were in the possession of the passengers and not of the master; that there were no invoices of the artillery harness or its accompaniments, or of the drugs forming a portion of the packages addressed to the firm at Matamoras; and that the bills of lading failed to disclose the truth as to the contraband articles on board of the vessel. The conviction of the court, upon the entire evidence, was, that notwithstanding the ostensible destination of the vessel to neutral waters at the mouth of the Rio Grande, the actual hostile destination of the cargo was established. The evidence showed, that it was intended that the vessel should bring home a cargo of cotton from the Rio Grande, and, among the articles on board were two hundred pairs of "negro brogans" so called in the invoice of them. As all the claimants of the vessel and cargo had on board contraband articles which were destined to be delivered either directly, or indirectly by transshipment, into the enemy's country, for the use of the enemy, and not for sale or disposition in the neutral market of Mexico, and as all the cargo was under the control of the master and the three passengers, the court held, that not only were the contraband articles subject to capture, but that the other articles represented by the master and the claimants of the vessel and cargo, embracing the entire cargo, and also the vessel herself, were subject to capture, notwithstanding the ostentible destination of the vessel.

The cases above mentioned as having arisen in the court in Florida, were those of the steamer Dolphin and the steamer Pearl. These vessels were both of them, when captured, ostensibly bound from Liverpool to Nassau. The former had on board some rifles and some cavalry swords, all of them classed in the freight list as hardware. The principles laid down by the court in those cases were: that a vessel bound on a voyage from Liverpool to Nassau, with an intention of touching only at the latter port, and proceeding thence to a blockaded port of the enemy, was engaged in an attempt to violate the blockade, which subjected her to capture before arriving at Nassau, as well as after having left that port; and that, if an owner sends his vessel to a neutral port, with a settled intention to commence from such a port a series of voyages to a blockaded port, he thereby commences to violate the blockade, and subjects his vessel to capture, notwithstanding he may also intend to unlade the vessel at the neutral port, discharge the crew, and give all other external manifestations of an intention to end the voyage at such port. The court held, in both of the cases, that the testimony was clear, that an intention existed, at the time of the capture of the vessels, that they should proceed to a blockaded port of the enemy of the United States.

An interesting question of prize law has been decided by the vice-admiralty court at Halifax in Nova Scotia, in the case of the steamer Chesapeake, during the present war. The Chesapeake was a steamer plying between New York and Portland, in Maine. She left New York, bound for Portland, with a cargo, in December, 1863. During the voyage, some of the passengers rose against the officers and crew, and took possession of the vessel, and navigated her into a port in Nova Scotia. The persons who seized the vessel claimed that they acted under the authority of the rebel States. Proceedings were instituted in the name of the Queen against the vessel and cargo, in the vice-admiralty court at Halifax, and the vessel and cargo were arrested as having been piratically taken on the high seas from their lawful owners. The parties who made the seizure did not appear in the proceedings, but suffered judgment by default. The owners of the vessel and cargo appeared and claimed their restoration. The court decreed such restoration, on the ground that the bringing of the vessel and her cargo into a port of Nova Scotia was an offence against Great Britain, subjecting them to forfeiture; and that their restoration to their original owners was an act of justice to the offended dignity of the crown of Great Britain.

PROVISIONAL COURT FOR LOUISIANA.—This Court was established by an order of the President of the United States in the following terms:

EXECUTIVE MANSION, WASHINGTON, *Oct.* 20, 1862.

The insurrection which has for some time prevailed in several of the States of this Union, including Louisiana, having temporarily subverted and swept away the civil institutions of that State, including the judiciary and the judicial authorities of the Union, so that it has become necessary to hold the State in military occupation; and it being indispensably necessary that there shall be some judicial tribunal existing there capable of administering justice, I have, therefore, thought it proper to appoint, and I do hereby constitute a Provisional Court, which shall be a Court of Record for the State of Louisiana, and I do hereby appoint Charles A. Peabody, of New York, to be a Provisional Judge to hold said Court, with authority to hear, try, and determine all causes, civil and criminal, including causes in law, equity, revenue, and admiralty, and particularly all such powers and jurisdiction as belong to the District and Circuit Courts of the United States, conforming his proceedings, so far as possible, to the course of proceedings and practice which has been customary in the Courts of the United States and Louisiana—his judgment to be final and conclusive. And I do hereby authorize and empower the said Judge to make and establish such rules and regulations as may be necessary for the exercise of his jurisdiction, and to appoint a Prosecuting Attorney, Marshal, and Clerk, of the said Court, who shall perform the functions of Attorney, Marshal, and Clerk, according to such proceedings and practice as before mentioned, and such rules and regulations as may be made and established by said Judge. These appointments are to continue during the pleasure of the President, not extending beyond the military occupation of the city of New Orleans, or the restoration of the civil authority in that city, and in the State of Louisiana. These officers shall be paid out of the contingent fund of the War Department, and compensation shall be as follows: * * Such compensations to be certified by the Secretary of War. A copy of this order, certified by the Secretary of War, and delivered to such Judge, shall be deemed and held to be a sufficient commission. Let the seal of the United States be hereunto affixed.

ABRAHAM LINCOLN.

By the President,
WILLIAM H. SEWARD, Secretary of State.

WAR DEPARTMENT, WASHINGTON, *October* 23*d*, 1862.

I hereby certify that the foregoing is a true copy, duly examined and compared with the original of the executive order of the President of the United States, constituting a Provisional Court for the State of Louisiana.

Witness my hand and the seal of the War Department.
EDWIN M. STANTON, Secretary of War.

Attest,
JOHN BOTTS, Chief Clerk.

This order seems to confer on Judge Peabody judicial power of every kind in all classes of cases. "To try and determine all causes, civil and criminal, including causes in law, equity, revenue, and admiralty," is a jurisdiction as comprehensive as sovereignty itself has, and can confer, and it thus appears that the President intended to delegate to this court all the judicial powers which he, as a conqueror of that State, and occupying it by the armies of the United States, possessed and had power to give. As the Executive order recites, the insurrection had "subverted and swept away the civil institutions, including the judiciary, and it was indispensably necessary that there should be some judicial tribunal capable of administering justice." Not only was the class of cases in which this court should have jurisdiction very extensive and almost without limit, but the laws of the land as theretofore existing having in like manner, as the courts by which they had been administered, "been subverted and swept away," the rules or laws by which the court should be guided were to be fixed upon and adopted by the new governing power, and in the absence of all other enactment on the subject were to be instituted by the court itself. This territory thus held by the arms of the United States must be governed, wrongs must be redressed, and controversies decided, peace preserved, and the weak protected against the strong; but the rules by which the conqueror should be guided in his government were prescribed by no code of laws or even of morals. He was therefore at liberty to select them himself, and by the endowment of this court in terms so general, that power was delegated to the judge of the court.

The range of judicial powers of Judge Peabody, therefore, was not broader than the field from which he might select the system of rules or laws by which he would be guided in the exercise of those powers. He was simply to administer justice, and as to the code of laws or rules by which he would administer it, that was left for him to decide.

The decisions of this court are by the terms of the order made final, and are not subject to review by any other tribunal, the language on the subject being, "his judgments to be final and conclusive." This language is clear, and leaves no doubt that the decisions of the provisional judge are not subject to review save by the judge himself.

Without any provision on the subject, there is no doubt that an appeal would, in the nature of things, lie to the President himself from a judgment of this court, and even with this express provision against any appeal, there is no doubt that the President might, in a particular case, or any number of cases, entertain appeals just as he might unsay what he had said, and either modify or wholly do away with that provision of the order at his pleasure. He has, however, in saying that the judgment of the judge thereby constituted should "be final and conclusive," said in effect, that he, the President himself, would not entertain appeals from the decisions of this court. Its jurisdiction embraces, it seems, every possible case that can become the subject of judicial action. The powers of the judge are to decide each case according to his opinion of justice and propriety, adopting as the rule of his action such laws or rules as he may approve. The decisions he shall make are final, and conclude the rights of the parties in all cases. This court, therefore, appears to be the alpha and omega, the beginning and end of justice for Louisiana.

The change of administration of the Department of the Gulf, which took place in De-

cember, 1862, by the transfer of the command from Major-General Butler to Major-General Banks, delayed somewhat the organization and opening of the court. Its establishment was announced in a proclamation by the military governor in the following form:

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT, *New Orleans, December 29th*, 1862.

By an executive order, dated on the 20th day of October, A. D., 1862, Abraham Lincoln, President of the United States, has constituted an "United States Provisional Court for the State of Lousiana," and appointed the Hon. Charles A. Peabody to be a Provisional Judge to hold said Court.

By the terms of this order he is invested "with authority to hear, try, and determine all causes, civil and criminal, including causes in law, equity, revenue and admiralty, and particularly to exercise all such powers and jurisdiction as belong to the District and Circuit Courts, conforming his proceedings, as far as possible, to the course of proceedings and practice which has been customary in the Courts of the United States and Louisiana. His judgments to be final and conclusive."

The said Judge is further authorized and empowered to make and establish such rules and regulations as may be necessary for the exercise of his jurisdiction, and to appoint a prosecuting attorney, marshal, and clerk of the said Court.

In the exercise of the authority conferred by this order, the said Judge has appointed George D. Lamont, prosecuting attorney, Augustus de B. Hughes, clerk of said Court, and Isaac Edwards Clark, marshal.

Official notice is hereby given of the organization of said Court, and of the appointment of the said Charles A. Peabody, as Judge, and of the officers of the Court by him appointed

All judgments, decisions, and decrees of said Court, and all acts of said officers by them done under the authority of said order, are to be respected and obeyed accordingly. GEORGE F. SHEPLEY,
Military Governor of Louisiana.

It went into operation in January following, and was at once fully occupied with business of the first magnitude, in the various departments of civil and criminal justice. One of the first duties of the judge was to determine and announce, so far as practicable, the rules or laws by which he would administer justice under his commission. The bar who appeared before him naturally started as they had been accustomed to do before under the civil law of the State of Louisiana, but it became apparent very soon, and probably in the very first case tried, that this law was more desirable to one of the parties than to the other, and the party to whom, in the particular case, it seemed less favorable, of course objected to the application of it, and insisted that the court was not bound by it, while the other insisted that he ought to be. The court considered the purpose of the Government to be, to govern the country held by its armies in a manner consistent with its own dignity and best interests, and the condition of things brought about by the war in which it was engaged; but in doing this it would always, for the sake of its own dignity, as well as for the sake of the people held in subjection, have respect to the interests of those to be governed, that in selecting the system of laws by which transactions between individuals should be governed and controversies decided, the interests of the people of the locality would be chiefly consulted; the Government itself having but little interest, except to deal justly, preserve quiet, cultivate contentment, and give the people the system best suited to their wants under all the circumstances of the case. In looking to ascertain what code or system would be most beneficent, the Government looked first to the system it found in operation there at the time when, by the conquest of the country, the government of it was transferred from its own local authorities to the Federal power.

That system had been selected and introduced there by the wisdom of the country, represented by the legislative bodies, as best suited to the wants and interests of the community, best adapted to its habits and pursuits, agricultural, commercial and generally, and it was reasonable to suppose that the selection had been discreet and wise, with a view to the interests of the country, and this circumstance would commend it to the favorable consideration of the Government. That system had, moreover, been in force previously, and the contracts and transactions which would be the subjects of consideration in the court, had most of them been entered into while that system of laws had been in force, and as might fairly be presumed with reference to it, as the system by which they would be construed and carried into effect; and consequently that system (other things being equal) would be most just and beneficial in its operation in those cases, and not less so than any new system in respect to cases more recently arisen or thereafter to arise. The court theretofore declared, that as far as the altered condition of things would permit, the system of laws therefore in force in Louisiana, would be adopted as the guide and rule of the court in the administration of justice.

The orders of the General in command of the department, of course, were binding as laws, and would be respected as of paramount authority by the court. Those orders made numerous modifications of the law adopted as the basis of the system, and indicated the policy of the Government in the many matters to which they related. They were the express or written laws ordained by the power dominant in the land, and corresponded in most respects with statutes enacted by the legislative power in a country under a civil administration of government. All the powers of the Government being in the military arm of the power holding the country in subjection, it followed that that arm had the power to dictate laws according to which justice should be administered, as well as to erect courts by which to administer it.

For reasons similar to those which led the court to adopt the laws of Louisiana in matters pecuniary and civil in their nature, the criminal laws of Louisiana were adopted as the rule of administration of criminal justice. "These laws," said the court, in a charge to a grand jury, "framed by the legislative wisdom of the State, with an enlightened regard for and ap-

preciation of the wants and interests of the community here, will be found best adapted to the government of this country, and will be your guide and rule in your deliberations and actions generally in the performance of your duties as grand jurors."

The laws of the State, he said, in criminal even less than civil matters, would be adhered to inflexibly in the new condition of things. There were great changes in circumstances which must be taken into account in administering criminal justice. These changes and the modifications they should work were subjects to be considered by the court in particular cases, and not generally matters that could be arranged in classes, and about which rules of general application could be adopted.

It was natural that certain crimes should become frequent in a state of society broken and chaotic, where the general feeling of obligation was relaxed, and the temptations to crime growing out of impoverishment, absence of productive employment, and increased wants and privations, and punishments must be graduated accordingly. In most cases when a departure from former laws would become expedient, it would be in the direction of mercy and greater mildness in punishment. In some cases, however, a deviation in the opposite direction might be required by the necessities of the case. A similar rule was adopted as to cases which would have been cognizable by the Federal courts. In those cases the same law was applied as would have been administered in the Federal courts, in the respective departments of civil and criminal, legal and equitable, admiralty and maritime jurisdiction.

This court was created in October, as the order shows, but subsequently a change in the administration of the department was resolved on, and the practical organization of the court was delayed until that change should be effected.

The court, with the officers contemplated in the order, sailed from New York with the Banks' expedition, on the 4th December, 1862. This expedition, the largest ever fitted out in the country, was gotten up with the utmost secrecy as to its destination. This was unknown, not only to the public generally, but even to every one of those connected with it (except the Government, General Banks, and Judge Peabody), down to the hour of its sailing. Not a member of the staff of General Banks knew its destination, it is said, until it had arrived in the Gulf of Mexico, and was approaching one of the mouths of the Mississippi. The speculations in the public prints respecting it, after it had sailed, were constant and various. Some thought it bound to Fortress Monroe and North Carolina, some to Hilton Head and Charleston, some to Mobile, some few to New Orleans, and many more to Texas, while some papers of great intelligence insisted that it was bound to Florida. The mystery as to its destination increased rather than diminished after its departure, and nothing was known or generally accepted as reliable on the subject, until tidings of its actual disembarkation were received on the Atlantic coast, and New Orleans was less frequently suspected than almost any other place named.

As soon as the court was ready for business, a large amount was commenced in it of the various kinds to which the habits and pursuits of the country give rise in times of peace; and many questions which arose out of the peculiar circumstances of the times, the previous occupation by the Confederate authorities, acts governmental and personal during that time, and the change of rule by the occupation by the Federal forces.

The court was always governed by the rules and principles of law, adhering to all the rules and forms of civil tribunals, and avoiding everything like a military administration of justice. In criminal matters it summoned a grand jury, and submitted to it all charges for examination. After indictment found, the cases were tried before a jury, with all the usual forms of law, and all the rules theretofore in use which were not inconsistent with the existing condition of things. Several capital cases were tried and convictions were obtained. Three cases were tried in one week, in two of which convictions of murder were had, and in the other a conviction of manslaughter—such a coincidence as in that country had, perhaps, never occurred before. These crimes against the person and life had seldom before been punished at all, and hence this administration of justice commanded the notice and the approbation of all who valued the maintenance of order and good morals, and thought them likely to be advanced by its prompt and firm administration.

As has been said, the first court established there, after the occupation by the Federal forces, was the Provost Court of the army, at first performing only the duties of a military court, then those of a general criminal court. In addition to those duties, and in the absence of other courts, the Provost Court from time to time entertained and tried civil suits, and those not only of the usual character arising out of controversies between man and man, but those of an ecclesiastical character, such as successions, the administration of the estates of deceased persons, the custody and guardianship of minors and their estates, and cases of divorce not only *a mensa et thoro*, but also *a vinculo matrimonii*.

In that court the pleadings were always oral, the witnesses were examined rapidly, no notes of evidence were taken, and the decision usually followed immediately on the closing of the evidence or arguments of counsel, in cases where arguments were heard. That court had been doing business some months when the Provisional Court went into operation, and the questions growing out of the action of that court were among the most novel and eccentric that came before the Provisional Court.

The operations of that court had been most beneficent, and it was safe to assume that justice and the best interests of the public would be advanced by sustaining its acts as being within its powers, and valid, so far as circumstances would permit, and the Provisional Court, therefore, always inclined to sustain its jurisdiction, and usually found it easy to do it on general legal principles. Where, for instance, a divorce *a mensa et thoro* had been adjudged by that court, on the application of the wife, and more than a year had elapsed without a reconciliation of the parties, the law of Louisiana, in such a case, giving the plaintiff, after the expiration of the year a right to a complete divorce *a vinculo matrimonii* and half of the property acquired during coverture; the Provisional Court was asked to make the final decree and distribute the property between the parties. The Provisional Court sustained the jurisdiction of the Provost Court, affirmed its decision, and ordered judgment of divorce dissolving the bonds of matrimony, and dividing the property of the marriage, and awarding the custody and support of the children. De Bare *vs.* De Bare.

A sugar planter, named Millandon, of large estate, having two plantations with crops nearly ready to be gathered, and finding himself at that season of the year destitute of labor by reason of the desertion of his slaves, contracted with a gentleman named Smith, who seemed to have the power to procure labor, to take off his crop and make the sugar; agreeing to pay for the labor furnished and to support the laborers, and bear all expenses, and give to Smith one half of the crop or proceeds. The contractor agreed to furnish the labor and superintend the work. The business went on very well for a while, but the laborers becoming demoralized, and the contractor seeming to be unable to fulfil his contract by controlling the present force or procuring a new one, the planter wished to terminate the contract. Mr. Millandon went before General Butler at a time fixed and presented his case. The General made the following order:

Mr. Smith having failed to present himself when called before me upon the subject of this contract, after hearing, it is ordered that this contract be set aside for working the negroes upon Millandon's plantation by said Smith, and that the plantation and laborers be turned over to Mr. Weed, the Government Agent, to be worked for the benefit of the claimant.

B. F. BUTLER, Maj.-Gen. Commd'g.

A tenth or a twentieth part of the sugar had been made at this time, and the value of the share the contractor would have received if all had gone on well would have been very large. Smith brought an action against Millandon to recover the value of that share as the damage he had sustained by the refusal of Millandon to allow him to perform and take the benefit of his contract. What were the rights of Smith against Millandon on these facts?

After the capture of New Orleans, wood became very scarce, and the New Orleans and Carrolton Railroad Company, seeing their stock running low and all further supplies suspended, and that the owners of land near the city, from hostility to the Government or some other cause declined to furnish it or to allow others to cut it and supply the market, applied to Gen. Butler for permission to cut wood for their use in the Swamp Lands near the city and Lake Pontchartrain. He gave them permission in the following terms:

NEW ORLEANS, *November 6th*, 1863.

To Maj.-Gen. Butler, commanding Gulf Department:

SIR: The Government and regular trains of the N. O. & C. R. R. Co. are now consuming, upon an average, ten cords of wood as a motive power per diem, and we are now out of fuel, with the exception of a few cords of pine wood that we use for kindling, the swamp timber in the lake swamp being our only resource for a supply, you will confer a favor upon the undersigned by authorizing Mr. A. Wire to cut wood in said swamp for the use of the New Orleans and Carrollton Railroad Company.

G. CUNIE DUNCAN, President.

On the back of this note was indorsed the following characteristic reply:

Permitted.

B. F. BUTLER,
Maj.-Gen. Commanding.

The Railroad Company then made a bargain with Wire to receive from him and pay for wood he should deliver them to a certain amount at a certain rate. Wire and his men went into the Lake Swamp and cut wood to a large amount and delivered it to the Railroad Company under the contract and received payment pursuant to the contract. After the organization of this Court suit was brought by the owners of the land against Wire and the men employed by him and also against the Railroad Company to recover damages for the wood cut and removed from their land. The questions were:

First. Whether the order of General Butler, giving permission to the Railroad Company was valid and effectual in itself as an act within the scope of his powers and would afford protection to the defendants.

Second. If it was valid and effectual as a protection, to what extent was it so? 1st, was it merely authority to enter the lands and take the wood, paying or remaining liable to pay a reasonable price for the same, and in that way a protection against consequences which would have followed from the tortiousness of the act, leaving the party liable for the value of the thing taken or despoiled? or 2d, was it authority to take the wood and dispose of it, free of all pecuniary responsibility on the part of the person acting under it, either for the wrongful act, or for the value of the thing taken?

A Mr. Emerson, during the rule of the Confederate authority, held a mortgage on the property of one Guillontet. He proceeded to foreclose it, and had obtained an order for the

sale of the property. He directed the sheriff to receive in payment of his mortgage only gold and silver. Guillontet wished to pay it in Confederate notes. These, Emerson refused to receive. Shortly afterward Emerson was arrested by order of a Confederate provost marshal and carried before him and questioned as to his refusal to receive Confederate notes in payment. He said that he had refused, and further said that as to debts like the mortgage, arising out of contracts made prior to the Confederate rule, when the currency was specie or its equivalent, and in which he had paid or loaned specie, he should insist on payment in specie and should decline to receive Confederate notes. The provost marshal ordered him to be committed to the Parish Prison, telling him that he would discharge him whenever he would consent to receive Confederate notes in payment of all sums due him. Being an old man and infirm, he could not remain there without great danger to his life, and he soon yielded to the entreaties of his wife and friends, and gave a written promise to the provost marshal that he would receive those notes in payment of all sums due him, and was discharged. Shortly afterward, the mortgage was paid off by Guillontet in Confederate notes, and was cancelled of record. Soon after the Provisional Court was opened, Emerson brought a suit to have the cancellation of the mortgage rescinded, and the mortgage restored to its condition as a lien on the premises, and offered to return the Confederate notes to Guillontet. Since the cancellation of the mortgage Guillontet had procured from another person named Samory, having no knowledge of the manner in which the cancellation of Emerson's mortgage had been effected, another loan, and had given another mortgage on the same property. The holder of this mortgage was also made defendant in Emerson's suit, and the lien of his mortgage was sought to be cut off or postponed to that of Emerson. The court ordered the cancellation to be vacated, and Emerson's mortgage to be restored as a lien on the property, but declined to vacate or postpone the lien of the subsequent mortgage, and excepted that from the operation of Emerson's lien, and established it as prior to that of Emerson's mortgage.

Crowell & Hallet were ship chandlers in New Orleans in the early days of the rebellion. An order was made by the President of the Confederacy, that all Northern people should, within a certain time, leave the Confederacy. They, being northern men, felt it necessary to leave, and prior to leaving attempted to dispose of their goods and credits, and all property belonging to the firm by sale. After some attempts to sell, which were unsuccessful, they finally made a bargain with the defendant, Mr. Field, by which he agreed to buy the fixtures, lease of store, bills receivable and stock, for twelve hundred dollars. No inventory or account of the goods, or fixtures, or debts due the firm, or of the other assets was made, and no price was fixed or named for any part of the property sold. The price of twelve hundred dollars was paid in cash at the time of the sale. The evidence further showed that the property sold was worth three or four times the price paid; that Crowell, who made the sale, and was the only member of the firm at that time in New Orleans, continued afterward to stop at the store and give some attention to the business as long as he remained in the city; that the business afterward went on much as it had done before the sale, under the care of the same clerk who had previously been in the employment of Crowell & Hallet, and who continued to conduct it under the employment of the purchaser. That the vendors and the purchaser had been old friends, and after the sale the purchaser in answer to inquiries by letters how the business was progressing, gave the sellers such general information as he had from time to time. It further appeared that the money paid by Field on the purchase, found its way that evening or the next back to the hands of his wife. Crowell & Hallet brought suit in the Provisional Court to recover the money realized by Field for the property transferred to him, alleging that the apparent sale was a mere pretence, and that the transaction was a feigned sale to enable the sellers to avoid seizure and confiscation by the so-called Confederate Government, and that it was the understanding of the parties at the time that Field should receive the goods and sell them for their account, and account to them for the proceeds. The court decided that the sale by Crowell & Hallet was simulated and not real; that the motive for it was to enable the plaintiffs to avoid the confiscation of their property by the so-called Confederate Government; that such a transaction was not contrary to law, or public policy, or good morals; that the resort to stratagem, in order to keep the goods from spoliation by a body having no other right than that which comes from the possession of physical force, was not prohibited by law or good morals; and that the party to it was not prohibited from impeaching such a transaction, and showing its falsity, and setting up and enforcing the real contract.

Ribas, a gentleman of large means located in New Orleans, for many years had resided in Paris. Avandano Brothers, a firm of New Orleans, had been his agents and collected his rents and income. During the days of the Confederate rule in New Orleans, some of the time there was no other currency than the Confederate notes, and no other could be obtained by Avandano Brothers in payment of the rents of Ribas's houses. Having a discretion to receive payments in such sums and in such currency as they thought best, they accepted it in Confederate notes. At that time, and for some time afterward, the port was blockaded, and communication with Paris was suspended, and no notice was given to Ribas that they had

collected these rents, and of course none that they were collected in Confederate notes. Avandano Brothers, prior to the receipt of these rents, had loaned Ribas on them, and in anticipation of them, several thousand dollars, which remained unpaid, and for which they claimed a right to hold the rents or pay themselves out of them. At the time the Confederate notes were received they were worth about eighty per cent. of their face. At the time this suit was commenced and tried, they were worth nothing. The authority of Avandano Brothers to receive these notes for Ribas was not questioned, but was substantially conceded. Ribas sued Avandano Brothers for the money they had collected for him. Avandano Brothers answered that they had collected for him only Confederate notes; that they had of these many thousand dollars belonging to Ribas, but that they held them as security for a loan they had made him on the faith of the rents to be collected, before the collection was made. Plaintiff claimed that defendants were bound to remit to him at Paris the amount of the collections, as they had general instructions to do, or they were at least bound to give him notice that the collections had been made that he might convert the notes while they retained their value. That under all the circumstances, the defendants, having received these notes at par on a debt due him, were bound to receive them in payment of the debt due them from him for money loaned. That they were bound to receive them at par in such payment, or, if not at par, that they were bound, at any rate, to receive them at the price or rate they were worth when they received them in payment of rents due Ribas. Defendants, on the other hand, contended that the notes were received in lieu of money for the benefit of the plaintiff alone; that they were not bound to remit because of instructions to that effect; that if they would otherwise be bound to do so, the blockade in force at that time prevented and excused them. That they were not bound to give notice of the collection, but that plaintiff was bound to take notice of it, or, at least, to make inquiry of them; that if they would have been bound to give notice ordinarily, the blockade at that time prevented it and excused the omission. That the loan by them to the plaintiff was a matter wholly independent of the other transaction, and was a debt to be paid in full in the legal currency of the day; that the fact that they had received that currency for plaintiff in payment of debts due to him, gave him no right against them to claim they should receive it on any terms, and much less at par; that it was received at his risk and had been held so ever since, and that its depreciation or extinction of the value of it was not a matter for which they were at all responsible, and that the loss was not to be borne by them; that they were no more responsible for the loss on the sum that it would have taken to pay the debt due them for money loaned, than they were for the depreciation on the rest of the sum. In short, that their debt was to be paid them in full, and that he was only entitled to receive from them the Confederate money they had received for him, acting in their discretion in lieu of money, or an amount equivalent.

Among the cases in which the action of the court was early invoked, were many of a public character on behalf of the Government by its officers. Of these some of the most interesting were those of maritime prize, and those arising under the confiscation acts of 1862. Numbers of these were presented for consideration at an early day. The court immediately decided that it had not jurisdiction in cases of prize, holding that, although such questions would ordinarily be embraced by the terms used in the order constituting the court, still that in the very nature of the court, deriving its powers and existence, not from the Constitution or laws of the United States, but from the chief executive officer and military head of that Government, exercising powers conferred on him as such officer by the law of nations, and constituted for and holding its sessions in territory held in military occupation by the forces of the United States, and over which his powers of government were derived from the conquest and military occupation of it by forces under his command, and from the necessities arising from that condition of things, it had not jurisdiction for such purposes, and it declined to entertain them.

A considerable number of suits were also brought on behalf of the United States to enforce the laws of 1862 for the confiscation of the property of those who had taken active part in the rebellion, and property to a large amount was seized by the marshal of the court. In answer to these proceedings it was insisted that the court had not jurisdiction in cases of this class, and very able and elaborate arguments were heard. Mr. George S. Lacey, Mr. William H. Hunt, and Mr. C. Roselius (each one an eminent member of the bar of New Orleans), appearing for the claimants, and Mr. Lamont, the prosecuting attorney of the court appearing for the Government. This argument occupied several days, and at the close of it the court took time for consideration. While this question remained undecided, the Constitutional Courts of the United States for that district were organized and opened, and all business of the kind was transferred, with the approbation of both courts, to the District Court, that being the court in which, by the law itself, questions arising under it were directed to be tried. The question of jurisdiction so ably argued was never decided, and was in effect by subsequent events withdrawn from consideration. It was understood, however, and probably with the assent of the judge himself, that he had great doubts of his jurisdiction, and inclined to the opinion that he had none; that he thought that the question was

governed by the same rule as that of jurisdiction in cases of prize, in which he had already decided that he had not jurisdiction. If, however, the court had originally had jurisdiction in these cases in the absence of the Federal court, on which the jurisdiction had been expressly by the act itself conferred, he was quite of the opinion that it did not retain it after the organization of that court, but was thereby divested of it. In cases of prize the court declined jurisdiction, and in cases of confiscation it doubted its jurisdiction or inclined against it. In no other class of cases was the jurisdiction of the court ever questioned. So convincing is the argument of necessity to persons present and witnessing its illustrations, that no one was there found to doubt that the military power of the United States, holding that country in military occupation, had *ex necessitate rei* the right to establish such a tribunal. It was considered that all other powers being suspended by a conquest, it followed that whatever of government the country should have must come from that source. That it should have government from some source no sane man could doubt. That it could in the existing condition of things have it from any other, was plainly impossible. It must, therefore, have it from that, and to refuse it would be not merely a breach of duty in the conqueror, but a violation of one of the first principles and plainest duties of humanity. On these principles the court was established. Its judgments and mandates were of course to be executed. They would be executed by the same power by which the court was constituted. To this end the military and naval forces were pledged. With this understood, and with the forces known to be at hand, and to be ample for the pursuit, nothing like resistance or a hesitation has ever been for a moment experienced.

PRUSSIA, a kingdom in Northern Europe. The present king is William I., born 22d of March, 1797. He is a son of King Frederic William III., was appointed Prince Regent of Prussia on the 9th of October, 1858; succeeded his brother King Frederic William IV., on the 2d of January, 1861, and was crowned as king of Prussia on the 18th of October, 1861. He was married on the 11th of June, 1829, to Mary Louise Auguste Catherine, daughter of the late Grand Duke Charles Frederic of Saxe-Weimar. His eldest son and heir to the throne (crown-prince) is Frederick William Nicholas Charles, born 18th of October, 1831, and married 25th of January, 1858, to Victoria, Princess Royal of Great Britain.

The area of Prussia is 24,465 English square miles; the population, according to the census of 1861, amounted to 18,491,220, an increase over the population in 1858 of 4.23 per cent. Two of the eight provinces of this kingdom, Prussia and Posen, together with a population of 4,352,416, do not belong to the German Confederacy, although a majority of the inhabitants of the former, and nearly one half of the inhabitants of the latter, are Germans. The total number of the non-German population amounts to 2,480,609, and consists of 1,950,199 Poles, 233,379 Mazures, 7,652 Kassubes, 82,232 Wends, 10,324 Bohemians, 48,504 Moravians, 136,990 Lets, 414 Courlanders, 10,502 Walloons, and 363 Hollanders. As to the religious denominations of the inhabitants, 11,298,294 were members of the Evangelical Church, 6,906,988 Roman Catholics, 13,716 Mennonites, 16,233 members of Free Congregations and German Catholics, 254,785 Israelites, 1,202 Greek Catholics. The Prussian army in 1863 was composed as follows:

	Peace footing	War footing.
Regular troops	191,033	356,532
First levy of the Landwehr	....	123,923
Troops in garrison	8,265	153,966
	199,298	634,421
To these must be added:		
Officers	8,000	10,000
Gendarmes		
Two divisions of the school of	2,250	2,250
under officers	980	980
Company of the under officers of the guard	70	70
Feldjager	77	77
Invalids	1,103	....
Total	211,778	647,798
If a second levy of the Landwehr is raised, there must be added		95,496
Total		743,294

The navy consisted, in 1863, of 31 steamers, with an aggregate of 125 guns; 8 sailing vessels, with 150 guns; and 40 vessels with oars (of which 36 are gunboats), with an aggregate of 76 guns. Four screw corvettes, with an aggregate of 45 guns, were in the course of construction. The total of all the Prussian vessels afloat and in the course of construction amounted, therefore, to 83 vessels, with an aggregate of 441 guns. The personnel of the marine consisted of one admiral, three sea-captains, five captains of corvettes, fifty lieutenants of the first and second class, twenty ensigns, forty cadets, sixty deck-officers of the first and second class, 1,022 subaltern officers and sailors, and 436 men of the wharf division. The marine troops consisted of one lieutenant-colonel; four companies of infantry with four captains, four lieutenants, 13 second lieutenants, 611 subaltern officers and privates; two companies of artillery, with two captains, two lieutenants, four second lieutenants, and 304 subaltern officers and privates.

The arrivals and departures at the Prussian ports, in 1862, were as follows:

	Vessels.	Measurement.
Arrivals	11,963	2,009,816 tons
Departures	12,138	1,883,398 "
Total	24,101	3,893,214 "

The merchant navy, in 1862, consisted of 1,043 sea-going vessels of 336,832 tons, and 10,251 men, and 715 coasting vessels of 18,223 tons, and 1,749 men.

Prussia is a constitutional monarchy, with two Chambers, a House of Lords, and a Chamber of Deputies.

PUBLIC DOCUMENTS.—*Message of President* LINCOLN, *at the First Session of the Thirty-eighth United States Congress, December 8th*, 1863:

Fellow Citizens of the Senate and House of Representatives:

Another year of health, and of sufficiently abundant harvests, has passed. For these, and especially for the improved condition of our national affairs, our renewed and profoundest gratitude to God is due.

We remain in peace and friendship with foreign Powers. The efforts of disloyal citizens of the United States to involve us in foreign wars, to aid an inexcusable insurrection, have been unavailing. Her Britannic Majesty's Government, as was justly expected, have exercised their authority to prevent the departure of new hostile expeditions from British ports. The Emperor of France has, by a like proceeding, promptly vindicated the neutrality which he proclaimed at the beginning of the contest. Questions of great intricacy and importance have arisen out of the blockade, and other belligerent operations, between the Government and several of the maritime Powers, but they have been discussed, and, as far as was possible, accommodated in a spirit of frankness, justice, and mutual good will. It is especially gratifying that our prize courts, by the impartiality of their adjudications, have commanded the respect and confidence of maritime Powers.

The supplementary treaty between the United States and Great Britain for the suppression of the African slave trade, made on the 17th day of February last, has been duly ratified, and carried into execution. It is believed that, so far as American ports and American citizens are concerned, that inhuman and odious traffic has been brought to an end.

I shall submit for the consideration of the Senate a convention for the adjustment of possessory claims in Washington Territory, arising out of the treaty of the 15th of June, 1846, between the United States and Great Britain, and which have been the source of some disquiet among the citizens of that now rapidly improving part of the country.

A novel and important question, involving the extent of the maritime jurisdiction of Spain in the waters which surround the island of Cuba, has been debated without reaching an agreement, and it is proposed, in an amicable spirit, to refer it to the arbitrament of a friendly Power. A convention for that purpose will be submitted to the Senate.

I have thought it proper, subject to the approval of the Senate, to concur with the interested commercial Powers in an arrangement for the liquidation of the Scheldt dues upon the principles which have been heretofore adopted in regard to the imposts upon navigation in the waters of Denmark.

The long-pending controversy between this Government and that of Chili, touching the seizure at Sitania, in Peru, by Chilian officers, of a large amount of treasure belonging to citizens of the United States, has been brought to a close by the award of his Majesty the King of the Belgians, to whose arbitration the question was referred by the parties. The subject was thoroughly and patiently examined by that justly respected magistrate, and, although the sum awarded to the claimants may not have been as large as was expected, there is no reason to distrust the wisdom of his Majesty's decision. That decision was promptly complied with by Chili, when the intelligence in regard to it reached that country.

The joint commission, under the act of the last session, for carrying into effect the convention with Peru on the subject of claims, has been organized at Lima, and is engaged in the business intrusted to it.

Difficulties concerning interoceanic transit through Nicaragua are in course of amicable adjustment.

In conformity with principles set forth in my last annual message, I have received a representative from the United States of Colombia, and have accredited a minister to that republic.

Incidents occurring in the progress of our civil war have forced upon my attention the uncertain state of international questions touching the rights of foreigners in this country and of United States citizens abroad. In regard to some Governments these rights are at least partially defined by treaties. In no instance, however, is it expressly stipulated that, in the event of a civil war, a foreigner residing in this country, within the lines of the insurgents, is to be exempted from the rule which classes him as a belligerent, in whose behalf the Government of his country cannot expect any privileges or immunities distinct from that character. I regret to say, however, that such claims have been put forward, and, in some instances, in behalf of foreigners who have lived in the United States for the greater part of their lives.

There is reason to believe that many persons born in foreign countries, who have declared their intention to become citizens, or who have been fully naturalized, have evaded the military duty required of them by denying the fact, and thereby throwing upon the Government the burden of proof. It has been found difficult or impracticable to obtain this proof, from the want of guides to the proper sources of information. These might be supplied by requiring clerks of courts, where declarations of intention may be made or naturalizations effected, to send periodically lists of the names of the persons naturalized or declaring their intention to become citizens, to the Secretary of the Interior, in whose department those names might be arranged and printed for general information.

There is also reason to believe that foreigners frequently become citizens of the United States for the sole purpose of evading duties imposed by the laws of their native countries, to which, on becoming naturalized here, they at once repair, and, though never returning to the United States, they still claim the interposition of this Government as citizens. Many altercations and great prejudices have heretofore arisen out of this abuse. It is, therefore, submitted to your serious consideration. It might be advisable to fix a limit beyond which no citizen of the United States residing abroad may claim the interposition of the Government.

The right of suffrage has often been assumed and exercised by aliens, under pretences of naturalization, which they have disavowed when drafted into the military service. I submit the expediency of such an amendment of the law as will make the fact of voting an estoppel against any plea of exemption from military service, or other civil obligation, on the ground of alienage.

In common with other Western Powers, our relations with Japan have been brought into serious jeopardy, through the perverse opposition of the hereditary aristocracy of the empire to the enlightened and liberal policy of the Tycoon, designed to bring the country into the society of nations. It is hoped, although not with entire confidence, that these difficulties may be peacefully overcome. I ask your attention to the claim of the minister residing there for the damages he sustained in the destruction by fire of the residence of the legation at Yedo.

Satisfactory arrangements have been made with the Emperor of Russia, which it is believed will result in effecting a continuous line of telegraph through that empire from our Pacific coast.

I recommend to your favorable consideration the subject of an international telegraph across the Atlantic ocean; and also of a telegraph between this capital and the national forts along the Atlantic seaboard and the Gulf of Mexico. Such communications, established with any reasonable outlay, would be economical as well as effective aids to the diplomatic, military, and naval service.

The consular system of the United States, under the enactments of the last Congress, begins to be self-sustaining; and there is reason to hope that it may become entirely so, with the increase of trade which will ensue whenever peace is restored. Our ministers abroad have been faithful in defending American rights. In protecting commercial interests, our consuls have necessarily had to encounter increased labors and responsi-

bilities, growing out of the war. These they have, for the most part, met and discharged with zeal and efficiency. This acknowledgment justly includes those consuls who, residing in Morocco, Egypt, Turkey, Japan, China, and other oriental countries, are charged with complex functions and extraordinary powers.

The condition of the several organized Territories is generally satisfactory, although Indian disturbances in New Mexico have not been entirely suppressed. The mineral resources of Colorado, Nevada, Idaho, New Mexico, and Arizona are proving far richer than has been heretofore understood. I lay before you a communication on this subject from the Governor of New Mexico.

I again submit to your consideration the expediency of establishing a system for the encouragement of immigration. Although this source of national wealth and strength is again flowing with greater freedom than for several years before the insurrection occurred, there is still a great deficiency of laborers in every field of industry, especially in agriculture and in our mines, as well of iron and coal as of the precious metals. While the demand for labor is thus increased here, tens of thousands of persons, destitute of remunerative occupation, are thronging our foreign consulates, and offering to emigrate to the United States, if essential, but very cheap, assistance can be afforded them. It is easy to see that, under the sharp discipline of civil war, the nation is beginning a new life. This noble effort demands the aid, and ought to receive the attention and support of the Government.

Injuries, unforeseen by the Government and unintended, may, in some cases, have been inflicted upon the subjects or citizens of foreign countries, both at sea and on land, by persons in the service of the United States. As this Government expects redress from other Powers when similar injuries are inflicted by persons in their service upon citizens of the United States, we must be prepared to do justice to foreigners. If the existing judicial tribunals are inadequate to this purpose, a special court may be authorized, with power to hear and decide such claims of the character referred to as may have arisen under treaties and the public law. Conventions for adjusting these claims by joint commission have been proposed to some Governments, but no definitive answer to the proposition has yet been received from any.

In the course of the session I shall probably have occasion to request you to provide indemnification to claimants where decrees of restitution have been rendered and damages awarded by admiralty courts; and in other cases, where this Government may be acknowledged to be liable in principle, and where the amount of that liability has been ascertained by an informal arbitration.

The proper officers of the Treasury have deemed themselves required, by the law of the United States upon the subject, to demand a tax upon the incomes of foreign consuls in this country. While such a demand may not in strictness be in derogation of public law, or perhaps of any existing treaty between the United States and a foreign country, the expediency of so far modifying the act as to exempt from tax the income of such consuls as are not citizens of the United States, derived from the emoluments of their office, or from property not situated in the United States, is submitted to your serious consideration. I make this suggestion upon the ground that a comity which ought to be reciprocated exempts our consuls, in all other countries, from taxation to the extent thus indicated. The United States, I think, ought not to be exceptionably illiberal to international trade and commerce.

The operations of the Treasury during the last year have been successfully conducted. The enactment by Congress of a national banking law has proved a valuable support of public credit; and the general legislation in relation to loans has fully answered the expectations of its favorers. Some amendments may be required to perfect existing laws; but no change in their principles or general scope is believed to be needed.

Since these measures have been in operation, all demands on the Treasury, including the pay of the army and navy, have been promptly met and fully satisfied. No considerable body of troops, it is believed, were ever more amply provided, and more liberally and punctually paid; and it may be added, that by no people were the burdens incident to a great war ever more cheerfully borne.

The receipts during the year from all sources, including loans and the balance in the Treasury at its commencement, were $901,125,674.86, and the aggregate disbursements $895,796,630.65, leaving a balance on the 1st July, 1863, of $5,329,044.21. Of the receipts there were derived from customs, $69,059,642.40; from internal revenue, $37,640,787.95; from direct tax, $1,485,103.61; from lands, $167,617.17; from miscellaneous sources, $3,046,615.35; and from loans, $776,682,361.57; making the aggregate, $901,125,674.86.

Of the disbursements there were for the civil service, $23,253,922.08; pensions and Indians, $4,216,520.79; for interest on public debt, $24,729,846.51; for the War Department, $599,298,600.83; for the Navy Department, $63,211,105.27; for payment of funded and temporary debt, $181,086,635.07; making the aggregate, $895,796,630.65; and leaving the balance of $5,329,044.21.

But the payment of funded and temporary debt having been made from moneys borrowed during the year, must be regarded as merely nominal payments, and the moneys borrowed to make them as merely nominal receipts; and their amount, $181,086,635.07, should therefore be deducted both from receipts and disbursements. This being done, there remains as actual receipts, $720,039,039.79; and the actual disbursements, $714,709,995.58, leaving the balance as already stated.

The actual receipts and disbursements for the first quarter, and the estimated receipts and disbursements for the remaining three quarters of the current fiscal year 1864, will be shown in detail by the report of the Secretary of the Treasury, to which I invite your attention. It is sufficient to say here that it is not believed that actual results will exhibit a state of finances less favorable to the country than the estimates of that officer heretofore submitted; whilst it is confidently expected that at the close of the year both disbursements and debt will be found very considerably less than has been anticipated.

The report of the Secretary of War is a document of great interest. It consists of—

1. The military operations of the year, detailed in the report of the General-in-Chief.
2. The organization of colored persons into the war service.
3. The exchange of prisoners, fully set forth in the letter of Gen. Hitchcock.
4. The operations under the act for enrolling and calling out the national forces, detailed in the report of the Provost-Marshal General.
5. The organization of the invalid corps; and,
6. The operation of the several departments of the Quartermaster-General, Commissary-General, Paymaster-General, Chief of Engineers, Chief of Ordnance, and Surgeon-General.

It has appeared impossible to make a valuable summary of this report, except such as would be too extended for this place, and hence I content myself by asking your careful attention to the report itself.

The duties devolving on the naval branch of the service during the year, and throughout the whole of this unhappy contest, have been discharged with fidelity and eminent success. The extensive blockade has been constantly increasing in efficiency as the navy has expanded; yet on so long a line it has so far been impossible to entirely suppress the illicit trade.

From returns received at the Navy Department, it appears that more than one thousand vessels have been captured since the blockade was instituted, and that the value of prizes already sent in for adjudication amounts to over thirteen millions of dollars.

The naval force of the United States consists at this

time of five hundred and eighty-eight vessels, completed and in the course of completion, and of these seventy-five are ironclad or armored steamers. The events of the war give an increased interest and importance to the navy, which will probably extend beyond the war itself.

The armored vessels in our navy completed and in service, or which are under contract or approaching completion, are believed to exceed in number those of any other Power. But, while these may be relied upon for harbor defence and coast service, others of greater strength and capacity will be necessary for cruising purposes, and to maintain our rightful position on the ocean.

The change that has taken place in naval vessels and naval warfare since the introduction of steam as a motive power for ships of war, demands either a corresponding change in some of our existing navy yards or the establishment of new ones for the construction and necessary repair of modern naval vessels. No inconsiderable embarrassment, delay, and public injury have been experienced from the want of such Governmental establishments. The necessity of such a navy yard, so furnished, at some suitable place upon the Atlantic seaboard, has on repeated occasions been brought to the attention of Congress by the Navy Department, and is again presented in the report of the Secretary which accompanies this communication.

I think it my duty to invite your special attention to this subject, and also to that of establishing a yard and depot for naval purposes upon one of the Western rivers. A naval force has been created on those interior waters, and under many disadvantages, within little more than two years, exceeding in numbers the whole naval force of the country at the commencement of the present Administration. Satisfactory and important as have been the performance of the heroic men of the navy at this interesting period, they are scarcely more wonderful than the success of our mechanics and artisans in the production of war vessels, which has created a new form of naval power.

Our country has advantages superior to any other nation in our resources of iron and timber, with inexhaustible quantities of fuel in the immediate vicinity of both, and all available and in close proximity to navigable waters. Without the advantage of public works, the resources of the nation have been developed and its power displayed in the construction of a navy of such magnitude, which has, at the very period of its creation, rendered signal service to the Union.

The increase of the number of seamen in the public service, from seven thousand five hundred men in the spring of 1861, to about thirty-four thousand at the present time, has been accomplished without special legislation, or extraordinary bounties to promote that increase. It has been found, however, that the operation of the draft, with the high bounties paid for army recruits, is beginning to affect injuriously the naval service, and will, if not corrected, be likely to impair its efficiency by detaching seamen from their proper vocation, and inducing them to enter the army. I therefore respectfully suggest that Congress might aid both the army and naval services by a definite provision on the subject, which would at the same time be equitable to the communities more especially interested.

I commend to your consideration the suggestions of the Secretary of the Navy in regard to the policy of fostering and training seamen, and also the education of officers and engineers for the naval service. The Naval Academy is rendering signal service in preparing midshipmen for the highly responsible duties which in after life they will be required to perform. In order that the country should not be deprived of the proper quota of educated officers, for which legal provision has been made at the Naval School, the vacancies caused by the neglect or omission to make nominations from the States in insurrection have been filled by the Secretary of the Navy. The school is now more full and complete than at any former period, and in every respect entitled to the favorable consideration of Congress.

During the past fiscal year the financial condition of the Post Office Department has been one of increasing prosperity, and I am gratified in being able to state that the actual postal revenue has nearly equalled the entire expenditures, the latter amounting to $11,314,206.84, and the former to $11,163,789.59, leaving a deficiency of but $150,417.25. In 1860, the year immediately preceding the rebellion, the deficiency amounted to $5,656,705.49, the postal receipts of that year being $2,645,722.19 less than those of 1863.

The decrease since 1860 in the annual amount of transportation has been only about twenty-five per cent., but the annual expenditure on account of the same has been reduced thirty-five per cent. It is manifest, therefore, that the Post Office Department may become self-sustaining in a few years, even with the restoration of the whole service.

The international conference of postal delegates from the principal countries of Europe and America, which was called at the suggestion of the Postmaster-General, met at Paris on the 11th of May last, and concluded its deliberations on the 8th of June. The principles established by the conference as best adapted to facilitate postal intercourse between nations, and as the basis of future postal conventions, inaugurate a general system of uniform international charges, at reduced rates of postage, and cannot fail to produce beneficial results.

I refer you to the report of the Secretary of the Interior, which is herewith laid before you, for useful and varied information in relation to the public lands, Indian affairs, patents, pensions, and other matters of public concern pertaining to his Department.

The quantity of land disposed of during the last and the first quarter of the present fiscal year was three million eight hundred and forty-one thousand five hundred and forty-nine acres, of which one hundred and sixty-one thousand nine hundred and eleven acres were sold for cash, one million four hundred and fifty-six thousand five hundred and fourteen acres were taken up under the homestead law, and the residue disposed of under laws granting lands for military bounties, for railroad, and other purposes. It also appears that the sale of the public lands is largely on the increase.

It has long been a cherished opinion of some of our wisest statesmen that the people of the United States had a higher and more enduring interest in the early settlement and substantial cultivation of the public lands than in the amount of direct revenue to be derived from the sale of them. This opinion has had a controlling influence in shaping legislation upon the subject of our national domain.

I may cite, as evidence of this, the liberal measures adopted in reference to actual settlers; the grant to the States of the overflowed land within their limits, in order to their being reclaimed and rendered fit for cultivation; the grants to railway companies of alternate sections of land upon the contemplated lines of their roads, which, when completed, will so largely multiply the facilities for reaching our distant possessions. This policy has received its most signal and beneficent illustration in the recent enactment granting homesteads to actual settlers.

Since the first day of January last the before-mentioned quantity of one million four hundred and fifty-six thousand five hundred and fourteen acres of land have been taken up under its provisions. This fact and the amount of sales furnish gratifying evidence of increasing settlement upon the public lands, notwithstanding the great struggle in which the energies of the nation have been engaged, and which has required so large a withdrawal of our citizens from their accustomed pursuits.

I cordially concur in the recommendation of the Secretary of the Interior, suggesting a modification of the act in favor of those engaged in the military and naval service of the United States. I doubt not that Congress will cheerfully adopt such measures as will, without essentially changing the general features of the system, secure, to the greatest practicable extent,

its benefits to those who have left their homes in the defence of the country in this arduous crisis.

I invite your attention to the views of the Secretary as to the propriety of raising, by appropriate legislation, a revenue from the mineral lands of the United States.

The measures provided at your last session for the removal of certain Indian tribes have been carried into effect. Sundry treaties have been negotiated, which will in due time be submitted for the constitutional action of the Senate. They contain stipulations for extinguishing the possessory rights of the Indians to large and valuable tracts of land.

It is hoped that the effect of these treaties will result in the establishment of permanent friendly relations with such of these tribes as have been brought into frequent and bloody collision with our outlying settlements and emigrants. Sound policy and our imperative duty to these wards of the Government demand our anxious and constant attention to their material well-being, to their progress in the arts of civilization, and, above all, to that moral training which, under the blessing of Divine Providence, will confer upon them the elevated and sanctifying influences, the hopes and consolations of the Christian faith.

I suggested in my last annual message the propriety of remodelling our Indian system. Subsequent events have satisfied me of its necessity. The details set forth in the report of the Secretary evince the urgent need for immediate legislative action.

I commend the benevolent institutions, established or patronized by the Government in this District, to your generous and fostering care.

The attention of Congress, during the last session, was engaged to some extent with the proposition for enlarging the water communication between the Mississippi river and the northern seaboard; which proposition, however, failed for the time. Since then, upon a call of the greatest respectability, a convention has been held at Chicago upon the same subject, a summary of whose views is contained in a memorial addressed to the President and Congress, and which I now have the honor to lay before you. That this interest is one which, ere long, will force its own way, I do not entertain a doubt, while it is submitted entirely to your wisdom as to what can be done now. Augmented interest is given to this subject by the actual commencement of work upon the Pacific Railroad, under auspices so favorable to rapid progress and completion. The enlarged navigation becomes a palpable need to the great road.

I transmit the second annual report of the Commissioner of the Department of Agriculture, asking your attention to the developments in that vital interest of the nation.

When Congress assembled a year ago, the war had already lasted nearly twenty months, and there had been many conflicts on both land and sea, with varying results. The rebellion had been pressed back into reduced limits; yet the tone of public feeling and opinion, at home and abroad, was not satisfactory. With other signs, the popular elections, then just past, indicated uneasiness among ourselves, while, amid much that was cold and menacing, the kindest words coming from Europe were uttered in accents of pity that we were too blind to surrender a hopeless cause. Our commerce was suffering greatly by a few armed vessels built upon and furnished from foreign shores, and we were threatened with such additions from the same quarter as would sweep our trade from the sea and raise our blockade. We had failed to elicit from European Governments anything hopeful upon this subject. The preliminary emancipation proclamation, issued in September, was running its assigned period to the beginning of the new year. A month later the final proclamation came, including the announcement that colored men of suitable condition would be received into the war service. The policy of emancipation and of employing black soldiers gave to the future a new aspect, about which hope, and fear, and doubt contended in uncertain conflict. According to our political system, as a matter of civil administration, the General Government had no lawful power to effect emancipation in any State, and for a long time it had been hoped that the rebellion could be suppressed without resorting to it as a military measure. It was all the while deemed possible that the necessity for it might come, and that, if it should, the crisis of the contest would then be presented. It came, and, as we anticipated, it was followed by dark and doubtful days.

Eleven months having now passed, we are permitted to take another review. The rebel hordes are pressed still farther back, and, by the complete opening of the Mississippi, the country dominated by the rebellion is divided into distinct parts, with no practical communication between them. Tennessee and Arkansas have been substantially cleared of insurgent control, and influential citizens in each, owners of slaves and advocates of slavery at the beginning of the rebellion, now declare openly for emancipation in their respective States. Of those States not included in the emancipation proclamation, Maryland and Missouri, neither of which, three years ago, would tolerate any restraint upon the extension of slavery into new Territories, only dispute now as to the best mode of removing it within their own limits. Of those who were slaves at the beginning of the rebellion, full one hundred thousand are now in the United States military service, about one half of which number actually bear arms in the ranks; thus giving the double advantage of taking so much labor from the insurgent cause, and supplying the places which otherwise must be filled with so many white men. So far as tested, it is difficult to say they are not as good soldiers as any. No servile insurrection, or tendency to violence or cruelty, has marked the measures of emancipation or arming the blacks. These measures have been much discussed in foreign countries, and contemporary with such discussion the tone of public sentiment there is much improved. At home the same measures have been fully discussed, supported, criticized, and denounced, and the annual elections following are highly encouraging to those whose official duty it is to bear the country through this great trial. Thus we have the new reckoning. The crisis which threatened to divide the friends of the Union is past.

Looking now to the present and future, and with reference to a resumption of the national authority within the States wherein that authority has been suspended, I have thought fit to issue a proclamation, a copy of which is herewith transmitted.

On examination of this proclamation it will appear, as is believed, that nothing is attempted beyond what is amply justified by the Constitution. True, the form of an oath is given, but no man is coerced to take it. The man is only promised a pardon in case he voluntarily takes the oath. The Constitution authorizes the executive to grant or withhold the pardon at his own absolute discretion; and this includes the power to grant on terms, as is fully established by judicial and other authorities. It is also proffered that if, in any of the States named, a State Government shall be, in the mode prescribed, set up, such Government shall be recognized and guaranteed by the United States, and that under it the State shall, on the constitutional conditions, be protected against invasion and domestic violence. The constitutional obligation of the United States to guarantee to every State in the Union a republican form of government, and to protect the State in the case stated, is explicit and full.

But why tender the benefits of this provision only to State Government set up in this particular way? This section of the Constitution contemplates a case wherein the element within a State, favorable to republican government, in the Union, may be too feeble for an opposite and hostile element external to or even within the State; and such are precisely the cases with which we are now dealing. An attempt to guarantee and protect a revived State Government, constructed in whole or in preponderating part from the very element against whose hostility and violence it is to be

protected, is simply absurd. There must be a test by which to separate the opposing elements, so as to build only from the sound; and that test is a sufficiently liberal one which accepts as sound whoever will make a sworn recantation of his former unsoundness.

But if it be proper to require, as a test of admission to the political body, an oath of allegiance to the Constitution of the United States and to the Union under it, why also to the laws and proclamations in regard to slavery? Those laws and proclamations were enacted and put forth for the purpose of aiding in the suppression of the rebellion. To give them their fullest effect, there had to be a pledge for their maintenance. In my judgment they have aided, and will further aid, the cause for which they were intended. To now abandon them would be not only to relinquish a lever of power, but would also be a cruel and astounding breach of faith.

I may add at this point, that while I remain in my present position I shall not attempt to retract or modify the emancipation proclamation; nor shall I return to slavery any person who is free by the terms of that proclamation, or by any of the acts of Congress. For these and other reasons it is thought best that the support of these measures shall be included in the oath; and it is believed the executive may lawfully claim it in return for pardon and restoration of forfeited rights, which he has clear constitutional power to withhold altogether, or grant upon the terms which he shall deem wisest for the public interest. It should be observed also that this part of the oath is subject to the modifying and abrogating power of legislation and supreme judicial decision.

The proposed acquiescence of the national executive in any reasonable temporary State arrangement for the freed people is made with the view of possibly modifying the confusion and destitution which must, at best, attend all classes by a total revolution of labor throughout whole States. It is hoped that the already deeply afflicted people of those States may be somewhat more ready to give up the cause of their affliction, if, to this extent, this vital matter be left to themselves; while no power of the national executive to prevent an abuse is abridged by the proposition.

The suggestion in the proclamation as to maintaining the political framework of the States on what is called reconstruction, is made in the hope that it may do good without danger of harm. It will save labor and avoid great confusion.

But why any proclamation now upon this subject? This question is beset with the conflicting views that the step might be delayed too long or be taken too soon. In some States the elements for resumption seem ready for action, but remain inactive, apparently for want of a rallying point—a plan of action. Why shall A adopt the plan of B, rather than B that of A? And if A and B should agree, how can they know but that the General Government here will reject their plan? By the proclamation a plan is presented which may be accepted by them as a rallying point, and which they are assured in advance will not be rejected here. This may bring them to act sooner than they otherwise would.

The objections to a premature presentation of a plan by the national executive consist in the danger of committals on points which could be more safely left to further developments. Care has been taken to so shape the document as to avoid embarrassments from this source. Saying that, on certain terms, certain classes will be pardoned, with rights restored, it is not said that other classes, or other terms, will never be included. Saying that reconstruction will be accepted if presented in a specified way, it is not said it will never be accepted in any other way.

The movements, by State action, for emancipation in several of the States, not included in the emancipation proclamation, are matters of profound gratulation. And while I do not repeat in detail what I have heretofore so earnestly urged upon this subject, my general views and feelings remain unchanged; and I trust that Congress will omit no fair opportunity of aiding these important steps to a great consummation.

In the midst of other cares, however important, we must not lose sight of the fact that the war power is still our main reliance. To that power alone can we look, yet for a time, to give confidence to the people in the contested regions, that the insurgent power will not again overrun them.

Until that confidence shall be established, little can be done anywhere for what is called reconstruction. Hence our chiefest care must still be directed to the army and navy, who have thus far borne their harder part so nobly and well. And it may be esteemed fortunate that, in giving the greatest efficiency to these indispensable arms, we do also honorably recognize the gallant men, from commander to sentinel, who compose them, and to whom, more than to others, the world must stand indebted for the home of freedom disenthralled, regenerated, enlarged, and perpetuated.

ABRAHAM LINCOLN.

December 8th, 1863.

PROCLAMATION.

Whereas, in and by the Constitution of the United States, it is provided that the President "shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment;"

And whereas a rebellion now exists whereby the loyal State Governments of several of the States have for a long time been subverted, and many persons have committed and are now guilty of treason against the United States;

And whereas, with reference to said rebellion and treason, laws have been enacted by Congress, declaring forfeitures and confiscation of property and liberation of slaves, all upon terms and conditions therein stated, and also declaring that the President was thereby authorized at any time thereafter, by proclamation, to extend to the persons who may have participated in the existing rebellion, in any State or part thereof, pardon and amnesty, with such exceptions and at such times and on such conditions as he may deem expedient for the public welfare;

And whereas, the Congressional declaration for limited and conditional pardon accords with well-established judicial exposition of the pardoning power;

And whereas, with reference to said rebellion, the President of the United States has issued several proclamations, with provisions in regard to the liberation of slaves;

And whereas, it is now desired by some persons heretofore engaged in said rebellion to resume their allegiance to the United States, and to reinaugurate loyal State Governments within and for their respective States:

Therefore, I, Abraham Lincoln, President of the United States, do proclaim, declare, and make known to all persons who have, directly or by implication, participated in the existing rebellion, except as hereinafter excepted, that a full pardon is hereby granted to them and each of them, with restoration of all rights of property, except as to slaves, and in property cases where rights of third parties shall have intervened, and upon the condition that every such person shall take and subscribe an oath, and thenceforward keep and maintain said oath inviolate; and which oath shall be registered for permanent preservation, and shall be of the tenor and effect following, to wit:

I, ——— ———, do solemnly swear, in presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States and the Union of the States thereunder; and that I will, in like manner, abide by and faithfully support all acts of Congress passed during the existing rebellion with reference to slaves, so long and so far as not repealed, modified, or held void by Congress, or by decision of the Supreme Court; and that I will, in like manner, abide by, and faithfully support all proclamations of the President, made during the existing rebellion, having reference to slaves, so long and so far as not modified or declared void by decision of the Supreme Court. So help me God.

The persons excepted from the benefits of the foregoing provisions are all who are or shall have been

civil or diplomatic officers or agents of the so-called Confederate Government; all who have left judicial stations under the United States to aid the rebellion; all who are or shall have been military or naval officers of said so-called Confederate Government above the rank of colonel in the army or lieutenant in the navy; all who left seats in the United States Congress to aid the rebellion; all who resigned commissions in the army or navy of the United States and afterward aided the rebellion; and all who have engaged in any way in treating colored persons, or white persons in charge of such, otherwise than lawfully as prisoners of war, and which persons may have been found in the United States service as soldiers, seamen, or in any other capacity.

And I do further proclaim, declare, and make known that whenever, in any of the States of Arkansas, Texas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, Florida, South Carolina, and North Carolina, a number of persons, not less than one-tenth in number of the votes cast in such State at the Presidential election of the year of our Lord one thousand eight hundred and sixty, each having taken the oath aforesaid, and not having since violated it, and being a qualified voter by the election laws of the State existing immediately before the so-called act of secession, and excluding all others, shall reëstablish a State Government which shall be republican, and in nowise contravening said oath, such shall be recognized as the true Government of the State, and the State shall receive thereunder the benefits of the constitutional provision which declares that "the United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the Legislature, or the executive (when the Legislature cannot be convened), against domestic violence."

And I do further proclaim, declare, and make known, that any provision which may be adopted by such State Government in relation to the freed people of such State, which shall recognize and declare their permanent freedom, provide for their education, and which may yet be consistent as a temporary arrangement with their present condition as a laboring, landless, homeless class, will not be objected to by the national executive.

And it is suggested as not improper that, in constructing a loyal State Government in any State, the name of the State, the boundary, the subdivisions, the constitution, and the general code of laws, as before the rebellion, be maintained, subject only to the modifications made necessary by the conditions hereinbefore stated, and such others, if any, not contravening said conditions, and which may be deemed expedient by those framing the new State Government.

To avoid misunderstanding, it may be proper to say that this proclamation, so far as it relates to State Governments, has no reference to States wherein loyal State Governments have all the while been maintained. And, for the same reason, it may be proper to further say, that whether members sent to Congress from any State shall be admitted to seats constitutionally, rests exclusively with the respective Houses, and not to any extent with the executive. And still further, that this proclamation is intended to present the people of the States wherein the national authority has been suspended, and loyal State Governments have been subverted, a mode in and by which the national authority and loyal State Governments may be reëstablished within said States, or in any of them; and, while the mode presented is the best the executive can suggest, with his present impressions, it must not be understood that no other possible mode would be acceptable.

Given under my hand, at the City of Washington, the eighth day of December, A. D. one thou-
[L. S.] sand eight hundred and sixty-three, and of the Independence of the United States of America the eighty-eighth.

ABRAHAM LINCOLN.

By the President:
WILLIAM H. SEWARD, Secretary of State.

Message of JEFFERSON DAVIS *at the Session of the Confederate Congress commencing in January*, 1863.

To the Senate and House of Representatives of the Confederate States:

At the date of your last adjournment the preparations of the enemy for further hostilities had assumed so menacing an aspect as to excite in some minds apprehension of our ability to meet them with sufficient promptness to avoid serious reverses. These preparations were completed shortly after your departure from the seat of government, and the armies of the United States made simultaneous advances on our frontiers, on the Western rivers, and on the Atlantic coast, in masses so great as to evince their hope of overbearing all resistance by mere weight of numbers. This hope, however, like those previously entertained by our foes, vanished.

In Virginia, their fourth attempt at invasion by armies whose assured success was confidently predicted, has met with decisive repulse. Our noble defenders, under the consummate leadership of their General, have again, at Fredericksburg, inflicted on the forces under Gen. Burnside the like disastrous overthrow as had been previously suffered by the successive invading armies commanded by Gens. McDowell, McClellan, and Pope.

In the West, obstinate battles have been fought with varied fortunes, marked by frightful carnage on both sides; but the enemy's hopes of decisive results have again been baffled, while at Vicksburg another formidable expedition has been repulsed, with inconsiderable loss on our side and severe damage to the assailing forces.

On the Atlantic coast the enemy has been unable to gain a footing beyond the protecting shelter of his fleets, and the city of Galveston has just been recovered by our forces, which succeeded not only in the capture of the garrison, but of one of the enemy's vessels of war, which was carried by boarding parties from merchant river steamers.

Our fortified positions have everywhere been much strengthened and improved, affording assurance of our ability to meet with success the utmost efforts of our enemies, in spite of the magnitude of their preparations for attack. A review of our history of the two years of our national existence affords ample cause for congratulation, and demands the most fervent expression of our thankfulness to the Almighty Father who has blessed our cause. We are justified in asserting, with a pride surely not unbecoming, that these Confederate States have added another to the lessons taught by history for the instruction of man, that they have afforded another example of the impossibility of subjugating a people determined to be free, and have demonstrated that no superiority of numbers or available resources can overcome the resistance offered by such valor in combat, such constancy under suffering, and such cheerful endurance of privation as have been conspicuously displayed by this people in the defence of their rights and liberties. The anticipations with which we entered into the contest have now ripened into a conviction, which is not only shared with us by the common opinion of neutral nations, but is evidently forcing itself upon our enemies themselves. If we but mark the history of the present year by resolute perseverance in the path we have hitherto pursued, by vigorous effort in the development of all our resources for defence, and by the continued exhibition of the same unfaltering courage in our soldiers and able conduct in their leaders, as have distinguished the past, we have every reason to expect that this will be the closing year of the war.

The war, which in its inception was waged for forcing us back into the Union, having failed to accomplish that purpose, passed into a second stage, in which it was attempted to conquer and rule these States as dependent provinces. Defeated in this second design, our enemies have evidently entered upon another, which can have no other purpose than revenge,

and thirst for blood and plunder of private property. But, however implacable they may be, they can have neither the spirit nor the resources required for a fourth year of a struggle uncheered by any hope of success, kept alive solely for the indulgence of mercenary and wicked passions, and demanding so exhausting an expenditure of blood and money as has hitherto been imposed on their people. The advent of peace will be hailed with joy; our desire for it has never been concealed; our efforts to avoid the war, forced on us as it was by the lust of conquest and the insane passions of our foes, are known to mankind. But, earnest as has been our wish for peace, and great as have been our sacrifices and sufferings during the war, the determination of this people has, with each succeeding month, become more unalterably fixed to endure any sufferings and continue any sacrifices, however prolonged, until their right to self-government and the sovereignty and independence of these States shall have been triumphantly vindicated and firmly established.

In this connection the occasion seems not unsuitable for some reference to the relations between the confederacy and the neutral Powers of Europe since the separation of these States from the former Union. Four of the States now members of the confederacy were recognized by name as independent sovereignties in a treaty of peace concluded in the year 1783, with one of the two great maritime Powers of Western Europe, and had been prior to that period allies in war of the other. In the year 1778 they formed a union with nine other States under Articles of Confederation. Dissatisfied with that Union, three of them—Virginia, Carolina, and Georgia—together with eight of the States now members of the United States, seceded from it in 1789, and these eleven seceding States formed a second Union, although by the terms of the Articles of Confederation express provision was made that the first Union should be perpetual. Their right to secede, notwithstanding this provision, was never contested by the States from which they separated, nor made the subject of discussion with any third Power. When, at the later period, North Carolina acceded to that second Union, and when, still later, the other seven States, now members of this confederacy, became also members of the same Union, it was upon the recognized footing of equal and independent sovereignties; nor had it then entered into the minds of men that sovereign States could be compelled by force to remain members of a confederation into which they had entered of their own free will, if at a subsequent period the defence of their safety and honor should, in their judgment, justify withdrawal.

The experience of the past had evinced the futility of any renunciation of such inherent rights, and accordingly the provision for perpetuity contained in the Articles of Confederation of 1778 was emitted to the Constitution of 1789. When, therefore, in 1861, eleven of the States again thought proper, for reasons satisfactory to themselves, to secede from the second Union, and to form a third one, under an amended constitution, they exercised a right which, being inherent, required no justification to foreign nations, and which international law did not permit them to question. The usages of intercourse between nations do, however, require, that official communication be made to friendly Powers of all organic changes in the constitution of States, and there was obvious propriety in giving prompt assurance of our desire to continue amicable relations with all mankind.

It was under the influence of these considerations that your predecessors, the Provisional Government, took early measures for sending to Europe commissioners charged with the duty of visiting the capitals of the different Powers, and making arrangements for the opening of more formal diplomatic intercourse. Prior, however, to the arrival abroad of these commissioners, the United States had commenced hostilities against the confederacy by despatching a secret expedition for the reënforcement of Fort Sumter, after an express promise to the contrary, and with a duplicity which has been fully unveiled in a former message. They had also addressed communications to the different cabinets of Europe, in which they assumed the attitude of being sovereign over this confederacy, alleging that these independent States were in rebellion against the remaining States of the Union, and threatening Europe with manifestations of their displeasure if it should treat the Confederate States as having an independent existence. It soon became known that these pretensions were not considered abroad to be as absurd as they were known to be at home, nor had Europe yet learned what reliance was to be placed in the official statements of the cabinet at Washington. The delegation of power granted by these States to the Federal Government to represent them in foreign intercourse, had led Europe into the grave error of supposing that their separate sovereignty and independence had been merged into one common sovereignty, and had ceased to have a distinct existence. Under the influence of this error, which all appeals to reason and historical fact were vainly used to dispel, our commissioners were met by the declaration that foreign Governments could not assume to judge between the conflicting representations of the two parties as to the true nature of their previous mutual relations. The Governments of Great Britain and France accordingly signified their determination to confine themselves to recognizing the self-evident fact of the existence of a war, and to maintaining a strict neutrality during its progress. Some of the other Powers of Europe pursued the same course of policy, and it became apparent that by some understanding, express or tacit, Europe had decided to leave the initiative in all action touching the contest on this continent to the two Powers just named, who were recognized to have the largest interests involved both by reason of proximity and of the extent and intimacy of their commercial relations with the States engaged in the war.

It is manifest that the course of action adopted by Europe, while based on an apparent refusal to determine the question, or to side with either party, was in point of fact an actual decision against our rights, and in favor of the groundless pretensions of the United States. It was a refusal to treat us as an independent government. If we were independent States, the refusal to entertain with us the same international intercourse as was maintained with our enemy was unjust, and was injurious in its effects, whatever may have been the motive which prompted it. Neither was it in accordance with the high moral obligations of that international code whose chief sanction is the conscience of sovereigns and the public opinion of mankind, that those eminent Powers should decline the performance of a duty peculiarly incumbent on them from any apprehension of the consequences to themselves. One immediate and necessary result of their declining the responsibility of a decision which must have been adverse to the extravagant pretensions of the United States, was the prolongation of hostilities to which our enemies were thereby encouraged, and which have resulted in nothing but scenes of carnage and devastation on this continent, and of misery and suffering on the other, such as have scarcely a parallel in history. Had these Powers promptly admitted our right to be treated as all other independent nations, none can doubt that the moral effect of such action would have been to dispel the delusion under which the United States have persisted in their efforts to accomplish our subjugation.

To the continued hesitation of the same Powers in rendering this act of simple justice toward this confederacy is still due the continuance of the calamities which mankind suffers from the interruption of its peaceful pursuits both in the Old and New World. There are other matters in which less than justice has been rendered to this people by neutral Europe, and undue advantage effected on the aggressors in a wicked war. At the inception of hostilities the inhabitants of the confederacy were almost exclusively agriculturists; those of the United States, to a great extent, mechanics and merchants. We had no commercial marine,

while their merchant vessels covered the ocean. We were without a navy, while they had powerful fleets. The advantage which they possessed for inflicting injury on our coasts and harbors was thus counterbalanced in some measure by the exposure of their commerce to attack by private armed vessels.

It was known to Europe that within a very few years past the United States had peremptorily refused to accede to proposals for abolishing privateering, on the ground, as alleged by them, that nations owning powerful fleets would thereby obtain undue advantage over those possessing inferior naval forces. Yet, no sooner was war flagrant between the confederacy and the United States, than the maritime Powers of Europe issued orders prohibiting either party from bringing prizes into their ports. This prohibition, directed with apparent impartiality against both belligerents, was in reality effective against the Confederate States alone; for they alone could find a hostile commerce on the ocean. Merely nominal against the United States, the prohibition operated with intense severity on the confederacy, by depriving it of the only means of maintaining, with some approach to equality, its struggle on the ocean against the crushing superiority of naval force possessed by its enemies. The value and efficiency of the weapon which was thus wrested from our grasp by the combined action of neutral European Powers, in favor of a nation which professes openly its intention of ravaging their commerce by privateers in any future war, is strikingly illustrated by the terror inspired among the commercial classes of the United States by a single cruiser of the confederacy. One national steamer, commanded by officers and manned by a crew who are debarred by the closure of neutral ports from the opportunity of causing captured vessels to be condemned in their favor as prizes, has sufficed to double the rates of marine insurance in Northern ports, and consign to forced inaction numbers of Northern vessels, in addition to the direct damage inflicted by captures at sea. How difficult, then, to overestimate the effects that must have been produced by the hundreds of private armed vessels that would have swept the seas in pursuit of the commerce of our enemy if the means of disposing of their prizes had not been withheld by the action of neutral Europe!

But it is especially in relation to the so-called blockade of our coast that the policy of European Powers has been so shaped as to cause the greatest injury to the confederacy, and to confer signal advantages on the United States. The importance of this subject requires some development. Prior to the year 1856 the principles regulating the subject were to be gathered from the writings of eminent publicists, the decisions of admiralty courts, international treaties, and the usages of nations. The uncertainty and doubt which prevailed in reference to the true rules of maritime law in time of war, resulting from the discordant, and often conflicting, principles announced from such varied and independent sources, had become a grievous evil to mankind. Whether a blockade was allowable against a port not invested by land as well as by sea, whether a blockade was valid by sea if the investing fleet was merely sufficient to render ingress to the blockaded port evidently dangerous, or whether it was further required for its legality that it should be sufficient really to prevent access, and numerous other similar questions, had remained doubtful and undecided. Animated by the highly honorable desire to put an end to differences of opinion between neutrals and belligerents which may occasion serious difficulties and even conflicts—I quote the official language—the five great Powers of Europe, together with Sardinia and Turkey, adopted, in 1856, the following solemn declaration of principles:

Firstly—Privateering is and remains abolished.

Secondly—The neutral flag covers enemy's goods, with the exception of contraband of war.

Thirdly—Neutral goods, with the exception of contraband of war, are not liable to capture under enemy's flag.

Fourthly—Blockades, in order to be binding, must be effective; that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy.

Not only did this solemn declaration announce to the world the principles to which the signing Powers agreed to conform in future wars, but it contained a clause to which those Powers gave immediate effect, and which provided that the states not parties to the Congress of Paris should be invited to accede to the declaration. Under this invitation every independent state in Europe yielded its assent. At least no instance is known to me of a refusal; and the United States, while declining to assent to the proposition which prohibited privateering, declared that the three remaining principles were in entire accordance with their own views of international law. No instance is known in history of the adoption of rules of public law under circumstances of like solemnity with like unanimity, and pledging the faith of nations with sanctity so peculiar.

When, therefore, this confederacy was formed, and when neutral Powers, while deferring action on its demand for admission into the family of nations, recognized it as a belligerent Power, Great Britain and France made informal proposals about the same time that their own rights as neutrals should be guaranteed by our acceding as belligerents to the declaration of principles made by the Congress of Paris. The request was addressed to our sense of justice, and therefore met immediate favorable response in the resolutions of the Provisional Congress of the 13th of August, 1861, by which all the principles announced by the Congress of Paris were adopted as the guide of our conduct during the war, with the sole exception of that relative to privateering. As the right to make use of privateers was one in which neutral nations had, as to the present war, no interest, as it was a right which the United States had refused to abandon, and which they remained at liberty to employ against us, as it was a right of which we were already in actual enjoyment, and which we could not be expected to renounce, *flagrante bello*, against an adversary possessing an overwhelming superiority of naval forces, it was reserved, with entire confidence that neutral nations could not fail to perceive that just reason existed for the reservation. Nor was this confidence misplaced; for the official documents published by the British Government, usually called Blue Books, contain the expression of the satisfaction of that Government with the conduct of the officials who conducted successfully the delicate business confided to their charge.

These solemn declarations of principle—this implied agreement between the confederacy and the two Powers just named—have been suffered to remain inoperative against the menaces and outrages on neutral rights committed by the United States with unceasing and progressing arrogance during the whole period of the war. Neutral Europe remained passive when the United States—with a naval force insufficient to blockade effectively the coast of a single State—proclaimed a paper blockade of thousands of miles of coast, extending from the Capes of the Chesapeake to those of Florida and to Key West, and encircling the Gulf of Mexico to the mouth of the Rio Grande. Compared with this monstrous pretension of the United States, the blockades known in history under the names of the Berlin and Milan Decrees, and the British Orders in Council, in the years 1806 and 1807, sink into insignificance. Yet those blockades were justified by the Powers that declared them on the sole ground that they were retaliatory; yet those blockades have since been condemned by the publicists of those very Powers as violations of international law; yet those blockades evoked angry remonstrances from neutral powers, amongst which the United States were the most conspicuous; yet those blockades became the chief cause of the war between Great Britain and the United States in 1812; yet those blockades were one of the principal motives that led to the declara-

tion of the Congress of Paris in 1856, in the fond hope of imposing an enduring check on the very abuse of maritime power which is now renewed by the United States in 1861 and 1862, under circumstances and with features of aggravated wrong without precedent in history.

The records of our State Department contain the evidence of the repeated and formal remonstrances made by this Government to neutral Powers against the recognition of this blockade. It has been shown by evidence not capable of contradiction, and which has been furnished in part by the officials of neutral nations, that the few ports of this confederacy, before which any naval forces at all have been stationed, have been invested so inefficiently that hundreds of entries have been effected into them since the declaration of the blockade; that our enemies have themselves admitted the inefficiency of their blockade in the most forcible manner, by repeated official complaints of the sale to us of goods contraband of war—a sale which could not possibly affect their interests if their pretended blockade was sufficient really to prevent access to our coast; that they have gone farther, and have alleged their inability to render their paper blockade effective, as the excuse for the odious barbarity of destroying the entrance to one of our harbors, by sinking vessels loaded with stone in the channel; that our commerce with foreign nations has been interrupted, not by the effective investment of our ports, or by the seizure of ships in the attempt to enter them, but by the capture on the high seas of neutral vessels by the cruisers of our enemies, whenever supposed to be bound to any point on our extensive coast, without inquiry whether a single blockading vessel was to be found at such point; that blockading vessels have left the ports at which they were stationed, for distant expeditions, have been absent for many days, and have returned without notice either of the cessation or renewal of the blockade. In a word, that every prescription of maritime law, and every right of neutral nations to trade with a belligerent under the sanction of principles heretofore universally respected, have been systematically and persistently violated by the United States. Neutral Europe has received our remonstrance, and has submitted in almost unbroken silence to all the wrongs that the United States have chosen to inflict on its commerce.

The cabinet of Great Britain, however, has not confined itself to such implied acquiescence in these breaches of international law as results from simple inaction, but has, in a published despatch of the Secretary of State for Foreign Affairs, assumed to make a change in the principle enunciated by the Congress of Paris, to which the faith of the British Government was considered to be pledged—a change too important and too prejudicial to the interests of the confederacy to be overlooked, and against which I have directed solemn protest to be made, after a vain attempt to obtain satisfactory explanation from the British Government. In a published despatch from her Majesty's Foreign Office to her Minister at Washington, under date of February 11th, 1862, occurs the following passage:

> Her Majesty's Government, however, are of opinion that, assuming that the blockade was duly notified, and also that a number of ships are stationed and remain at the entrance of a port sufficient really to prevent access to it, *or to create an evident danger of entering it or leaving it*, and that these ships do not voluntarily permit ingress or egress, the fact that various ships may have successfully escaped through it (as in the particular instance here referred to) will not of itself prevent the blockade from being an effectual one by international law.

The words which I have italicized are an addition made by the British Government of its own authority to a principle, the exact terms of which were settled with deliberation by the common consent of civilized nations, and by implied convention with this Government, as already explained, and their effect is clearly to reopen, to the prejudice of the confederacy, one of the very disputed questions on the law of blockade, which the Congress of Paris professed to settle. The importance of this change is readily illustrated by taking one of our ports as an example. There is evident danger in entering the port of Wilmington, from the presence of a blockading force; and by this test the blockade is effective. "Access is not really prevented" by the blockading fleet to the same port; for steamers are continually arriving and departing; so that, tried by this test, the blockade is ineffective and invalid. The justice of our complaint on this point is so manifest, as to leave little room for doubt that further reflection will induce the British Government to give us such assurances as will efface the painful impressions that would result from its language if left unexplained.

From the foregoing remarks you will perceive that, during nearly two years of struggle, in which every energy of our country has been evoked for maintaining its very existence, the neutral nations of Europe have pursued a policy which, nominally impartial, has been practically most favorable to our enemies and most detrimental to us.

The exercise of the neutral right of refusing entry into their ports to prizes taken by both belligerents, was eminently hurtful to the confederacy. It was sternly asserted and maintained. The exercise of the neutral right of commerce with a belligerent whose ports are not blockaded by fleets sufficient really to prevent access to them, would have been eminently hurtful to the United States. It was complaisantly abandoned. The duty of neutral States to receive with cordiality and recognize with respect any new confederation that independent States may think proper to form, was too clear to admit of denial; but its postponement was obviously beneficial to the United States and detrimental to the confederacy. It was postponed.

In this review of our relations with the neutral nations of Europe, it has been my purpose to point out distinctly that this Government has no complaint to make that those nations declared their neutrality. It could neither expect nor desire more. The complaint is that the neutrality has been rather nominal than real, and that recognized neutral rights have been alternately asserted and waived in such manner as to bear with great severity on us, and to confer signal advantages on our enemy.

I have hitherto refrained from calling your attention to this condition of our relations with foreign Powers for various reasons. The chief of these was the fear that a statement of our last grounds of complaint against a course of policy so injurious to our interests, might be misconstrued into an appeal for aid. Unequal as we were in mere numbers and available resources to our enemies, we were conscious of powers of resistance in relation to which Europe was incredulous, and our remonstrances were therefore peculiarly liable to be misunderstood.

Proudly self-reliant, the confederacy, knowing full well the character of the contest into which it was forced, with full trust in the superior qualities of its population, the superior valor of its soldiers, the superior skill of its generals, and, above all, in the justice of its cause, felt it to be useless to appeal for the maintenance of its rights to other earthly aids, and it began and has continued this struggle with the calm confidence ever inspired in those who, with consciousness of right, can invoke the Divine blessing on their cause. This confidence has been so assured that we have never yielded to despondency under defeat, nor do we feel undue elation at the present brighter prospects of a successful issue to our contest. It is, therefore, because our just grounds of complaint can no longer be misinterpreted that I lay them clearly before you. It seems to me now proper to give you the information, and though no immediate results may be attained, it is well that truth should be preserved and recorded. It is well that those who are to follow us should understand the full nature and character of the tremendous conflict in which the blood of our people has been poured out like water, and in which we

have resisted, unaided, the shocks of hosts which would have sufficed to overthrow many of the Powers which, by their hesitation in according our rights as an independent nation, imply doubt of our ability to maintain our national existence. It may be, too, that if in future times unfriendly discussions not now anticipated shall unfortunately arise between this confederacy and some European Power, the recollection of our forbearance under the grievances which I have enumerated, may be evoked with happy influence in preventing any serious disturbance of peaceful relations.

It would not be proper to close my remarks on the subject of our foreign relations, without adverting to the fact that the correspondence between the cabinets of France, Great Britain, and Russia, recently published, indicates a gratifying advance in the appreciation by those Governments of the true interests of mankind, as involved in the war on this continent. It is to the enlightened ruler of the French nation that the public feeling of Europe is indebted for the first official exhibition of its sympathy for the sufferings endured by this people with so much heroism, of its horror at the awful carnage with which the progress of the war has been marked, and of its desire for a speedy peace. The clear and direct intimation contained in the language of the French note, that our ability to maintain our independence has been fully established, was not controverted by the answer of either of the cabinets to which it was addressed. It is, indeed, difficult to conceive a just ground for a longer delay on this subject, after reading the following statement of facts contained in the letter emanating from the Minister of his Imperial Majesty:

> There has been established, from the very beginning of this war, an equilibrium of forces between the belligerents, which has since been almost constantly maintained, and after the spilling of so much blood, they are to-day, in this respect, in a situation which has not sensibly changed. Nothing authorizes the anticipation that more decisive military operations will shortly occur. According to the last advices received in Europe, the two armies were, on the contrary, in a condition which permitted neither to hope, within a short delay, advantages sufficiently marked to turn the balance definitely, and to accelerate the conclusion of peace.

As this Government has never professed the intention of conquering the United States, but has simply asserted its ability to defend itself against being conquered by that Power, we may safely conclude that the claims of this confederacy to its just place in the family of nations cannot long be withheld, after so frank and formal an admission of its capacity to cope, on equal terms, with its aggressive foes, and to maintain itself against their attempts to obtain decisive results by arms.

It is my painful duty again to inform you of the renewed examples of every conceivable atrocity committed by the armed forces of the United States at different points within the confederacy, and which must stamp indelible infamy, not only on the perpetrators, but on their superiors, who, having the power to check these outrages on humanity, numerous and well authenticated as they have been, have not yet, in a single instance of which I am aware, inflicted punishment on the wrong doers. Since my last communication to you, one General McNeil murdered seven prisoners of war in cold blood, and the demand for his punishment has remained unsatisfied. The Government of the United States, after promising examination and explanation in relation to the charges made against Gen. Benjamin F. Butler, has, by its subsequent silence after repeated efforts on my part to obtain some answer on the subject, not only admitted his guilt, but sanctioned it by acquiescence; and I have accordingly branded this criminal as an outlaw, and directed his execution in expiation of his crimes, if he should fall into the hands of any of our forces.

Recently I have received apparently authentic intelligence of another general, by the name of Milroy, who has issued orders in Western Virginia for the payment of money to him by the inhabitants, accompanied by the most savage threats of shooting every recusant, besides burning his house, and threatening similar atrocities against any of our citizens who shall fail to betray their country by giving him prompt notice of the approach of any of our forces. And this subject has also been submitted to the superior military authorities of the United States, with but faint hope that they will evince any disapprobation of the act. Humanity shudders at the appalling atrocities which are being daily multiplied under the sanction of those who have obtained temporary possession of power in the United States, and who are fast making its once fair name a byword of reproach among civilized men. Not even the natural indignation inspired by this conduct should make us, however, so unjust as to attribute to the whole mass of the people who are subjected to the despotism that now reigns with unbridled license in the city of Washington a willing acquiescence in its conduct of the war. There must necessarily exist among our enemies very many, perhaps a majority, whose humanity recoils from all participation in such atrocities, but who cannot be held wholly guiltless while permitting their continuance without an effort at repression.

The public journals of the North have been received, containing a proclamation dated on the first day of the present month, signed by the President of the United States, in which he orders and declares all slaves within ten of the States of the confederacy to be free, except such as are found within certain districts now occupied in part by the armed forces of the enemy. We may well leave it to the instincts of that common humanity which a beneficent Creator has implanted in the breasts of our fellow men of all countries to pass judgment on a measure by which several millions of human beings of an inferior race—peaceful and contented laborers in their sphere—are doomed to extermination, while at the same time they are encouraged to a general assassination of their masters by the insidious recommendation "to abstain from violence unless in necessary self-defence." Our own detestation of those who have attempted the most execrable measure recorded in the history of guilty man is tempered by profound contempt for the impotent rage which it discloses. So far as regards the action of this Government on such criminals as may attempt its execution, I confine myself to informing you that I shall—unless in your wisdom you deem some other course more expedient—deliver to the several State authorities all commissioned officers of the United States that may hereafter be captured by our forces in any of the States embraced in the proclamation, that they may be dealt with in accordance with the laws of those States providing for the punishment of criminals engaged in exciting servile insurrection. The enlisted soldiers I shall continue to treat as unwilling instruments in the commission of these crimes, and shall direct their discharge and return to their homes on the proper and usual parole.

In its political aspect this measure possesses great significance, and to it in this light I invite your attention. It affords to our whole people the complete and crowning proof of the true nature of the designs of the party which elevated to power the present occupant of the Presidential chair at Washington, and which sought to conceal its purposes by every variety of artful device, and by the perfidious use of the most solemn and repeated pledges on every possible occasion. I extract, in this connection, as a single example, the following declaration, made by President Lincoln under the solemnity of his oath as Chief Magistrate of the United States, on the 4th of March, 1861:

> Apprehension seems to exist among the people of the Southern States that by the accession of a Republican Administration their property and their peace and personal security are to be endangered. There has never been any reasonable cause for such apprehensions. Indeed, the most ample evidence to the contrary has all the while existed and been open to their inspection. It is found in nearly all the public speeches of him who now addresses you. I do but quote from one of those speeches when I declare that I have no purpose, directly or indirectly, to interfere with the institu-

tion of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so. Those who nominated and elected me, did so with full knowledge that I had made this and many similar declarations, and had never recanted them. And more than this, they placed in the platform for my acceptance, and as a law to themselves and to me, the clear and emphatic resolution which I now read:

Resolved, That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power, on which the perfection and endurance of our political fabric depend, and we denounce the lawless invasion by armed force of the soil of any State or Territory, no matter under what pretext, as among the gravest crimes.

Nor was this declaration of the want of power or disposition to interfere with our social system confined to a state of peace. Both before and after the actual commencement of hostilities, the President of the United States repeated in formal official communications to the cabinets of Great Britain and France that he was utterly without constitutional power to do the act which he has just committed, and that in no possible event, whether the secession of these States resulted in the establishment of a separate confederacy or in the restoration of the Union, was there any authority by virtue of which he could either restore a disaffected State to the Union by force of arms or make any change in any of its institutions. I refer especially for verification of this assertion to the despatches addressed by the Secretary of State of the United States, under direction of the President, to the Ministers of the United States at London and Paris, under date of the 10th and 22d of April, 1861

The people of this confederacy, then, cannot fail to receive this proclamation as the fullest vindication of their own sagacity in foreseeing the uses to which the dominant party in the United States intended from the beginning to apply their power; nor can they cease to remember with devout thankfulness that it is to their own vigilance in resisting the first stealthy progress of approaching despotism that they owe their escape from consequences now apparent to the most sceptical.

This proclamation will have another salutary effect in calming the fears of those who have constantly evinced the apprehension that this war might end by some reconstruction of the old Union, or some renewal of close political relations with the United States. These fears have never been shared by me, nor have I ever been able to perceive on what basis they could rest. But the proclamation affords the fullest guarantees of the impossibility of such a result. It has established a state of things which can lead to but one of three possible consequences—the extermination of the slaves, the exile of the whole white population of the confederacy, or absolute and total separation of these States from the United States. This proclamation is also an authentic statement by the Government of the United States of its inability to subjugate the South by force of arms, and as such must be accepted by neutral nations, which can no longer find any justification in withholding our just claims to formal recognition. It is also in effect an intimation to the people of the North that they must prepare to submit to a separation, now become inevitable; for that people are too acute not to understand that a restitution of the Union has been rendered forever impossible by the adoption of a measure which, from its very nature, neither admits of retraction nor can coexist with union.

Among the subjects to which your attention will be specially devoted during the present session, you will, no doubt, deem the adoption of some comprehensive system of finance as being of paramount importance. The increasing public debt, the great augmentation in the volume of the currency, with its necessary concomitant of extravagant prices for all articles of consumption, the want of revenue from a taxation adequate to support the public credit, all unite in admonishing us that energetic and wise legislation alone can prevent serious embarrassment in our monetary affairs. It is my conviction that the people of the confederacy will freely meet taxation on a scale adequate to the maintenance of the public credit and the support of their Government. When each family is sending forth its most precious ones to meet exposure in camp and death in battle, what ground can there be to doubt the disposition to devote a tithe of its income, and more, if more be necessary, to provide the Government with means for insuring the comfort of its defenders? If our enemies submit to an excise on every commodity they produce, and to the daily presence of the tax gatherer, with no higher motive than the hope of success in their wicked designs against us, the suggestion of an unwillingness on the part of this people to submit to the taxation necessary for the success of their defence is an imputation on their patriotism that few will be disposed to make and that none can justify.

The legislation of your last session, intended to hasten the funding of outstanding Treasury notes, has proved beneficial, as shown by the returns annexed to the report of the Secretary of the Treasury; but it was neither sufficiently prompt nor far reaching to meet the full extent of the evil. The passage of some enactment carrying still farther the policy of that law, by fixing a limitation not later than the 1st of July next to the delay allowed for funding the notes issued prior to the 1st of December, 1862, will, in the opinion of the Secretary, have the effect to withdraw from circulation nearly the entire sum issued previous to the last-named date. If to this be added a revenue from adequate taxation, and appropriation of bonds guaranteed proportionately by the seven per cents, as has already been generously proposed by some of them in enactments spontaneously adopted, there is little doubt that we shall see our finances restored to a sound and satisfactory condition, our circulation relieved of the redundancy now productive of so many mischiefs, and our credit placed on such a basis as to relieve us from further anxiety relative to our resources for the prosecution of the war.

It is true that at its close our debt will be large; but it will be due to our own people, and neither the interest nor the capital will be exported to distant countries, impoverishing ours for their benefit.

On the return of peace the untold wealth which will spring from our soil will render the burden of taxation far less onerous than is now supposed, especially if we take into consideration that we shall then be free from the large and steady drain of our substance, to which we were subjected in the late Union, through the instrumentality of sectional legislation and protective tariffs. I recommend to your earnest attention the whole report of the Secretary of the Treasury on this important subject, and trust that your legislation on it will be delayed no longer than may be required to enable your wisdom to devise the proper measures for insuring the accomplishment of the objects proposed.

The operations of the War Department have been in the main satisfactory. In the report of the Secretary, herewith submitted, will be found a summary of many memorable successes. They are with justice ascribed in large measure to the reorganization and reënforcement of our armies under the operation of the enactments for conscription. The wisdom and efficacy of these acts have been approved by results, and the like spirit of unity, endurance, and self-devotion of the people which has hitherto sustained their action, must be relied on to assure their enforcement under the continuing necessities of our situation. The recommendations of the Secretary to this effect are tempered by suggestions for their amelioration, and the subject deserves the consideration of Congress.

For the perfection of our military organization no appropriate means should be rejected, and on this subject the opinions of the Secretary merit early attention. It is gratifying to perceive that, under all the efforts and sacrifices of war, the power and means of the confederacy for its successful prosecution are increasing. Dependence on foreign supplies is to be deplored, and should as far as practicable be obviated by the development and employment of internal resour-

ces. The peculiar circumstances of the country, however, render this difficult, and require extraordinary encouragements and facilities to be granted by the Government.

The embarrassments resulting from the limited capacity of the railroads to afford transportation, and the impossibility of otherwise collecting and distributing the necessary supplies for the armies, render necessary the control of the roads under some general supervision, and resort to the power of impressment under military exigencies. While such powers have to be exercised, they should be guarded by judicious provisions against perversion or abuse, and be, as recommended by the Secretary, under due regulation of law.

I specially recommend in this connection some revision of the exemption law of last session. Serious complaints have reached me of the inequality of its operation from eminent and patriotic citizens whose opinions merit great consideration, and I trust that some means will be devised for leaving at home a sufficient local police, without making discriminations, always to be deprecated, between different classes of our citizens.

Our relations with the Indians generally continue to be friendly. A portion of the Cherokee people have assumed an attitude hostile to the Confederate Government; but it is gratifying to be able to state that the mass of intelligence and worth in that nation have remained true and loyal to their treaty engagements. With this exception there have been no important instances of dissatisfaction among any of the friendly nations and tribes. Dissatisfaction recently manifested itself among certain portions of them; but this resulted from a misapprehension of the intentions of the Government in their behalf. This has been removed, and no further difficulty is anticipated.

The report of the Secretary of the Navy, herewith transmitted, exhibits the progress made in this branch of the public service since your adjournment, as well as its present condition. The details embraced in it are of such a nature as to render it, in my opinion, incompatible with the public interests that they should be published with this message. I therefore confine myself to inviting your attention to the information therein contained.

The report of the Postmaster-General shows that during the first postal year under our Government, terminating on the 30th of June last, our revenues were in excess of those received by the former Government in its last postal year, while the expenses were greatly decreased. There is still, however, a considerable deficit in the revenues of the Department, as compared with its expenses, and, although the grants already made from the general treasury will suffice to cover all the liabilities to the close of the fiscal year ending on the 30th of June next, I recommend some legislation, if any can be constitutionally devised, for aiding the revenues of that Department during the ensuing fiscal year, in order to avoid too great a reduction of postal facilities. Your attention is also invited to numerous other improvements in the service recommended in the report, and for which legislation is required.

I recommend to the Congress to devise a proper mode of relief to those of our citizens whose property has been destroyed by order of the Government in pursuance of a policy adopted as a means of national defence. It is true that full indemnity cannot now be made; but some measure of relief is due to those patriotic citizens who have borne private loss for the public good, whose property in effect has been taken for public use, though not directly appropriated. Our Government, born of the spirit of freedom, and of the equality and independence of the States, could not have survived a selfish or jealous disposition, making each only careful of its own interest or safety.

The fate of the confederacy, under the blessing of Divine Providence, depends upon the harmony, energy, and unity of the States. It especially devolves on you, their representatives, as far as practicable, to reform abuses, to correct errors, to cultivate fraternity, and to sustain in the people a just confidence in the Government of their choice. To that confidence and to the unity and self-sacrificing patriotism hitherto displayed is due the success which has marked the unequal contest, and has brought our country into a condition at the present time such as the most sanguine would not have ventured to predict at the commencement of our struggle. Our armies are larger, better disciplined, and more thoroughly armed and equipped than at any previous period of the war; the energies of a whole nation, devoted to the single object of success in this war, have accomplished marvels, and many of our trials have by a beneficent Providence been converted into blessings. The magnitude of the perils which we encountered have developed the true qualities and illustrated the heroic character of our people, thus gaining for the confederacy from its birth a just appreciation from the other nations of the earth. The injuries resulting from the interruption of foreign commerce have received compensation by the developments of our internal resources. Cannon crown our fortresses that were cast from the proceeds of mines opened and furnaces built during the war. Our mountain caves yield much of the nitre for the manufacture of powder, and promise increase of product. From our own founderies and laboratories, from our own armories and workshops, we derive, in a great measure, the warlike material, the ordnance and ordnance stores which are expended so profusely in the numerous and desperate engagements that rapidly succeed each other. Cotton and woollen fabrics, shoes and harness, wagons and gun carriages are produced in daily increasing quantities, by the factories springing into existence. Our fields, no longer whitened by cotton that cannot be exported, are devoted to the production of cereals and the growth of stock formerly purchased with the proceeds of cotton. In the homes of our noble and devoted women—without whose sublime sacrifices our success would have been impossible—the noise of the loom and the spinning wheel may be heard throughout the land.

With hearts swelling with gratitude, let us, then, join in returning thanks to God, and in beseeching the continuance of His protecting care over our cause, and the restoration of peace, with its manifold blessings, to our beloved country.

JEFFERSON DAVIS.

RICHMOND, *January 12th*, 1863.

Message of JEFFERSON DAVIS, *at the Second Session of the Confederate Congress, in* 1863.

To the Senate and House of Representatives of the Confederate States:

The necessity for legislative action, arising out of the important events that have marked the interval since your adjournment, and my desire to have the aid of your counsel on other matters of grave public interest, render your presence at this time more than ordinarily welcome. Indeed, but for serious obstacles to convoking you in extraordinary session, and the necessity for my own temporary absence from the seat of government, I would have invited you to an earlier meeting than that fixed at the date of your adjournment.

Grave reverses befell our arms soon after your departure from Richmond. Early in July our strongholds at Vicksburg and Port Hudson, together with their entire garrisons, capitulated to the combined land and naval forces of the enemy. The important interior position of Jackson next fell into their temporary possession. Our unsuccessful assault on the post at Helena was followed, at a later period, by the invasion of Arkansas; and the retreat of our army from Little Rock gave to the enemy the control of the important valley in which it is situated.

The resolute spirit of the people soon rose superior to the temporary despondency naturally resulting from these reverses. The gallant troops so ably commanded in the States beyond the Mississippi inflicted repeated

defeats on the invading armies in Louisiana and on the coast of Texas. Detachments of troops and active bodies of partisans kept up so effective a war on the Mississippi river as practically to destroy its value as an avenue of commerce.

The determined and successful defence of Charleston against the joint land and naval operations of the enemy afforded an inspiring example of our ability to repel the attacks even of the ironclad fleet, on which they chiefly rely, while on the Northern frontier our success was still more marked.

The able commander who conducted the campaign in Virginia determined to meet the threatened advance on Richmond—for which the enemy had made long and costly preparations—by forcing their armies to cross the Potomac and fight in defence of their own capital and homes. Transferring the battle field to their own soil, he succeeded in compelling their rapid retreat from Virginia, and in the hard-fought battle of Gettysburg inflicted such severity of punishment as disabled them from early renewal of the campaign as originally projected. Unfortunately, the communications on which our general relied for receiving his supplies of munitions were interrupted by extraordinary floods, which so swelled the Potomac as to render impassable the fords by which his advance had been made, and he was thus forced to a withdrawal, which was conducted with deliberation, after securing large trains of captured supplies, and with a constant but unaccepted tender of battle. On more than one occasion the enemy has since made demonstrations of a purpose to advance, invariably followed by a precipitate retreat to intrenched lines on the approach of our forces.

The effective check thus opposed to the advance of invaders at all points was such as to afford hope of their early expulsion from portions of the territory previously occupied by them, when the country was painfully surprised by the intelligence that the officer in command of Cumberland Gap had surrendered that important and easily defensible pass without firing a shot, upon the summons of a force still believed to have been inadequate to its reduction, and when reënforcements were within supporting distance and had been ordered to his aid. The entire garrison, including the commander, being still held as prisoners by the enemy, I am unable to suggest any explanation of this disaster, which laid open Eastern Tennessee and Southwestern Virginia to hostile operations, and broke the line of communication between the seat of government and Middle Tennessee. This easy success of the enemy was followed by an advance of Gen. Rosecrans into Georgia, and our army evacuated Chattanooga and availed itself of the opportunity thus afforded of winning on the field of Chickamauga one of the most brilliant and decisive victories of the war. This signal defeat of Gen. Rosecrans was followed by his retreat into Chattanooga, where his imperilled position had the immediate effect of relieving the pressure of invasion at other points, forcing the concentration, for his relief, of large bodies of troops withdrawn from the armies in the Mississippi Valley and in Northern Virginia. The combined forces thus accumulated against us in Tennessee so greatly outnumbered our army as to encourage the enemy to attack. After a long and severe battle, in which great carnage was inflicted on him, some of our troops inexplicably abandoned positions of great strength, and by a disorderly retreat compelled the commander to withdraw the forces elsewhere successful, and finally to retire with his whole army to a position some twenty or thirty miles to the rear. It is believed that if the troops who yielded to the assault had fought with the valor which they had displayed on previous occasions, and which was manifested in this battle on the other part of the lines, the enemy would have been repulsed with very great slaughter, and our country would have escaped the misfortune and the army the mortification of the first defeat that has resulted from misconduct by the troops. In the mean time the army of General Burnside was driven from all its field positions in Eastern Tennessee, and forced to retreat into its intrenchments at Knoxville, where for some weeks it was threatened with capture by the forces under General Longstreet. No information has reached me of the final result of the operations of our commander, though intelligence has arrived of his withdrawal from that place.

While, therefore, our success in driving the enemy from our soil has not equalled the expectations confidently entertained at the commencement of the campaign, his further progress has been checked. If we are forced to regret losses in Tennessee and Arkansas, we are not without ground for congratulation on successes in Louisiana and Texas. On the sea coast he is exhausted by vain efforts to capture our ports, while on the Northern frontier he has in turn felt the pressure and dreads the renewal of invasion. The indomitable courage and perseverance of the people in the defence of their homes have been nobly attested by the unanimity with which the Legislatures of Virginia, North Carolina, and Georgia have recently given expression to the popular sentiment; and like manifestations may be anticipated from all the States. Whatever obstinacy may be displayed by the enemy in his desperate sacrifices of money, life, and liberty, in the hope of enslaving us, the experience of mankind has too conclusively shown the superior endurance of those who fight for home, liberty, and independence, to permit any doubt of the result.

I regret to inform you that there has been no improvement in the state of our relations with foreign countries since my message in January last. On the contrary, there has been a still greater divergence in the conduct of European nations from that practical impartiality which alone deserves the name of neutrality, and their action in some cases has assumed a character positively unfriendly.

You have heretofore been informed that, by common understanding, the initiative in all action touching the contest on this continent had been left by foreign Powers to the two great maritime nations of Western Europe, and that the Governments of these two nations had agreed to take no measures without previous concert. The result of these arrangements has therefore placed it in the power of either France or England to obstruct at pleasure the recognition to which the confederacy is justly entitled, or even to prolong the continuance of hostilities on this side of the Atlantic, if the policy of either could be promoted by the postponement of peace. Each, too, thus became possessed of great influence in so shaping the general exercise of neutral rights in Europe, as to render them subservient to the purpose of aiding one of the belligerents to the detriment of the other. I referred, at your last session, to some of the leading points in the course pursued by professed neutrals, which betrayed a partisan leaning to the side of our enemies; but events have since occurred which induce me to renew the subject in greater detail than was then deemed necessary. In calling to your attention the action of these Governments, I shall refer to the documents appended to President Lincoln's messages, and to their own correspondence, as disclosing the true nature of their policy and the motives which guided it. To this course no exception can be taken, inasmuch as our attention has been invited to those sources of information by their official publication.

In May, 1861, the Government of her Britannic Majesty informed our enemies that it had not "allowed any other than an intermediate position on the part of the Southern States," and assured them "that the sympathies of this country (Great Britain) were rather with the North than with the South."

On the 1st day of June, 1861, the British Government interdicted the use of its ports "to armed ships and privateers, both of the United States and the so-called Confederate States," with their prizes. The Secretary of State of the United States fully appreciated the character and motive of this interdiction, when he observed to Lord Lyons, who communicated it, "that this measure, and that of the same character which had been adopted by France, would probably prove a death blow to Southern privateering."

On the 12th of June, 1861, the United States Minister in London informed her Majesty's Secretary for Foreign Affairs, that the fact of his having held interviews with the commissioners of this Government had given "great dissatisfaction," and, that a protraction of this relation would be viewed by the United States "as hostile in spirit, and to require some corresponding action accordingly." In response to this intimation, her Majesty's Secretary assured the Minister that "he had no expectation of seeing them any more."

By proclamations, issued on the 19th and 27th of April, 1861, President Lincoln proclaimed the blockade of the entire coast of the confederacy, extending from the Potomac to the Rio Grande, embracing, according to the returns of the United States coast survey, a coast line of three thousand five hundred and forty-nine statute miles, on which the number of rivers, bays, harbors, inlets, sounds, and passes, is one hundred and eighty-nine. The navy possessed by the United States for enforcing this blockade was stated, in the reports communicated by President Lincoln to the Congress of the United States, to consist of twenty-four vessels of all classes in commission, of which half were in distant seas. The absurdity of the pretension of such a blockade, in the face of the authoritative declaration of the maritime rights of neutrals made at Paris, in 1856, was so glaring that the attempt was regarded as an experiment on the forbearance of neutral powers, which they would promptly resist. This conclusion was justified by the fact that the Governments of France and Great Britain determined that it was necessary for their interests to obtain from both belligerents "securities concerning the proper treatment of neutrals." In the instructions which "confided the negotiation on this matter" to the British Consul at Charleston, he was informed that "the most perfect accord on this question exists between her Majesty's Government and the Government of the Emperor of the French," and these instructions were accompanied by a copy of a despatch of the British Foreign Office of the 18th May, 1861, stating that there was no difference of opinion between Great Britain and the United States, as to the validity of the principles enunciated in the fourth article of the declaration of Paris, in reference to blockades. Your predecessors of the Provisional Congress had, therefore, no difficulty in proclaiming, nor I in approving, the resolutions which abandoned, in favor of Great Britain and France, our right to capture enemy's property when covered by the flags of those Powers. The "securities" desired by those Governments were understood by us to be required from both belligerents. Neutrals were exposed on our part to the exercise of the belligerent right of capturing their vessels when conveying the property of our enemies. They were exposed, on the part of the United States, to interruption in their unquestioned right of trading with us, by the declaration of the paper blockade above referred to. We had no reason to doubt the good faith of the proposal made to us, nor to suspect that we were to be the only parties bound by its acceptance. It is true that the instructions of the neutral Powers informed their agents that it was "essential under present circumstances that they should act with great caution, in order to avoid raising the question of the recognition of the new confederation," and that the understanding on the subject did not assume, for that reason, the shape of a formal convention. But it was not deemed just by us to decline the arrangement on this ground, as little more than ninety days had elapsed since the arrival of our commissioners in Europe, and neutral nations were fairly entitled to a reasonable delay in acting on a subject of so much importance, and which, from their point of view, presented difficulties that we, perhaps, did not fully appreciate. Certain it is that the action of this Government on the occasion, and the faithful performance of its own engagements, have been such as to entitle it to expect on the part of those who sought in their own interests a mutual understanding, the most scrupulous adherence to their own promises. I feel constrained to inform you that in this expectation we have been disappointed, and that not only have the Governments which entered into these arrangements yielded to the prohibition against commerce with us, which has been dictated by the United States, in defiance of the law of nations, but that this concession of their neutral rights to our detriment, has, on more than one occasion, been claimed, in intercourse with our enemies, as an evidence of friendly feeling toward them. A few extracts from the correspondence of her Majesty's Chief Secretary of State for Foreign Affairs will suffice to show marked encouragement to the United States to persevere in its paper blockade, and unmistakable intimations that her Majesty's Government would not contest its validity.

On the 21st of May, 1861, Earl Russell pointed out to the United States Minister in London, that "the blockade might no doubt be made effective, considering the small number of harbors on the Southern coast, even though the extent of three thousand miles were comprehended in terms of that blockade."

On the 14th of January, 1862, her Majesty's Minister in Washington communicated to his Government, that in extenuation of the barbarous attempt to destroy the port of Charleston by sinking a stone fleet in the harbor, Mr. Seward had explained "that the Government of the United States had, last spring, with a navy very little prepared for so extensive an operation, undertaken to blockade upward of three thousand miles of coast. The Secretary of the Navy had reported that he could stop up the 'large holes' by means of his ships, but that he could not stop up the 'small ones.' It has been found necessary, therefore, to close some of the numerous small inlets by sinking vessels in the channel."

On the 6th of May, 1862, so far from claiming the right of British subjects as neutrals to trade with us as belligerents, and to disregard the blockade on the ground of this explicit confession by our enemy of his inability to render it effective, her Majesty's Secretary of State for Foreign Affairs claimed credit with the United States for friendly action in respecting it. His lordship stated that "the United States Government, on the allegation of a rebellion pervading from nine to eleven States of the Union, have now, for more than twelve months, endeavored to maintain a blockade of three thousand miles of coast. This blockade, kept up irregularly, but, when enforced, enforced severely, has seriously injured the trade and manufactures of the United Kingdom. Thousands are now obliged to resort to the poor rates for subsistence, owing to this blockade, yet her Majesty's Government have never sought to take advantage of the obvious imperfections of this blockade, in order to declare it ineffective. They have, to the loss and detriment of the British nation, scrupulously observed the duties of Great Britain toward a friendly state."

Again, on the 22d of September, 1862, the same noble earl asserted that the United States were "very far indeed" from being in "a condition to ask other nations to assume that every part of the coasts of the so-styled Confederate States is effectively blockaded."

When, in view of these facts, of the obligations of the British nation to adhere to the pledge made by their Government at Paris, in 1856, and renewed to this confederacy in 1861, and of these repeated and explicit avowals of the imperfection, irregularity, and inefficiency of the pretended blockade of our coast, I directed our Commissioner at London to call upon the British Government to redeem its promise, and to withhold its moral aid and sanction from the flagrant violation of public law committed by our enemies, we were informed that her Majesty's Government could not regard the blockade of the Southern ports as having been otherwise than "practically effective," in February, 1862, and that "the manner in which it has since been enforced gives to neutral Governments no excuse for asserting that the blockade has not been effectually maintained." We were further informed, when we insisted that, by the terms of agreement, no blockade was to be considered effective unless "suffi-

cient really to prevent access to our coast," that the declaration of Paris was, in truth, directed against blockades not sustained by any actual force, or sustained by a notoriously inadequate force, such as the occasional appearance of a man-of-war in the offing, or the like.

It was impossible that this mode of construing an agreement, so as to make its terms mean almost the reverse of what they plainly conveyed, could be considered otherwise than as a notification of the refusal of the British Government to remain bound by its agreement, or longer to respect those articles of the declaration of Paris which had been repeatedly denounced by British statesmen, and had been characterized by Earl Russell as "very imprudent" and "most unsatisfactory."

If any doubt remained of the motives by which the British Ministry have been actuated in their conduct, it would be completely dissipated by the distinct avowals and explanations contained in the published speech recently made by her Majesty's Secretary for Foreign Affairs. In commenting on the remonstrances of this Government against the countenance given to an ineffective blockade, the following language is used: "It is said we have, contrary to the declarations of Paris, contrary to international law, permitted the blockade of three thousand miles of American coast. It is quite true we did so, and the presumable cause of complaint is quite true, that, although the blockade is kept up by a sufficient number of ships, yet these ships were sent into the United States navy in a hurry, and are ill fitted for the purpose, and did not keep up, so completely and effectively as was required, an effective blockade."

This unequivocal confession of violation, both of agreement with us and of international law, is defended on grounds the validity of which we submit with confidence to the candid judgment of mankind.

These grounds are thus stated: "Still, looking at the law of nations, it was a blockade we, as a great belligerent Power, in former times, should have acknowledged. We, ourselves, had a blockade of upward of two thousand miles, and it did seem to me that we were bound in justice to the Federal States of America to acknowledge that blockade. But there was another reason which weighed with me. Our people were suffering severely for the want of that material which was the main staff of their industry, and it was a question of self-interest whether we should not break the blockade. But, in my opinion, the men of England would have been forever infamous if, for the sake of their own interest, they had violated the law of nations, and made war in conjunction with these slaveholding States of America against the Federal States."

In the second of these reasons our rights are not involved; although it may be permitted to observe that the conduct of Governments has not heretofore, to my knowledge, been guided by the principle that it is infamous to assert their rights whenever the invasion of those rights creates severe suffering among their people, and injuriously affects great interests. But the intimation that relations with these States would be discreditable, because they are slaveholding, would probably have been omitted if the official personage who has published it to the world had remembered that these States were, when colonies, made slaveholding by the direct exercise of the power of Great Britain, whose dependencies they were, and whose interests in the slave trade were then supposed to require that her colonies should be made slaveholding.

But the other ground stated is of a very grave character. It asserts that a violation of the law of nations by Great Britain in 1807, when that Government declared a paper blockade of two thousand miles of coast (a violation then defended by her courts and jurists on the sole ground that her action was retaliatory), affords a justification for a similar outrage on neutral rights by the United States in 1861, for which no palliation can be suggested, and that Great Britain "is bound in justice to the Federal States," to make return for the war waged against her by the United States, in resistance of her illegal blockade of 1807, by an acquiescence in the Federal illegal blockade of 1861. The most alarming feature in this statement is its admission of a just claim on the part of the United States to require of Great Britain, during this war, a disregard of the recognized principles of modern public law, and of her own compacts, whenever any questionable conduct of Great Britain "in former times" can be cited as a precedent. It is not inconsistent with respect and admiration for the great people whose Government have given us this warning, to suggest that their history, like that of mankind in general, offers exceptional instances of indefensible conduct "in former times," and we may well deny the morality of violating recent engagements through deference to the evil precedents of the past.

After defending in the manner just stated the course of the British Government on the subject of the blockade, her Majesty's Foreign Secretary takes care to leave no doubt of the further purpose of the British Government to prevent our purchase of vessels in Great Britain, while supplying our enemies with rifles and other munitions of war, and states the intention to apply to Parliament for the furtherance of this design. He gives to the United States the assurance that he will do in their favor not only "everything that the law of nations requires, everything that the present Foreign Enlistment act requires," but that he will ask the sanction of Parliament "to further measures that her Majesty's ministers may still add." This language is so unmistakably an official exposition of the policy adopted by the British Government in relation to our affairs, that the duty imposed on me by the Constitution, of giving you, from time to time, "information of the state of the confederacy," would not have been performed if I had failed to place it distinctly before you.

I refer you for fuller details on this whole subject to the correspondence of the State Department, which accompanies this Message. The facts which I have briefly narrated are, I trust, sufficient to enable you to appreciate the true nature of the neutrality professed in this war. It is not in my power to apprise you to what extent the Government of France shares the views so unreservedly avowed by that of Great Britain, no published correspondence of the French Government on the subject having been received. No public protest or opposition, however, has been made by his Imperial Majesty against the prohibition to trade with us, imposed on French citizens by the paper blockade of the United States, although I have reason to believe that an unsuccessful attempt was made on his part to secure the assent of the British Government to a course of action more consonant with the dictates of public law, and with the demands of justice toward us.

The partiality of her Majesty's Government in favor of our enemies has been further evinced in the marked difference of its conduct on the subject of the purchase of supplies by the two belligerents. This difference has been conspicuous since the very commencement of the war. As early as the 1st May, 1861, the British Minister in Washington was informed by the Secretary of State of the United States, that he had sent agents to England, and that others would go to France, to purchase arms, and this fact was communicated to the British Foreign Office, which interposed no objection. Yet in October of the same year, Earl Russell entertained the complaint of the United States Minister in London, that the Confederate States were importing contraband of war from the island of Nassau, directed inquiry into the matter, and obtained a report from the authorities of the island denying the allegations, which report was enclosed to Mr. Adams, and received by him as satisfactory evidence to dissipate "the suspicion naturally thrown upon the authorities of Nassau by that unwarrantable act." So, too, when the Confederate Government purchased in Great Britain, as a neutral country (and with strict observance both of the law of nations and the municipal law of Great Britain), vessels which were subsequently armed and commissioned as vessels of war after they had

been far removed from English waters, the British Government, in violation of its own laws, and in deference to the importunate demands of the United States, made an ineffectual attempt to seize one vessel, and did actually seize and detain another which touched at the island of Nassau, on her way to a Confederate port, and subjected her to an unfounded prosecution, at the very time when cargoes of munitions of war were being openly shipped from British ports to New York, to be used in warfare against us. Even now the public journals bring intelligence that the British Government has ordered the seizure, in a British port, of two vessels, on the suspicion that they may have been sold to this Government, and that they may be hereafter armed and equipped in our service, while British subjects are engaged in Ireland by tens of thousands to proceed to the United States for warfare against the confederacy, in defiance both of the law of nations and of the express terms of the British statutes, and are transported in British ships, without an effort of concealment, to the ports of the United States, there to be armed with rifles imported from Great Britain, and to be employed against our people in a war of conquest. No royal prerogative is invoked, no executive interference is interposed against this flagrant breach of municipal and international law, on the part of our enemies, while strained constructions are placed on existing statutes, new enactments proposed, and questionable expedients devised, for precluding the possibility of purchase by this Government of vessels that are useless for belligerent purposes, unless hereafter armed and equipped outside of the neutral jurisdiction of Great Britain.

For nearly three years this Government has exercised unquestioned jurisdiction over many millions of willing and united people. It has met and defeated vast armies of invaders, who have in vain sought its subversion. Supported by the confidence and affection of its citizens, the confederacy has lacked no element which distinguishes an independent nation, according to the principles of public law. Its legislative, executive, and judicial departments, each in its sphere, have performed their appropriate functions with a regularity as undisturbed as in a time of profound peace, and the whole energies of the people have been developed in the organization of vast armies, while their rights and liberties have rested secure under the protection of the courts of justice. This confederacy is either independent or it is a dependency of the United States, for no other earthly power claims the right to govern it. Without one historic fact on which the pretension can rest, without one line or word of treaty or covenant, which can give color to title, the United States have asserted, and the British Government has chosen to concede, that these sovereign States are dependencies of the Government which is administered at Washington. Great Britain has accordingly entertained with that Government the closest and most intimate relations, while refusing on its demand ordinary amicable intercourse with us, and has, under arrangements made with the other nations of Europe, not only denied our just claim of admission into the family of nations, but interposed a passive though effectual bar to the acknowledgment of our rights by other Powers. So soon as it had become apparent, by the declarations of the British ministers, in the debates of the British Parliament in July last, that her Majesty's Government was determined to persist indefinitely in a course of policy which, under professions of neutrality, had become subservient to the designs of our enemy, I felt it my duty to recall the commissioners formerly accredited to that court, and the correspondence on the subject is submitted to you.

It is due to you and to our country that this full statement should be made of the just grounds which exist for dissatisfaction with the conduct of the British Government. I am well aware that we are unfortunately without adequate remedy for the injustice under which we have suffered at the hands of a powerful nation, at a juncture when our entire resources are absorbed in the defence of our lives, liberties, and independence, against an enemy possessed of greatly superior numbers and material resources. Claiming no favor, desiring no aid, conscious of our own ability to defend our own rights against the utmost efforts of an infuriated foe, we had thought it not extravagant to expect that assistance would be withheld from our enemies, and that the conduct of foreign nations would be marked by a genuine impartiality between the belligerents. It was not supposed that a professed neutrality would be so conducted as to justify the Foreign Secretary of the British nation in explaining, in correspondence with our enemies, how "the impartial observance of neutral obligations by her Majesty's Government has thus been exceedingly advantageous to the cause of the more powerful of the two contending parties." The British Government may deem this war a favorable occasion for establishing, by the temporary sacrifice of their neutral rights, a precedent which shall justify the future exercise of those extreme belligerent pretensions that their naval power renders so formidable. The opportunity for obtaining the tacit assent of European Governments to a line of conduct which ignores the obligations of the declarations of Paris, and treats that instrument rather as a theoretical exposition of principles than a binding agreement, may be considered by the British ministry as justifying them in seeking a great advantage for their own country at the expense of ours. But we cannot permit, without protest, the assertion that international law or morals regard as "impartial neutrality" conduct avowed to be "exceedingly advantageous" to one of the belligerents.

I have stated that we are without adequate remedy against the injustice under which we suffer. There are but two measures that seem applicable to the present condition of our relations with neutral Powers. One is, to imitate the wrong of which we complain, to retaliate by the declaration of a paper blockade of the coast of the United States, and to capture all neutral vessels trading with their ports, that our cruisers can intercept on the high seas. This measure I cannot recommend. It is true that, in so doing, we should but follow the precedents set by Great Britain and France in the Berlin and Milan decrees, and the British orders in council at the beginning of the present century. But it must be remembered that we, ourselves, protested against those very measures as signal violations of the law of nations, and declared the attempts to excuse them, on the ground of their being retaliatory, utterly insignificant. Those blockades are now quoted by writers on public law, as a standing reproach on the good name of the nations who were betrayed by temporary exasperation into wrong doing, and ought to be regarded rather as errors to be avoided than as examples to be followed.

The other measure is not open to this objection. The second article of the declaration of Paris, which provides "that the neutral flag covers enemy's goods, with the exception of contraband of war," was a new concession by belligerents in favor of neutrals, and not simply the enunciation of an acknowledged preëxisting rule, like the fourth article, which referred to blockades. To this concession we bound ourselves by the convention with Great Britain and France, which took the shape of the resolutions adopted by your predecessors on the 13th of August, 1861. The consideration tendered us for that concession has been withheld. We have, therefore, the undeniable right to refuse longer to remain bound by a compact which the other party refuses to fulfil. But we should not forget that war is but temporary, and that we desire that peace shall be permanent. The future policy of the confederacy must ever be to uphold neutral rights to their full extent. The principles of the declaration of Paris commend themselves to our judgment as more just, more humane, and more consonant with modern civilization than those belligerent pretensions which great naval Powers have heretofore sought to introduce into the maritime code. To forego our undeniable right to the exercise of those pretensions is a policy higher, worthier of us and our cause, than to re-

voke our adhesion to principles that we approve. Let our hope for redress rest rather on a returning sense of justice which cannot fail to awaken a great people to the consciousness that the war in which we are engaged ought rather to be made a reason for forbearance of advantage than an occasion for the unfriendly conduct of which we make just complaint.

The events of the last year have produced important changes in the condition of our southern neighbor. The occupation of the capital of Mexico by the French army, and the establishment of a provisional government followed by a radical change in the constitution of the country, have excited lively interest. Although preferring our own government and institutions to those of other countries, we can have no disposition to contest the exercise by them of the same right of self-government which we assert for ourselves. If the Mexican people prefer a monarchy to a republic, it is our plain duty cheerfully to acquiesce in their decision, and to evince a sincere and friendly interest in their prosperity. If, however, the Mexicans prefer maintaining their former institutions, we have no reason to apprehend any obstacle to the free exercise of their choice. The Emperor of the French has solemnly disclaimed any purpose to impose on Mexico a form of government not acceptable to the nation; and the eminent personage to whom the throne has been tendered declines its acceptance, unless the offer be sanctioned by the suffrages of the people. In either event, therefore, we may confidently expect the continuance of those peaceful relations which have been maintained on the frontier, and even a large development of the commerce already existing to the mutual advantage of the two countries.

It has been found necessary since your adjournment to take action on the subject of certain foreign consuls within the confederacy. The nature of this action, and the reasons on which it was based, are so fully exhibited in the correspondence of the State Department, which is transmitted to you, that no additional comment is required.

In connection with this subject of our relations with foreign countries, it is deemed opportune to communicate my views in reference to the treaties made by the Government of the United States at a date anterior to our separation, and which were consequently binding on us as well as on foreign Powers when the separation took effect. It was partly with a view to entering into such arrangements as the change in our government had made necessary, that we felt it our duty to send commissioners abroad, for the purpose of entering into the negotiations proper to fix the relative rights and obligations of the parties to those treaties. As this tender on our part has been declined, as foreign nations have refused us the benefit of the treaties to which we were parties, they certainly have ceased to be binding on us, and, in my opinion, our relations with European nations are, therefore, now controlled exclusively by the general rules of the laws of nations. It is proper to add that these remarks are intended to apply solely to treaty obligations toward foreign Governments, and have no reference to the rights of individuals.

The state of the public finances is such as to demand your earliest and most earnest attention. I need hardly say that a prompt and efficacious remedy for the present condition of the currency is necessary to the successful performance of the functions of government. Fortunately, the resources of our country are so ample, and the spirit of our people so devoted to its cause, that they are ready to make any necessary contribution. Relief is thus entirely within our reach, if we have the wisdom to legislate in such manner as to render available the means at our disposal.

At the commencement of the war, we were far from anticipating the magnitude and duration of the struggle in which we were engaged. The most sagacious foresight could not have predicted that the passions of the Northern people would lead them blindly to the sacrifice of life, treasure, and liberty, in so vain a hope as that of subjugating thirteen independent States, inhabited by many millions of people, whose birthright of freedom is dearer to them than life. A long exemption from direct taxation by the General Government, has created an aversion to its raising revenue by any other means than by duties on imports, and it was supposed that these duties would be ample for current peace expenditures, while the means for conducting the war could be raised almost exclusively by the use of the public credit.

The first action of the Provisional Congress was, therefore, confined to passing a tariff law, and to raising a sum of fifteen millions of dollars by loan, with a pledge of a small export duty on cotton to provide for the redemption of the debt.

At its second session, war was declared to exist between the confederacy and the United States, and provision was made for the issue of twenty millions of dollars in Treasury notes, and for borrowing thirty millions of dollars on bonds. The tariff was revised, and preparatory measures taken to enable Congress to levy internal taxation at its succeeding session. These laws were passed in May, and the States of Virginia, North Carolina, Tennessee, and Arkansas having joined the confederacy, the Congress adjourned to meet in the city of Richmond, in the following month of July.

Prior to the assembling of your predecessors in Richmond at their third session, near the end of July, 1861, the President of the United States had developed in his message the purpose "to make the contest a short and decisive one," and had called on Congress for four hundred thousand men and four hundred millions of dollars. The Congress had exceeded the executive recommendation, and had authorized the levy of half a million of volunteers, besides largely increasing the regular land and naval forces of the United States. The necessity thus first became urgent that a financial scheme should be devised on a basis sufficiently large for the vast proportions of the contest with which we were threatened. Knowing that the struggle, instead of being "short and decisive," would be indefinite in duration, and could only end when the United States should awaken from their delusion of conquest, a permanent system was required, fully adapted to the great exigencies before us.

The plan devised by Congress at that time was based on the theory of issuing Treasury notes, convertible at the pleasure of the holder into eight per cent. bonds, the interest of which was to be payable in coin, and it was correctly assumed that any tendency to depreciation that might arise from over issue of the currency, would be checked by the constant exercise of the holder's right to fund the notes at a liberal interest, payable in specie. This system depended for success on the continued ability of Government to pay the interest in specie; and means were, therefore, provided for that purpose in the law authorizing the issues. An internal tax, termed a war tax, was levied, the proceeds of which, together with the revenue from imports, were deemed sufficient for the object designed. This scheme required for its operation that our commerce with foreign nations should not be suspended. It was not to be anticipated that such suspension would be permitted otherwise than by an effective blockade; and it was absurd to suppose that a blockade "sufficient really to prevent access" to our entire coast could be maintained.

We had the means, therefore (if neutral nations had not combined to aid our enemies by the sanction of an illegal prohibition on their commerce), to secure the receipt into the Treasury of coin sufficient to pay the interest on the bonds, and thus maintain the Treasury notes at rates nearly equal to par in specie. So long as the interest continued to be thus paid with the reserve of coin preëxisting in our country, experience sustained the expectations of those who devised the system. Thus, on the 1st of the following December, coin had only reached a premium of about twenty per cent., although it had already become apparent that the commerce of the country was threatened with permanent suspension by reason of the conduct of neu-

tral nations, and that the necessary result must be the exhaustion of our specie reserve. Wheat, in the beginning of the year 1862, was selling at one dollar and thirty cents per bushel, not exceeding, therefore, its average price in time of peace. The other agricultural products of the country were at similar moderate rates, thus indicating that there was no excess of circulation, and that the rate of premium on specie was heightened by the exceptional causes which tended to its exhaustion without the possibility of renewing the supply.

This review of the policy of your predecessors is given in justice to them, and it exhibits the condition of the finances at the date when the permanent Government was organized.

In the mean time, the popular aversion to internal taxation by the General Government had influenced the legislation of the several States, and in only three of them—South Carolina, Mississippi, and Texas—were the taxes actually collected from the people. The quotas devolving upon the remaining States had been raised by the issue of bonds and State Treasury notes, and the public debt of the country was thus actually increased instead of being diminished by the taxation imposed by Congress.

Neither at the first nor second session of the present Congress were means provided by taxation for maintaining the Government, the legislation being confined to authorizing further sales of bonds and issues of Treasury notes. Although repeated efforts were made to frame a proper system of taxation, you were confronted with an obstacle which did not exist for your predecessors, and which created grave embarrassment in devising any scheme of taxation. About two thirds of the entire taxable property of the Confederate States consists of lands and slaves. The general power of taxation vested in Congress by the provisional constitution (which was to be only temporary in its operation) was not restricted by any other condition than that "all duties, imposts, and excises should be uniform throughout the States of the confederacy." But the permanent constitution, sanctioning the principle that taxation and representation ought to rest on the same basis, specially provides that "representatives and direct taxes shall be apportioned among the several States according to their respective numbers, which shall be determined by adding to the whole number of free persons—including those bound to service for a term of years, and excluding Indians not taxed—three fifths of all slaves."

It was further ordered that a census should be made within three years after the first meeting of the Congress, and that "no capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken."

It is plain that, under these provisions, capitation and direct taxes must be levied in proportion to the census, when made. It is also plain that the duty is imposed on Congress to provide for making a census prior to the 22d of February, 1865. It may further be stated that, according to the received construction of the Constitution of the United States (a construction acquiesced in for upward of sixty years), taxes on lands and slaves are direct taxes, and the conclusion seems necessarily that, in repeating, without modification, in our constitution, this language of the Constitution of 1787, our convention intended to attach to it the meaning which had been sanctioned by long and uninterrupted acquiescence. So long as there seemed to be a probability of being able to carry out these provisions of the constitution in their entirety, and in conformity with the intentions of its authors, there was an obvious difficulty in framing any system of taxation. A law which should exempt from the burden two thirds of the property of the country, would be as unfair to the owners of the remaining third as it would be inadequate to meet the requirements of the public service. The urgency of the need was such, however, that, after very great embarrassment, and more than three months of assiduous labor, you succeeded in framing the law of the 24th April, 1863, by which you sought to reach, so far as was practicable, every resource of the country, except the capital invested in real estate and slaves, and by means of an income tax and a tax in kind on the produce of the soil, as well as by licenses on business occupations and professions, to command resources sufficient for the wants of the country. But a very large proportion of these resources could only be made available at the close of the present and the commencement of the ensuing year, while the intervening exigencies permitted no delay. In this state of affairs, superinduced almost unavoidably by the fortunes of the war in which we are engaged, the issues of Treasury notes have been increased until the currency in circulation amounts to more than six hundred millions of dollars, or more than threefold the amount required by the business of the country.

I need not enlarge upon the evil effects of this condition of things. They are unfortunately but too apparent. In addition to the difficulty presented to the necessary operations of the Government and the efficient conduct of the war, the most deplorable of all its results is undoubtedly its corrupting influence on the morals of the people. The possession of large amounts of Treasury notes has naturally led to a desire for investment, and with a constantly increasing volume of currency, there has been an equally constant increase of price in all objects of investment. The effect has stimulated purchase by the apparent certainty of profit, and a spirit of speculation has thus been fostered, which has so debasing an influence and such ruinous consequences that it is our highest duty to remove the cause, and no measures directed to that end can be too prompt or too stringent.

Reverting to the constitutional provisions already cited, the question recurs whether it be possible to execute the duty of apportioning taxation in accordance with the census ordered to be made as a basis. So long as this appeared to be practicable, none can deny the propriety of your course in abstaining from the imposition of direct taxes, till you could exercise the power in the precise mode pointed out by the terms of the fundamental law. But it is obvious that there are many duties imposed by the constitution which depend for their fulfilment on the undisturbed possession of the territory within which they are to be performed. The same instrument which orders a census to be made in all the States imposes the duty on the confederacy "to guarantee to every State a republican form of government." It enjoins on us "to protect each State from invasion," and while declaring that its great objects and purposes are "to establish justice, insure domestic tranquillity, and secure the blessings of liberty to ourselves and our posterity," it confers the means and thereby imposes on us the paramount duty of effecting its intent, by "laying and collecting taxes, duties, imposts, and excises necessary to pay the debts, provide for the common defence, and carry on the Government of the Confederate States."

None would pretend that the constitution is violated because, by reason of the presence of hostile armies, we are unable to guarantee a republican form of Government to those States or portions of States now temporarily held by the enemy, and as little justice would there be in imputing blame for the failure to make the census, when that failure is attributable to causes not foreseen by the authors of the constitution, and beyond our control. The general intent of our constitutional charter is unquestionably that the property of the country is to be taxed in order to raise revenue for the common defence, and the special mode provided for levying this tax is impracticable from unforeseen causes. It is, in my judgment, our primary duty to execute the general intent expressed by the terms of the instrument which we have sworn to obey, and we cannot excuse ourselves for the failure to fulfil this obligation on the ground that we are unable to perform it in the precise mode pointed out. Whenever it shall be possible to execute our duty in all its parts, we must do so in exact compliance with the whole letter and spirit of the constitution. Until that period shall

arrive, we must execute so much of it as our condition renders practicable. Whenever the withdrawal of the enemy shall place it in our power to make a census and apportionment of direct taxes, any other mode of levying them will be contrary to the will of the lawgiver, and incompatible with our obligation to obey that will; until that period, the alternative left is to obey the paramount precept, and to execute it according to the only other rule provided, which is to "make the tax uniform throughout the Confederate States."

The considerations just presented are greatly enforced by the reflection that any attempt to apportion taxes among States, some of which are wholly or partially in the occupation of hostile forces, would subvert the whole intention of the framers of the constitution, and be productive of the most revolting injustice, instead of that just correlation between taxation and representation which it was their purpose to secure. With large portions of some of the States occupied by the enemy, what justice would there be in imposing on the remainder the whole amount of the taxation of the entire State in proportion to its representation? What else would this be in effect than to increase the burden of those who are the heaviest sufferers by the war, and to make our own inability to protect them from invasion, as we are required to do by the constitution, the ground for adding to their losses by an attempted adherence to the letter, in violation of the spirit of that instrument? No such purpose could have been entertained and no such result contemplated by the framers of the constitution. It may add weight to these considerations if we reflect, that although the constitution provided that it should go into operation with a representation temporarily distributed among the States, it expressly ordains, after providing for a census within three years, that this temporary distribution of representative power is to endure "until such enumeration shall be made." Would any one argue that, because the census cannot be made within the fixed period, the Government must, at the expiration of that period, perish for want of a representative body? In any aspect in which the subject can be viewed, I am led to the conclusion already announced, and which is understood to be in accordance with a vote taken in one or both houses at your last session. I shall, therefore, until we are able to pursue the precise mode required by the constitution, deem it my duty to approve any law levying the taxation which you are bound to impose for the defence of the country, in any other practicable mode which shall distribute the burden uniformly and impartially on the whole property of the people.

In your former legislation you have sought to avoid the increase in the volume of notes in circulation by offering inducements to voluntary funding. The measures adopted for that purpose have been but partially successful, and the evil has now reached such a magnitude as to permit no other remedy than the compulsory reduction of the currency to the amount required by the business of the country. This reduction should be accompanied by a pledge that, under no stress of circumstances, will that amount be exceeded. No possible mode of using the credit of the Government can be so disastrous as one which disturbs the basis of all exchanges, renders impossible all calculations of future values, augments, in constantly increasing proportions, the price of all commodities, and so depreciates all fixed wages, salaries, and incomes as to render them inadequate to bare subsistence. If to these be added the still more fatal influence on the morals and character of the people, to which I have already adverted, I am persuaded you will concur in the conclusion that an inflexible adherence to a limitation of the currency at a fixed sum is an indispensable element of any system of finance now to be adopted.

The holders of the currency now outstanding can only be protected in the recovery of their just claims by substituting for their notes some other security. If the currency is not greatly and promptly reduced, the present scale of inflated prices will not only continue to exist, but by the very fact of the large amounts thus made requisite in the conduct of the war, those prices will reach rates still more extravagant, and the whole system will fall under its own weight, thus rendering the redemption of the debt impossible, and destroying its whole value in the hands of the holder. If, on the contrary, a funded debt, with interest secured by adequate taxation, can be substituted for the outstanding currency, its entire amount will be made available to the holder, and the Government will be in a condition enabling it, beyond the reach of any probable contingency, to prosecute the war to a successful issue. It is therefore demanded, as well by the interest of the creditor as of the country at large, that the evidences of the public debt now outstanding in the shape of Treasury notes be converted into bonds bearing adequate interest, with a provision for taxation sufficient to insure punctual payment and final redemption of the whole debt.

The report of the Secretary of the Treasury presents the outlines of a system which, in conjunction with existing legislation, is intended to secure the several objects of a reduction of the circulation within fixed, reasonable limits; of providing for the future wants of the Government; of furnishing security for the punctual payment of interest and final extinction of the principal of the public debt, and of placing the whole business of the country on a basis as near a specie standard as is possible during the continuance of the war. I earnestly recommend it to your consideration, and that no delay be permitted to intervene before your action on this vital subject. I trust that it will be suffered to engross your attention until you shall have disposed of it in the manner best adapted to attain the important results which your country anticipates from your legislation.

It may be added that, in considering this subject, the people ought steadily to keep in view that the Government, in contracting debt, is but their agent; that its debt is their debt. As the currency is held exclusively by ourselves, it is obvious that, if each person held Treasury notes in exact proportion to the valuation of his whole means, each would in fact owe himself the amount of the notes held by him, and, were it possible to distribute the currency among the people in this exact proportion, a tax levied on the currency alone, to an amount sufficient to reduce it to its proper limits, would afford the best of all remedies. Under such circumstances, the notes remaining in the hands of each holder after the payment of his tax, would be worth quite as much as the whole sum previously held, for it would purchase at least an equal amount of commodities. This result cannot be perfectly attained by any device of legislation, but it can be approximated by taxation. A tax on all values has for its effect, not only to impose a due share of the burden on the noteholder, but to force those who have few or none of the notes to part with their possessions to those who hold the notes in excess, in order to obtain the means of satisfying the demands of the tax gatherer. This is the only mode by which it is practicable to make all contribute as equally as possible in the burden which all are bound to share, and it is for this reason that taxation adequate to the public exigencies, under our present circumstances, must be the basis of any funding system or other remedy for restoring stability to our finances.

To the report of the Secretary of War you are referred for details relative to the condition of the army, and the measures of legislation required for maintaining its efficiency, recruiting its numbers, and furnishing the supplies necessary for its support.

Though we have lost many of the best of our soldiers and most patriotic of our citizens—the sad but unavoidable result of the battles and toils of such a campaign as that which will render the year 1863 ever memorable in our annals—the army is believed to be, in all respects, in better condition than at any previous period of the war. Our gallant defenders, now veterans, familiar with danger, hardened by exposure, and confident in themselves and their officers, endure privations with cheerful fortitude and welcome battle with alacrity. The officers, by experience in field service

and the action of examining boards in relieving the incompetent, are now greatly more efficient than at the commencement of the war. The assertion is believed to be fully justified, that, regarded as a whole, for character, valor, efficiency, and patriotic devotion, our army has not been equalled by any like number of troops in the history of the war.

In view of the large conscription recently ordered by the enemy, and their subsequent call for volunteers, to be followed, if ineffectual, by a still further draft, we are admonished that no effort must be spared to add largely to our effective force as promptly as possible. The sources of supply are to be found by restoring to the army all who are improperly absent, putting an end to substitution, modifying the exemption law, restricting details, and placing in the ranks such of the able-bodied men now employed as wagoners, nurses, cooks, and other employees as are doing service for which the negroes may be found competent.

The act of the 16th of April, 1862, provides "that persons not liable for duty may be received as substitutes for those who are, under such regulations as may be prescribed by the Secretary of War." The policy of granting this privilege has not been sustained by experience. Not only has the numerical strength of the army been seriously impaired by the frequent desertions for which substitutes have become notorious, but dissatisfaction has been excited among those who have been unable or unwilling to avail themselves of the opportunity thus afforded of avoiding the military service of their country.

I fully concur in the opinion expressed by the Secretary, that there is no ground for the objection that a new provision to include those who furnished substitutes under the former call would be a breach of contract. To accept a substitute was to confer a privilege, not to enter into a contract, and whenever the substitute is rendered liable to conscription, it would seem to follow that the principal, whose place he had taken, should respond for him, as the Government had received no consideration for his exemption. Where, however, the new provision of law would fail to embrace a substitute now in the ranks, there appears, if the principal should again be conscribed, to be an equitable ground for compensation to the conscript, who then would have added to the service a soldier not otherwise liable to enrolment.

On the subject of exemptions, it is believed that abuses cannot be checked unless the system is placed on a basis entirely different from that now provided by law. The object of your legislation has been, not to confer privileges on classes, but to exonerate from military duty such number of persons skilled in the various trades, professions, and mechanical pursuits, as could render more valuable services to their country by laboring in their present occupation than by going into the ranks of the army. The policy is unquestionable, but the result would, it is thought, be better obtained by enrolling all such persons, and allowing details to be made of the number necessary to meet the wants of the country. Considerable numbers are believed to be now exempted from the military service who are not needful to the public in their civil vocations.

Certain duties are now performed throughout the country by details from the army which could be as well executed by persons above the present conscript age. An extension of the limit, so as to embrace persons over forty-five years, and physically fit for service, in guarding posts, railroads, and bridges, in apprehending deserters, and, where practicable, assuming the place of younger men detailed for duty with the nitre, ordnance, commissary and quartermasters' bureaus of the War Department, would, it is hoped, add largely to the effective force in the field, without an undue burden on the population.

If to the above measures be added a law to enlarge the policy of the act of the 21st April, 1862, so as to enable the Department to replace not only enlisted cooks, but wagoners and other employees in the army, by negroes, it is hoped that the ranks of the army will be so strengthened for the ensuing campaign as to put at defiance the utmost efforts of the enemy.

In order to maintain, unimpaired, the existing organization of the army until the close of the war, your legislation contemplated a frequent supply of recruits, and it was expected that before the expiration of the three years for which the men were enrolled, under act of 16th April, 1862, the majority of men in each company would consist of those who joined it at different dates subsequent to the original muster of the company into service, and that the discharge of those who had completed their term would at no time be sufficient to leave the company with a less number than is required to enable it to retain its organization. The difficulty of obtaining recruits from certain localities, and the large number of exemptions from military service granted by different laws, have prevented sufficient accessions in many of the companies to preserve their organization after the discharge of the original members. The advantage of retaining tried and well approved officers, and of mingling recruits with experienced soldiers, is so obvious, and the policy of such a course is so clearly indicated, that it is not deemed necessary to point out the evil consequences which would result from the destruction of the old organizations, or to dwell upon the benefits to be secured from filling up the veteran companies as long before the discharge of the early members as may be possible. In the cases where it may be found impracticable to maintain regiments in sufficient strength to justify the retention of the present organization, economy and efficiency would be promoted by consolidation and reorganization. This would involve the necessity of disbanding a part of the officers, and making regulations for securing the most judicious selection of those who are retained, while least wounding the feelings of those who are discharged.

Experience has shown the necessity for further legislation in relation to the horses of the cavalry. Many men lose their horses by casualties of service, which are not included in the provisions made to compensate the owner for the loss, and it may thus not unfrequently happen that the most efficient troopers, without fault of their own—indeed, it may be because of their zeal and activity—are lost to the cavalry service.

It would also seem proper that the Government should have complete control over every horse mustered into the service, with the limitation that the owner should not be deprived of his horse except upon due compensation being made therefor. Otherwise, mounted men may not keep horses fit for the service; and the question whether they should serve mounted or on foot would depend, not upon the qualifications of the men, but upon the fact of their having horses.

Some provision is deemed requisite to correct the evils arising from the long-continued absence of commissioned officers. Where it is without sufficient cause, it would seem but just that the commission should be thereby vacated.

Where it results from capture by the enemy, which, under their barbarous refusal to exchange prisoners of war, may be regarded as absence for an indefinite time, there is a necessity to supply their places in their respective commands. This might be done by temporary appointments, to endure only until the return of the officers regularly commissioned. Where it results from permanent disability, incurred in the line of their duty, it would be proper to retire them, and fill the vacancies according to established mode. I would also suggest the organization of an invalid corps, and that the retired officers be transferred to it. Such a corps, it is thought, could be made useful in various employments for which efficient officers and troops are now detached.

An organization of the general staff of the army would be highly conducive to the efficiency of that most important branch of the service. The plan adopted for the military establishment furnishes a model for the staff of the provisional army, if it be deemed advisable to retain the distinction; but I re-

commend to your consideration the propriety of abolishing it, and providing for the organization of the several staff corps in such number and with such rank as will meet all the wants of the service. To secure the requisite ability for the more important positions, it will be necessary to provide for officers of higher rank than is now authorized for these corps. To give to the officers the proper relation and intelligence in their respective corps, and to preserve in the chief of each useful influence and control over his subordinates, there should be no gradation on the basis of the rank of the general with whom they might be serving by appointment. To the personal staff of a general it would seem proper to give a grade corresponding with his rank, and the number might be fixed to correspond with his command. To avoid the consequence of discharge upon a change of duty, the variable portion of the personal staff might be taken from the line of the army, and allowed to retain their line commissions.

The disordered condition of the currency, to which I have already alluded, has imposed upon the Government a system of supplying the wants of the army, which is so unequal in its operation, vexatious to the producer, and injurious to the industrial interests, and productive of such discontent among the people, as only to be justified by the existence of an absolute necessity. The report of the Secretary on this point establishes conclusively that the necessity which has forced the bureaux of supply to provide for the army by impressment, has resulted from the impossibility of purchase by contract, or in the open market, except at such rapidly increased rates as would have rendered the appropriations inadequate to the wants of the army. Indeed, it is believed that the temptation to hoard supplies for the higher prices which could be anticipated with certainty, has been checked mainly by the fear of the operations of the impressment law; and that commodities have been offered in the markets principally to escape impressment and obtain higher rates than those fixed by appraisement. The complaints against this vicious system have been well founded, but the true cause of the evil has been misapprehended. The remedy is to be found, not in a change of the impressment law, but in the restoration of the currency to such a basis as will enable the Department to purchase necessary supplies in the open market, and thus render impressment a rare and exceptionable process.

The same remedy will effect the result universally desired, of an augmentation of the pay of the army. The proposals made at your previous sessions to increase the pay of the soldier by an additional amount of Treasury notes, would have conferred little benefit on him; but a radical reform of the currency will restore the pay to a value approximating that which it originally had, and materially improve his condition.

The reports from the ordnance and mining bureaux are very gratifying, and the extension of our means of supply of arms and munitions of war from our home resources, have been such as to insure our ability soon to become mainly, if not entirely, independent of supplies from foreign countries. The establishments for the casting of guns and projectiles, for the manufacture of small arms and of gunpowder, for the supply of nitre from artificial nitre beds, and mining operations generally, have been so distributed through the country as to place our resources beyond the reach of partial disasters.

The recommendations of the Secretary of War on other points are minutely detailed in his report, which is submitted to you, and extending, as they do, to almost every branch of the service, merit careful consideration.

I regret to inform you that the enemy have returned to the barbarous policy with which they inaugurated the war, and that the exchange of prisoners has been for some time suspended. The correspondence of the Commissioners of Exchange is submitted to you by the Secretary of War, and it has already been published for the information of all now suffering useless imprisonment. The conduct of the authorities of the United States has been consistently perfidious on this subject. An agreement for exchange, in the incipiency of the war, had just been concluded, when the fall of Fort Donelson reversed the previous state of things, and gave them an excess of prisoners. The agreement was immediately repudiated by them, and so remained till the fortune of war again placed us in possession of the larger number. A new cartel was then made, and under it, for many months, we restored to them many thousands of prisoners in excess of those whom they held for exchange, and encampments of the surplus paroled prisoners delivered up by us were established in the United States, where the men were enabled to receive the comforts and solace of constant communication with their homes and families. In July last the fortunes of war again favored the enemy, and they were enabled to exchange for duty the men previously delivered to them, against those captured and paroled at Vicksburg and Port Hudson. The prisoners taken at Gettysburg, however, remained in their hands, and should have been returned to our lines on parole, to await exchange. Instead of executing a duty imposed by the plainest dictates of justice and good faith, pretexts were instantly sought for holding them in permanent captivity. General orders rapidly succeeded each other from the bureau at Washington, placing new constructions on an agreement which had given rise to no dispute while we retained the advantage in the number of prisoners. With a disregard of honorable obligations, almost unexampled, the enemy did not hesitate, in addition to retaining the prisoners captured by them, to declare null the paroles given by the prisoners captured by us in the same series of engagements, and liberated on condition of not again serving until exchanged. They have since openly insisted on treating the paroles given by their own soldiers as invalid, and those of our soldiers, given under precisely similar circumstances, as binding. A succession of similar unjust pretensions has been set up in a correspondence tediously prolonged, and every device employed to cover the disregard of an obligation which, between belligerent nations, is only to be enforced by a sense of honor.

No further comment is needed on this subject; but it may be permitted to direct your special attention to the close of the correspondence submitted to you, from which you will perceive that the final proposal made by the enemy, in settlement of all disputes under the cartel, is, that we should liberate all prisoners held by us, without offering to release from captivity any of those held by them.

In the mean time a systematic and concerted effort has been made to quiet the complaints in the United States of those relatives and friends of the prisoners in our hands, who are unable to understand why the cartel is not executed in their favor, by the groundless assertion that we are the parties who refuse compliance. Attempts are also made to shield themselves from the execration excited by their own odious treatment of our officers and soldiers now captive in their hands, by misstatements, such as that the prisoners held by us are deprived of food. To this last accusation the conclusive answer has been made that, in accordance with our law and the general orders of the Department, the rations of the prisons are precisely the same, in quantity and quality, as those served out to our own gallant soldiers in the field, and which have been found sufficient to support them in their arduous campaigns, while it is not pretended by the enemy that they treat prisoners by the same generous rule. By an indulgence, perhaps unprecedented, we have even allowed the prisoners in our hands to be supplied by their friends at home with comforts not enjoyed by the men who captured them in battle. In contrast to this treatment, the most revolting inhumanity has characterized the conduct of the United States toward prisoners held by them. One prominent fact, which admits no denial or palliation, must suffice as a test. The officers of our army, natives of Southern and semi-tropical climates, and unprepared for the cold of a

Northern winter, have been conveyed, for imprisonment, during the rigors of the present season, to the most northern and exposed situation that could be selected by the enemy. There, beyond the reach of comforts, and even of news from home and family, exposed to the piercing cold of the Northern lakes, they are held by men who cannot be ignorant of, even if they do not design, the probable result. How many of our unfortunate friends and comrades, who have passed unscathed through numerous battles, will perish on Johnson's Island, under the cruel trial to which they are subjected, none but the Omniscient can foretell. That they will endure this barbarous treatment with the same stern fortitude that they have ever evinced in their country's service, we cannot doubt. But who can be found to believe the assertion that it is our refusal to execute the cartel, and not the malignity of the foe, which has caused the infliction of such intolerable cruelty on our own loved and honored defenders?

Regular and punctual communication with the Trans-Mississippi is so obstructed as to render difficult a compliance with much of the legislation vesting authority in the executive branch of the Government. To supply vacancies in office; to exercise discretion on certain matters connected with the military organizations; to control the distribution of the funds collected from taxation, or remitted from the Treasury; to carry on the operations of the Post Office Department, and other like duties, require, under the constitution and existing laws, the action of the President and heads of departments. The necessities of the military service frequently forbid delay, and some legislation is required, providing for the exercise of temporary authority, until regular action can be had at the seat of government. I would suggest, especially in the Post Office Department, that an assistant be provided in the States beyond the Mississippi, with authority in the head of that Department to vest in his assistant all such powers now exercised by the Postmaster-General as may be requisite for provisional control of the funds of the Department in those States, and their application to the payment of mail contractors; for superintendence of the local post offices, and the contracts for carrying the mail; for the temporary employment of proper persons to fulfil the duties of postmasters and contractors in urgent cases, until appointments can be made, and for other like purposes. Without some legislative provision on the subject, there is serious risk of the destruction of the mail service, by reason of the delays and hardships suffered by contractors under the present system, which requires constant reference to Richmond of their accounts, as well as the returns of the local postmasters, before they can receive payment for services rendered. Like provision is also necessary in the Treasury Department; while, for military affairs, it would seem to be sufficient to authorize the President and Secretary of War to delegate to the commanding general so much of the discretionary powers vested in them by law as the exigencies of the service shall require.

The report of the Secretary of the Navy gives in detail the operations of that Department since January last, embracing information of the disposition and employment of the vessels, officers, and men, and the construction of vessels at Richmond, Wilmington, Charleston, Savannah, Mobile, Selma, and on the rivers Roanoke, Neuse, Pedee, Chattahoochee, and Tombigbee; the accumulation of ship timber and supplies, and the manufacture of ordnance, ordnance stores, and equipments. The founderies and workshops have been greatly improved, and their capacity to supply all demands for heavy ordnance for coast and harbor defences is only limited by our deficiency in the requisite skilled labor. The want of such labor and of seamen seriously affects the operations of the Department.

The skill, courage, and activity of our cruisers at sea cannot be too highly commended. They have inflicted heavy losses on the enemy without suffering a single disaster, and have seriously damaged the shipping interests of the United States by compelling their foreign commerce to seek the protection of neutral flags.

Your attention is invited to the suggestions of the report on the subject of supplying seamen for the service, and of the provisions of the law in relation to the volunteer navy.

The Postmaster-General reports the receipts of that Department for the fiscal year ending the 30th June last, to have been $3,337,853.01, and the expenditures for the same period $2,662,804.67. The statement thus exhibits an excess of receipts amounting to $675,048.44, instead of a deficiency of more than a million of dollars, as was the case in the preceding fiscal year. It is gratifying to perceive that the Department has thus been made self-sustaining, in accordance with sound principle, and with the express requirements of the constitution that its expenses should be paid out of its own revenues after the 1st March, 1863.

The report gives a full and satisfactory account of the operations of the Post Office Department for the last year, and explains the measures adopted for giving more certainty and regularity to the service in the States beyond the Mississippi, and on which reliance is placed for obviating the difficulties heretofore encountered in that service.

The settlement of the accounts of the Department is greatly delayed by reason of the inability of the First Auditor to perform all the duties now imposed on him by law. The accounts of the Departments of State, of the Treasury, of the Navy, and of Justice, are all supervised by that officer, and more than suffice to occupy his whole time. The necessity for a Third Auditor to examine and settle the accounts of a department so extensive as that of the Post Office, appears urgent, and his recommendation on that subject meets my concurrence.

I cannot close this Message without again adverting to the savage ferocity which still marks the conduct of the enemy in the prosecution of the war. After their repulse from the defences before Charleston, they first sought revenge by an abortive attempt to destroy the city with an incendiary composition, thrown by improved artillery from a distance of four miles. Failing in this, they changed their missiles, but fortunately have thus far succeeded only in killing two women in the city. Their commanders, Butler, McNeil, and Turchin, whose horrible barbarities have made their names widely notorious and everywhere execrable, are still honored and cherished by the authorities at Washington. The first named, after having been withdrawn from the scenes of his cruelties against women and prisoners of war (in reluctant concession to the demands of outraged humanity in Europe), has just been put in a new command at Norfolk, where helpless women and children are again placed at his mercy.

Nor has less unrelenting warfare been waged by these pretended friends of human rights and liberties against the unfortunate negroes. Wherever the enemy have been able to gain access, they have forced into the ranks of their army every able-bodied man that they could seize, and have either left the aged, the women, and the children to perish by starvation, or have gathered them into camps, where they have been wasted by a frightful mortality. Without clothing or shelter, often without food, incapable, without supervision, of taking the most ordinary precautions against disease, these helpless dependants, accustomed to have their wants supplied by the foresight of their masters, are being rapidly exterminated wherever brought in contact with the invaders. By the Northern man, on whose deep-rooted prejudices no kindly restraining influence is exercised, they are treated with aversion and neglect. There is little hazard in predicting that, in all localities where the enemy have gained a temporary foothold, the negroes, who, under our care, increased sixfold in number since their importation into the colonies of Great Britain, will have been reduced by mortality, during the war, to not more than one half their previous number.

Information on this subject is derived not only from

our own observation, and from the reports of the negroes who succeeded in escaping from the enemy, but full confirmation is afforded by statements published in the Northern journals by humane persons engaged in making appeals to the charitable for aid in preventing the ravages of disease, exposure, and starvation among the negro women and children who are crowded into encampments.

The frontier of our country bears witness to the alacrity and efficiency with which the general orders of the enemy have been executed in the devastation of the farms, the destruction of the agricultural implements, the burning of the houses, and the plunder of everything movable. Its whole aspect is a comment on the ethics of the general order issued by the United States on the 24th of April, 1863, comprising "instructions for the government of armies of the United States in the field," and of which the following is an example:

"Military necessity admits of all direct destruction of life or limb of armed enemies, and of other persons whose destruction is incidentally unavoidable in the armed contests of the war; it allows of the capturing of every armed enemy, and of every enemy of importance to the hostile government, or of peculiar danger to the captor; it allows of all destruction of property and obstructions of the ways and channels of traffic, travel, or communication, and of all withholding of sustenance or means of life from the enemy; of the appropriation of whatever an enemy's country affords necessary for the subsistence and safety of the army, and of such deception as does not involve the breaking of good faith, either positively pledged regarding agreements entered into during the war, or supposed by the modern law of war to exist. Men who take up arms against one another in public war, do not cease on this account to be moral beings, responsible to one another and to God."

The striking contrast to these teachings and practices, presented by our army when invading Pennsylvania, illustrates the moral character of our people. Though their forbearance may have been unmerited and unappreciated by the enemy, it was imposed by their own self-respect, which forbade their degenerating from Christian warriors into plundering ruffians, assailing the property, lives, and honor of helpless noncombatants. If their conduct, when thus contrasted with the inhuman practices of our foe, fail to command the respect and sympathy of civilized nations in our day, it cannot fail to be recognized by their less deceived posterity.

The hope last year entertained of an early termination of the war has not been realized. Could carnage have satisfied the appetite of our enemy for the destruction of human life, or grief have appeased their wanton desire to inflict human suffering, there has been bloodshed enough on both sides, and two lands have been sufficiently darkened by the weeds of mourning, to induce a disposition for peace.

If unanimity in a people could dispel delusion, it has been displayed too unmistakably not to have silenced the pretence that the Southern States were merely disturbed by a factious insurrection, and it must long since have been admitted that they were but exercising their reserved right to modify their own Government in such manner as would best secure their own happiness. But these considerations have been powerless to allay the unchristian hate of those who, long accustomed to draw large profits from a union with us, cannot control the rage excited by the conviction that they have, by their own folly, destroyed the richest sources of their prosperity. They refuse even to listen to proposals for the only peace possible between us—a peace which, recognizing the impassable gulf which divides us, may leave the two peoples separately to recover from the injuries inflicted on both by the causeless war now waged against us. Having begun the war in direct violation of their Constitution, which forbade the attempt to coerce a State, they have been hardened by crime, until they no longer attempt to veil their purpose to destroy the institutions and subvert the sovereignty and independence of these States. We now know that the only reliable hope for peace is in the vigor of our resistance, as the cessation of their hostility is only to be expected from the pressure of their necessities.

The patriotism of the people has proved equal to every sacrifice demanded by their country's need. We have been united as a people never were united under like circumstances before. God has blessed us with success disproportionate to our means, and, under His divine favor, our labors must at last be crowned with the reward due to men who have given all they possessed to the righteous defence of their inalienable rights, their homes, and their altars.

JEFFERSON DAVIS.

RICHMOND, *December 7th*, 1863.

Correspondence of President LINCOLN.

ALBANY, *May 19th*, 1863.

To His Excellency the President of the United States:

The undersigned, officers of a public meeting held in the city of Albany the 16th day of May instant, herewith transmit to your Excellency a copy of the resolutions adopted at the said meeting, and respectfully request your earnest consideration of them. They deem it proper on their personal responsibility to state that the meeting was one of the most respectable as to numbers and character, and one of the most earnest in support of the Union, ever held in this city.

Yours, with great regard,

ERASTUS CORNING, President.

Vice-Presidents—Eli Perry, Peter Gansevoort, Peter Monteath, Samuel W. Gibbs, John Niblock, H. W. McClellan, Lemuel W. Rodgers, William Seymour, Jeremiah Osborn, William S. Paddock, J. B. Sanders, Edward Mulcahy, D. V. N. Radcliff.

Secretaries—William A. Rice, Edward Newcomb, R. W. Peckham, jr., M. A. Nolan, John R. Nessle, and others.

The resolutions were as follows:

Resolved, That the Democrats of New York point to their uniform course of action during the two years of civil war through which we have passed, to the alacrity which they have evinced in filling the ranks of the army, to their contributions and sacrifices, as the evidence of their patriotism and devotion to the cause of our imperilled country. Never in the history of civil wars has a Government been sustained with such ample resources of means and men, as the people have voluntarily placed in the hands of this Administration.

Resolved, That as Democrats, we are determined to maintain this patriotic attitude, and, despite of adverse and disheartening circumstances, to devote all our energies to sustain the cause of the Union, to secure peace through victory, and to bring about the restoration of all the States under the safeguards of the Constitution.

Resolved, That while we will not consent to be misrepresented upon these points, we are determined not to be misunderstood in regard to others not less essential. We demand that the Administration shall be true to the Constitution, shall recognize and maintain the rights of the States and the liberties of the citizen, shall everywhere outside of the lines of necessary military occupation and the scenes of insurrection, exert all its powers to maintain the supremacy of the civil over military law.

Resolved, That in view of these principles we denounce the recent assumption of a military commander to seize and try a citizen of Ohio, Clement L. Vallandigham, for no other reason than words addressed to a public meeting, in criticism of the course of the Administration, and in condemnation of the military orders of that general.

Resolved, That this assumption of power by a military tribunal, if successfully asserted, not only abrogates the right of the people to assemble and discuss the affairs of Government, the liberty of speech and of the press, the right of trial by jury, the law of evidence, and the privilege of habeas corpus, but it strikes a fatal blow at the supremacy of law, and the authority of the State and Federal Constitutions.

Resolved, That the Constitution of the United States—the supreme law of the land—has defined the crime of treason against the United States to consist "only in levying war against them, or adhering to their enemies, giving them aid and comfort;" and has provided that "no person shall be convicted of treason, unless on the testimony of two wit-

nesses to the same overt act, or on confession in open court." And it further provides that "no person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury; except in cases arising in the land and naval forces, or in the militia, when in actual service in time of war or public danger;" and further, that "in all criminal prosecutions, the accused shall enjoy the right of a speedy and public trial, by an impartial jury of the State and district wherein the crime was committed."

Resolved, That these safeguards of the rights of the citizen against the pretensions of arbitrary power, were intended more especially for his protection in times of civil commotion. They were secured substantially to the English people, after years of protracted civil war, and were adopted into our own Constitution at the close of the Revolution. They have stood the test of seventy-six years of trial under our republican system, under circumstances which show that while they constitute the foundation of all free government, they are the elements of the enduring stability of the republic.

Resolved, That in adopting the language of Daniel Webster, we declare, "it is the ancient and undoubted prerogative of this people to canvass public measures and the merits of public men. It is a 'homebred right,' a fireside privilege. It has been enjoyed in every house, cottage, and cabin in the nation. It is as undoubted as the right of breathing the air or walking on the earth. Belonging to private life as a right, it belongs to public life as a duty, and it is the last duty which those whose representatives we are shall find us to abandon. Aiming at all times to be courteous and temperate in its use, except when the right itself is questioned, we shall place ourselves on the extreme boundary of our own right, and bid defiance to any arm that would move us from our ground. This high constitutional privilege we shall defend and exercise in all places; in time of peace, in time of war, and at all times. Living, we shall assert it; and should we leave no other inheritance to our children, by the blessing of God we will leave them the inheritance of free principles and the example of a manly, independent, and constitutional defence of them."

Resolved, That in the election of Gov. Seymour, the people of this State, by an emphatic majority, declared their condemnation of the system of arbitrary arrests, and their determination to stand by the Constitution. That the revival of this lawless system can have but one result, to divide and distract the North, and destroy its confidence in the purposes of the Administration. That we deprecate it as an element of confusion at home, of weakness to our armies in the field, and as calculated to lower the estimate of American character and magnify the apparent peril of our cause abroad. And that, regarding the blow struck at a citizen of Ohio as aimed at the rights of every citizen of the North, we denounce it as against the spirit of our laws and Constitution, and most earnestly call upon the President of the United States to reverse the action of the military tribunal which has passed a "cruel and unusual punishment" upon the party arrested, prohibited in terms by the Constitution, and to restore him to the liberty of which he has been deprived.

Resolved, That the president, vice-presidents, and secretary of this meeting be requested to transmit a copy of these resolutions to his Excellency the President of the United States, with the assurance of this meeting of their hearty and earnest desire to support the Government in every constitutional and lawful measure to suppress the existing rebellion.

EXECUTIVE MANSION, WASHINGTON, *June 12th*, 1863.

Hon. Erastus Corning, and others:

GENTLEMEN: Your letter of May 19th, enclosing the resolutions of a public meeting held in Albany, N. Y., on the 16th of the same month, was received several days ago.

The resolutions, as I understand them, are resolvable into two propositions—first, the expression of a purpose to sustain the cause of the Union, to secure peace through victory, and to support the Administration in every constitutional and lawful measure to suppress the rebellion; and, secondly, a declaration of censure upon the Administration for supposed unconstitutional action, such as the making of military arrests. And from the two propositions a third is deduced, which is, that the gentlemen composing the meeting are resolved on doing their part to maintain our common Government and country, despite the folly or wickedness, as they may conceive, of any Administration. This position is eminently patriotic, and as such I thank the meeting, and congratulate the nation for it. My own purpose is the same, so that the meeting and myself have a common object, and can have no difference, except in the choice of means or measures for effecting that object.

And here I ought to close this paper, and would close it, if there were no apprehension that more injurious consequences than any merely personal to myself might follow the censures systematically cast upon me for doing what, in my view of duty, I could not forbear. The resolutions promise to support me in every constitutional and lawful measure to suppress the rebellion; and I have not knowingly employed, nor shall knowingly employ, any other.

But the meeting, by their resolutions, assert and argue that certain military arrests, and proceedings following them, for which I am ultimately responsible, are unconstitutional. I think they are not. The resolutions quote from the Constitution the definition of treason, and also the limiting safeguards and guarantees therein provided for the citizen on trial for treason, and on his being held to answer for capital or otherwise infamous crimes, and in criminal prosecutions, his right to a speedy and public trial by an impartial jury. They proceed to resolve "that these safeguards of the rights of the citizen against the pretensions of arbitrary power were intended more especially for his protection in times of civil commotion." And, apparently to demonstrate the proposition, the resolutions proceed, "they were secured substantially to the English people after years of protracted civil war, and were adopted into our Constitution at the close of the Revolution." Would not the demonstration have been better if it could have been truly said that these safeguards had been adopted and applied during the civil wars and during our Revolution, instead of after the one and at the close of the other? I, too, am devotedly for them after civil war and before civil war, and at all times, "except when, in cases of rebellion and invasion, the public safety may require" their suspension. The resolutions proceed to tell us that these safeguards "have stood the test of seventy-six years of trial, under our republican system, under circumstances which show that while they constitute the foundation of all free government, they are the elements of the enduring stability of the republic." No one denies that they have so stood the test up to the beginning of the present rebellion, if we except a certain occurrence at New Orleans; nor does any one question that they will stand the same test much longer after the rebellion closes. But these provisions of the Constitution have no application to the case we have in hand, because the arrests complained of were not made for treason—that is, not for the treason defined in the Constitution, and upon the conviction of which the punishment is death; nor yet were they made to hold persons to answer for any capital or otherwise infamous crimes; nor were the proceedings following, in any constitutional or legal sense, "criminal prosecutions." The arrests were made on totally different grounds, and the proceedings following accorded with the grounds of the arrests.

Let us consider the real case with which we are dealing, and apply to it the parts of the Constitution plainly made for such cases.

Prior to my installation here it had been inculcated that any State had a lawful right to secede from the national Union, and that it would be expedient to exercise the right whenever the devotees of the doctrine should fail to elect a President to their own liking. I was elected contrary to their liking; and, accordingly, so far as it was legally possible, they had taken seven States out of the Union, had seized many of the United States forts, and had fired upon the United States flag, all before I was inaugurated, and, of course, before I had done any official act whatever. The rebellion thus begun soon ran into the present civil war; and, in certain respects, it began on very unequal terms between the parties. The insurgents had been preparing for it for more than thirty years, while the Government had taken no steps to resist them. The former had care-

fully considered all the means which could be turned to their account. It undoubtedly was a well-pondered reliance with them that in their own unrestricted efforts to destroy Union, Constitution, and law, all together, the Government would, in a great degree, be restrained by the same Constitution and law from arresting their progress. Their sympathizers pervaded all departments of the Government and nearly all communities of the people. From this material, under cover of "liberty of speech," "liberty of the press," and "habeas corpus," they hoped to keep on foot amongst us a most efficient corps of spies, informers, suppliers, and aiders and abettors of their cause in a thousand ways. They knew that in times such as they were inaugurating, by the Constitution itself, the habeas corpus might be suspended; but they also knew they had friends who would make a question as to who was to suspend it; meanwhile their spies and others might remain at large to help on their cause. Or if, as has happened, the executive should suspend the writ, without ruinous waste of time, instances of arresting innocent persons might occur, as are always likely to occur in such cases; and then a clamor could be raised in regard to this, which might be, at least, of some service to the insurgent cause. It needed no very keen perception to discover this part of the enemy's programme, so soon as by open hostilities their machinery was fairly put in motion. Yet thoroughly imbued with a reverence for the guaranteed rights of individuals, I was slow to adopt the strong measures which by degrees I have been forced to regard as being within the exceptions of the Constitution, and as indispensable to the public safety. Nothing is better known to history than that courts of justice are utterly incompetent to such cases. Civil courts are organized chiefly for trials of individuals, or, at most, a few individuals acting in concert, and this in quiet times, and on charges of crimes well defined in the law. Even in times of peace bands of horse thieves and robbers frequently grow too numerous and powerful for the ordinary courts of justice. But what comparison in numbers have such bands ever borne to the insurgent sympathizers, even in many of the loyal States? Again, a jury too frequently has at least one member more ready to hang the panel than to hang the traitor. And yet, again, he who dissuades one man from volunteering, or induces one soldier to desert, weakens the Union cause as much as he who kills a Union soldier in battle. Yet this dissuasion or inducement may be so conducted as to be no defined crime of which any civil court would take cognizance.

Ours is a case of rebellion—so called by the resolution before me—in fact, a clear, flagrant, and gigantic case of rebellion; and the provision of the Constitution that "the privilege of the writ of habeas corpus shall not be suspended unless when in case of rebellion or invasion the public safety may require it," is the provision which specially applies to our present case. This provision plainly attests the understanding of those who made the Constitution that ordinary courts of justice are inadequate to "cases of rebellion"—attests their purpose that, in such cases, men may be held in custody whom the courts, acting on ordinary rules, would discharge. Habeas corpus does not discharge men who are proved to be guilty of defined crime; and its suspension is allowed by the Constitution on purpose that men may be arrested and held who cannot be proved to be guilty of defined crime, "when, in case of rebellion or invasion, the public safety may require it." This is precisely our present case—a case of rebellion, wherein the public safety does require the suspension. Indeed, arrests by process of courts and arrests in cases of rebellion do not proceed altogether upon the same basis. The former is directed at the small percentage of ordinary and continuous perpetration of crime, while the latter is directed at sudden and extensive uprisings against the Government, which, at most, will succeed or fail in no great length of time. In the latter case arrests are made not so much for what has been done, as for what probably would be done. The latter is more for the preventive and less for the vindictive than the former. In such cases the purposes of men are much more easily understood than in cases of ordinary crime. The man who stands by and says nothing when the peril of his Government is discussed cannot be misunderstood. If not hindered, he is sure to help the enemy; much more if he talks ambiguously—talks for his country with "buts" and "ifs" and "ands." Of how little value the constitutional provisions I have quoted will be rendered, if arrests shall never be made until defined crimes shall have been committed, may be illustrated by a few notable examples. Gen. John C. Breckinridge, Gen. Robert E. Lee, Gen. Joseph E. Johnston, Gen. John B. Magruder, Gen. William B. Preston, Gen. Simon B. Buckner, and Com. Franklin Buchanan, now occupying the very highest places in the rebel war service, were all within the power of the Government since the rebellion began, and were nearly as well known to be traitors then as now. Unquestionably, if we had seized and held them, the insurgent cause would be much weaker. But no one of them had committed any crime defined in the law. Every one of them, if arrested, would have been discharged on habeas corpus, were the writ allowed to operate. In view of these and similar cases, I think the time not unlikely to come when I shall be blamed for having made too few arrests rather than too many.

By the third resolution the meeting indicate their opinion that military arrests may be constitutional in localities where rebellion actually exists, but that such arrests are unconstitutional in localities where rebellion or insurrection does not actually exist. They insist that such arrests shall not be made "outside of the lines of necessary military occupation, and the scenes of insurrection." Inasmuch, however, as the Constitution itself makes no such distinction, I am unable to believe that there is any such constitutional distinction. I concede that the class of arrests complained of can be constitutional only when, in cases of rebellion or invasion, the public safety may require them; and I insist that in such cases they are constitutional wherever the public safety does require them; as well in places to which they may prevent the rebellion extending, as in those where it may be already prevailing; as well where they may restrain mischievous interference with the raising and supplying of armies to suppress the rebellion, as where the rebellion may actually be; as well where they may restrain the enticing men out of the army, as where they would prevent mutiny in the army; equally constitutional at all places where they will conduce to the public safety, as against the dangers of rebellion or invasion. Take the particular case mentioned by the meeting. It is asserted, in substance, that Mr. Vallandigham was, by a military commander, seized and tried "for no other reason than words addressed to a public meeting in criticism of the course of the Administration, and in condemnation of the military orders of the general." Now, if there be no mistake about this; if this assertion is the truth, and the whole truth; if there was no other reason for the arrest, then I concede that the arrest was wrong. But the arrest, as I understand, was made for a very different reason. Mr. Vallandigham avows his hostility to the war on the part of the Union; and his arrest was made because he was laboring, with some effect, to prevent the raising of troops; to encourage desertion from the army; and to leave the rebellion without an adequate military force to suppress it. He was not arrested because he was damaging the political prospects of the Administration, or the personal interests of the commanding general, but because he was damaging the army, upon the existence and vigor of which the life of the nation depends. He was warring upon the military, and this gave the military constitutional jurisdiction to lay hands upon him. If Mr. Vallandigham was not damaging the military power of the country, then his arrest was made on mistake of fact, which I would be glad to correct on reasonable satisfactory evidence. I understand the meeting whose resolutions I am considering, to be in

favor of suppressing the rebellion by military force—by armies. Long experience has shown that armies cannot be maintained unless desertion shall be punished by the severe penalty of death. The case requires, and the law and the Constitution sanction, this punishment. Must I shoot a simple-minded soldier boy who deserts, while I must not touch a hair of a wily agitator who induces him to desert? This is none the less injurious when effected by getting a father, or brother, or friend, into a public meeting, and there working upon his feelings until he is persuaded to write the soldier boy that he is fighting in a bad cause, for a wicked Administration of a contemptible Government, too weak to arrest and punish him if he shall desert. I think that in such a case, to silence the agitator and to save the boy, is not only constitutional, but withal a great mercy.

If I be wrong on this question of constitutional power, my error lies in believing that certain proceedings are constitutional when, in cases of rebellion or invasion, the public safety requires them, which would not be constitutional when, in absence of rebellion or invasion, the public safety does not require them; in other words, that the Constitution is not, in its application, in all respects the same, in cases of rebellion or invasion involving the public safety, as it is in times of profound peace and public security. The Constitution itself makes the distinction; and I can no more be persuaded that the Government can constitutionally take no strong measures in time of rebellion, because it can be shown that the same could not be lawfully taken in time of peace, than I can be persuaded that a particular drug is not good medicine for a sick man, because it can be shown not to be good food for a well one. Nor am I able to appreciate the danger apprehended by the meeting that the American people will, by means of military arrests during the rebellion, lose the right of public discussion, the liberty of speech and the press, the law of evidence, trial by jury, and habeas corpus, throughout the indefinite peaceful future which I trust lies before them, any more than I am able to believe that a man could contract so strong an appetite for emetics during temporary illness, as to persist in feeding upon them during the remainder of his healthful life.

In giving the resolutions that earnest consideration which you request of me, I cannot overlook the fact that the meeting speak as "Democrats." Nor can I, with full respect for their known intelligence, and the fairly presumed deliberation with which they prepared their resolutions, be permitted to suppose that this occurred by accident, or in any way other than that they preferred to designate themselves "Democrats" rather than "American citizens." In this time of national peril, I would have preferred to meet you upon a level one step higher than any party platform; because I am sure that, from such more elevated position, we could do better battle for the country we all love than we possibly can from those lower ones where, from the force of habit, the prejudices of the past, and selfish hopes of the future, we are sure to expend much of our ingenuity and strength in finding fault with and aiming blows at each other. But, since you have denied me this, I will yet be thankful, for the country's sake, that not all Democrats have done so. He on whose discretionary judgment Mr. Vallandigham was arrested and tried is a Democrat, having no old party affinity with me; and the judge who rejected the constitutional view expressed in these resolutions, by refusing to discharge Mr. Vallandigham on habeas corpus, is a Democrat of better days than these, having received his judicial mantle at the hands of President Jackson. And still more, of all those Democrats who are nobly exposing their lives and shedding their blood on the battle field, I have learned that many approve the course taken with Mr. Vallandigham, while I have not heard of a single one condemning it. I can assert that there are none such. And the name of President Jackson recalls an incident of pertinent history. After the battle of New Orleans, and while the fact that the treaty of peace had been concluded was well known in the city, but before official knowledge of it had arrived, Gen. Jackson still maintained martial or military law. Now that it could be said the war was over, the clamor against martial law, which had existed from the first, grew more furious. Among other things, a Mr. Louaillier published a denunciatory newspaper article. Gen. Jackson arrested him. A lawyer, by the name of Morel, procured the United States Judge (Hall) to order a writ of habeas corpus to relieve Mr. Louaillier. Gen. Jackson arrested both the lawyer and the Judge. A Mr. Hollander ventured to say of some part of the matter that "it was a dirty trick." Gen. Jackson arrested him. When the officer undertook to serve the writ of habeas corpus, Gen. Jackson took it from him, and sent him away with a copy. Holding the Judge in custody a few days, the General sent him beyond the limits of his encampment, and set him at liberty, with an order to remain till the ratification of peace should be regularly announced, or until the British should have left the Southern coast. A day or two more elapsed, the ratification of the treaty of peace was regularly announced, and the Judge and others were fully liberated. A few days more, and the Judge called Gen. Jackson into court and fined him a thousand dollars for having arrested him and the others named. The General paid the fine, and there the matter rested for nearly thirty years, when Congress refunded principal and interest. The late Senator Douglas, then in the House of Representatives, took a leading part in the debates, in which the constitutional question was much discussed. I am not prepared to say whom the journals would show to have voted for the measure.

It may be remarked: First, that we had the same Constitution then as now; secondly, that we then had a case of invasion, and now we have a case of rebellion; and, thirdly, that the permanent right of the people to public discussion, the liberty of speech and of the press, the trial by jury, the law of evidence, and the habeas corpus suffered no detriment whatever by that conduct of Gen. Jackson, or its subsequent approval by the American Congress.

And yet, let me say, that, in my own discretion, I do not know whether I would have ordered the arrest of Mr. Vallandigham. While I cannot shift the responsibility from myself, I hold that, as a general rule, the commander in the field is the better judge of the necessity in any particular case. Of course I must practise a general directory and revisory power in the matter.

One of the resolutions expresses the opinion of the meeting that arbitrary arrests will have the effect to divide and distract those who should be united in suppressing the rebellion, and I am specially called on to discharge Mr. Vallandigham. I regard this act as at least a fair appeal to me on the expediency of exercising a constitutional power which I think exists. In response to such appeal, I have to say it gave me pain when I learned that Mr. Vallandigham had been arrested—that is, I was pained that there should have seemed to be a necessity for arresting him—and that it will afford me great pleasure to discharge him so soon as I can, by any means, believe the public safety will not suffer by it. I further say that, as the war progresses, it appears to me that opinion and action, which were in great confusion at first, take shape and fall into more regular channels, so that the necessity for strong dealing with them gradually decreases. I have every reason to desire that it should cease altogether, and far from the least is my regard for the opinions and wishes of those who, like the meeting at Albany, declare their purpose to sustain the Government in every constitutional and lawful measure to suppress the rebellion. Still I must continue to do so much as may seem to be required by the public safety. A. LINCOLN.

ALBANY, *June 30th*, 1863.

To His Excellency the President of the United States:

SIR: The undersigned, officers of the public meeting held in this city on the 16th day of May last, to whom your communication of the 12th of this month, com-

menting on the resolutions adopted at that meeting, was addressed, have the honor to send to your Excellency a reply to that communication by the committee who reported the resolutions. The great importance to the people of this country of the questions discussed, must be our apology, if any be needed, for saying, that we fully concur in this reply, and believe it to be in entire harmony with the views and sentiments of the meeting referred to.

We are, with great respect, very truly yours,

ERASTUS CORNING, President.

The following extracts from the reply of the committee contain the points presented in that document:

The fact has already passed into history that the sacred rights and immunities which were designed to be protected by these constitutional guarantees, have not been preserved to the people during your Administration. In violation of the first of them, the freedom of the press has been denied. In repeated instances newspapers have been suppressed in the loyal States, because they criticized, as constitutionally they might, those fatal errors of policy which have characterized the conduct of public affairs since your advent to power. In violation of the second of them, hundreds, and we believe, thousands of men, have been seized and immured in prisons and bastiles, not only without warrant upon probable cause, but without any warrant, and for no other cause than a constitutional exercise of freedom of speech. In violation of all these guarantees, a distinguished citizen of a peaceful and loyal State has been torn from his home at midnight by a band of soldiers, acting under the orders of one of your generals, tried before a military commission, without judge or jury, convicted and sentenced without even the suggestion of any offence known to the Constitution or laws of this country. For all these acts you avow yourself ultimately responsible. In the special case of Mr. Vallandigham, the injustice commenced by your subordinate was consummated by a sentence of exile from his home, pronounced by you. That great wrong, more than any other which preceded it, asserts the principles of a supreme despotism.

These repeated and continued invasions of constitutional liberty and private right, have occasioned profound anxiety in the public mind. The apprehension and alarm which they are calculated to produce, have been greatly enhanced by your attempt to justify them, because in that attempt you assume to yourself a rightful authority possessed by no constitutional monarch on earth. We accept the declaration that you prefer to exercise this authority with a moderation not hitherto exhibited. But, believing, as we do, that your forbearance is not the tenure by which liberty is enjoyed in this country, we propose to challenge the grounds on which your claim of supreme power is based. While yielding to you as a constitutional magistrate the deference to which you are entitled, we cannot accord to you the despotic power you claim, however indulgent and gracious you may promise to be in wielding it.

We have carefully considered the grounds on which your pretensions to more than regal authority are claimed to rest; and if we do not misinterpret the misty and cloudy forms of expression in which those pretensions are set forth, your meaning is, that while the rights of the citizen are protected by the Constitution in time of peace, they are suspended or lost in time of war, when invasion or rebellion exists. You do not, like many others in whose minds reason and the love of regulated liberty seem to be overthrown by the excitements of the hour, attempt to base this conclusion upon a supposed military necessity existing outside of, and transcending the Constitution, a military necessity behind which the Constitution itself disappears in a total eclipse. We do not find this gigantic and monstrous heresy put forth in your plea for absolute power, but we do find another equally subversive of liberty and law, and quite as certainly tending to the establishment of despotism. Your claim to have found, not outside, but within the Constitution, a principle or germ of arbitrary power, which in time of war expands at once into an absolute sovereignty, wielded by one man; so that liberty perishes, or is dependent on his will, his discretion, or his caprice. This extraordinary doctrine you claim to derive wholly from that clause of the Constitution which, in case of invasion or rebellion, permits the writ of habeas corpus to be suspended. Upon this ground your whole argument is based.

Correspondence between President LINCOLN *and the Ohio Committee in the case of Mr.* VALLANDIGHAM.

WASHINGTON, *June 26th*, 1863.

To His Excellency the President of the United States:

The undersigned, having been appointed a committee, under the authority of the resolutions of the State Convention held at the city of Columbus, Ohio, on the 11th instant, to communicate with you on the subject of the arrest and banishment of Clement L. Vallandigham, most respectfully submit the following as the resolutions of that Convention bearing upon the subject of this communication, and ask of your Excellency their earnest consideration. And they deem it proper to state that the Convention was one in which all parts of the State were represented, one of the most respectable as to numbers and character, and one of the most earnest and sincere in support of the Constitution and the Union, ever held in that State:

Resolved, That the will of the people is the foundation of all free government: that, to give effect to this free will, free thought, free speech, and a free press are absolutely indispensable. Without free discussion there is no certainty of sound judment; without sound judgment there can be no wise government.

2. That it is an inherent and constitutional right of the people to discuss all measures of their Government, and to approve or disapprove, as to their best judgment seems right. That they have a like right to propose and advocate that policy which in their judgment is best, and to argue and vote against whatever policy seems to them to violate the Constitution, to impair their liberties, or to be detrimental to their welfare.

3. That these, and all other rights guaranteed to them by their constitutions, are their rights in time of war as well as in time of peace, and of far more value and necessity in war than in peace; for in peace liberty, security, and property are seldom endangered; in war they are ever in peril.

4. That we now say to all whom it may concern, not by way of threat, but calmly and firmly, that we will not surrender these rights, nor submit to their forcible violation. We will obey the laws ourselves, and all others must obey them.

11. That Ohio will adhere to the Constitution and the Union as the best—it may be the last—hope of popular freedom, and for all wrongs which may have been committed, or evils which may exist, will seek redress, under the Constitution and within the Union, by the peaceful but powerful agency of the suffrages of a free people.

14. That we will earnestly support every constitutional measure tending to preserve the Union of the States. No men have a greater interest in its preservation than we have, none desire it more; there are none who will make greater sacrifices or endure more than we will to accomplish that end. We are, as we ever have been, the devoted friends of the Constitution and the Union, and we have no sympathy with the enemies of either.

15. That the arrest, imprisonment, pretended trial, and actual banishment of Clement L. Vallandigham, a citizen of the State of Ohio, not belonging to the land or naval forces of the United States, nor to the militia in actual service, by alleged military authority, for no other pretended crime than that of uttering words of legitimate criticism upon the conduct of the Administration in power, and of appealing to the ballot box for a change of policy—said arrest and military trial taking place where the courts of law are open and unobstructed, and for no act done within the sphere of active military operations in carrying on the war—we regard as a palpable violation of the following provisions of the Constitution of the United States:

1. "Congress shall make no law abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances."

2. "The right of the people to be secure in their persons,

houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized."

3. "No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger."

4. "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law."

And we furthermore denounce said arrest, trial, and banishment as a direct insult offered to the sovereignty of the people of Ohio, by whose organic law it is declared that no person shall be transported out of the State for any offence committed within the same.

16. That Clement L. Vallandigham was, at the time of his arrest, a prominent candidate for nomination by the Democratic party of Ohio for the office of Governor of the State; that the Democratic party was fully competent to decide whether he is a fit man for that nomination, and that the attempt to deprive them of that right, by his arrest and banishment, was an unmerited imputation upon their intelligence and loyalty, as well as a violation of the Constitution.

17. That we respectfully, but most earnestly, call upon the President of the United States to restore Clement L. Vallandigham to his home in Ohio, and that a committee of one from each Congressional district of the State, to be selected by the presiding officer of this convention, is hereby appointed to present this application to the President.

The undersigned, in the discharge of the duty assigned them, do not think it necessary to reiterate the facts connected with the arrest, trial, and banishment of Mr. Vallandigham—they are well known to the President, and are a part of public history—nor to enlarge upon the positions taken by the Convention, nor to recapitulate the constitutional provisions which it is believed have been contravened; they have been stated at length, and with clearness, in the resolutions which have been recited. The undersigned content themselves with brief reference to other suggestions pertinent to the subject.

They do not call upon your Excellency as suppliants, praying the revocation of the order banishing Mr. Vallandigham as a favor; but, by the authority of a Convention representing a majority of the citizens of the State of Ohio, they respectfully ask it as a right due to an American citizen, in whose personal injury the sovereignty and dignity of the people of Ohio, as a free State, have been offended. And this duty they perform the more cordially from the consideration that, at a time of great national emergency, pregnant with danger to our Federal Union, it is all important that the true friends of the Constitution and the Union, however they may differ as to the mode of administering the Government, and the measures most likely to be successful in the maintenance of the Constitution and the restoration of the Union, should not be thrown into conflict with each other.

The arrest, unusual trial, and banishment of Mr. Vallandigham have created wide-spread and alarming disaffection among the people of the State, not only endangering the harmony of the friends of the Constitution and the Union, and tending to disturb the peace and tranquillity of the State, but also impairing that confidence in the fidelity of your Administration to the great landmarks of free government essential to a peaceful and successful enforcement of the laws in Ohio.

You are reported to have used, in a public communication on this subject, the following language: "It gave me pain when I learned that Mr. Vallandigham had been arrested—that is, I was pained that there should have seemed to be a necessity for arresting him, and it will afford me great pleasure to discharge him, so soon as I can by any means believe the public safety will not suffer by it."

The undersigned assure your Excellency, from our personal knowledge of the feelings of the people of Ohio, that the public safety will be far more endangered by continuing Mr. Vallandigham in exile than by releasing him. It may be true that persons differing from him in political views may be found in Ohio, and elsewhere, who will express a different opinion. But they are certainly mistaken.

Mr. Vallandigham may differ with the President, and even with some of his own political party, as to the true and most effectual means of maintaining the Constitution and restoring the Union; but this difference of opinion does not prove him to be unfaithful to his duties as an American citizen. If a man, devotedly attached to the Constitution and the Union, conscientiously believes that, from the inherent nature of the Federal compact, the war, in the present condition of things in this country, cannot be used as a means of restoring the Union; or, that a war to subjugate a part of the States, or a war to revolutionize the social system in a part of the States, could not restore, but would inevitably result in the final destruction of both the Constitution and the Union, is he not to be allowed the right of an American citizen to appeal to the judgment of the people for a change of policy by the constitutional remedy of the ballot box?

During the war with Mexico, many of the political opponents of the Administration then in power thought it their duty to oppose and denounce the war, and to urge before the people of the country that it was unjust and prosecuted for unholy purposes. With equal reason it might have been said of them that their discussions before the people were calculated to discourage enlistments, "to prevent the raising of troops," and to induce desertions from the army, and leave the Government without an adequate military force to carry on the war.

If the freedom of speech and of the press are to be suspended in time of war, then the essential element of popular government to effect a change of policy in the constitutional mode is at an end. The freedom of speech and of the press is indispensable, and necessarily incident to the nature of popular government itself. If any inconvenience or evils arise from its exercise, they are unavoidable.

On this subject you are reported to have said further: "It is asserted, in substance, that Mr. Vallandigham was, by a military commander, seized and tried 'for no other reason than words addressed to a public meeting in criticism of the course of the Administration, and in condemnation of the military order of the general.' Now, if there be no mistake about this; if there was no other reason for the arrest, then I concede that the arrest was wrong. But the arrest, I understand, was made for a very different reason. Mr. Vallandigham avows his hostility to the war on the part of the Union; and his arrest was made because he was laboring, with some effect, to prevent the raising of troops, to encourage desertions from the army, and to leave the rebellion without an adequate military force to suppress it. He was not arrested because he was damaging the political prospects of the Administration or the personal interests of the commanding general, but because he was damaging the army, upon the existence and vigor of which the life of the nation depends. He was warring upon the military, and this gave the military constitutional jurisdiction to lay hands upon him. If Mr. Vallandigham was not damaging the military power of the country, then his arrest was made on mistake of facts, which I would be glad to correct on reasonable satisfactory evidence."

In answer to this, permit us to say, first, that neither the charge nor the specifications in support of the charge on which Mr. Vallandigham was tried, impute to him the act of either laboring to prevent the raising of troops or to encourage desertions from the army. Secondly, no evidence on the trial was offered with a view to support, or even tended to support, any such charge. In what instance, and by what act, did he either discourage enlistments or encourage desertion in the army? Who is the man who was discouraged from enlisting, and who encouraged to desert, by any act of Mr. Vallandigham? If it be assumed that perchance some person might have been discouraged from enlisting, or that some person might have been en-

couraged to desert, on account of hearing Mr. Vallandigham's views as to the policy of the war as a means of restoring the Union, would that have laid the foundation for his conviction and banishment? If so, upon the same grounds every political opponent of the Mexican war might have been convicted and banished from the country.

When gentlemen of high standing and extensive influence, including your Excellency, opposed, in the discussions before the people, the policy of the Mexican war, were they "warring upon the military," and did this "give the military constitutional jurisdiction to lay hands upon" them? And, finally, the charge in the specifications upon which Mr. Vallandigham was tried, entitled him to a trial before the civil tribunals, according to the express provisions of the late acts of Congress, approved by yourself July 17th, 1862, and March 3d, 1863, which were manifestly designed to supersede all necessity or pretext for arbitrary military arrests.

The undersigned are unable to agree with you in the opinion you have expressed that the Constitution is different in time of insurrection or invasion from what it is in time of peace and public security. The Constitution provides for no limitation upon or exceptions to the guarantees of personal liberty, except as to the writ of habeas corpus. Has the President, at the time of invasion or insurrection, the right to engraft limitations or exceptions upon these constitutional guarantees whenever, in his judgment, the public safety requires it?

True it is, the article of the Constitution which defines the various powers delegated to Congress declares that "the privilege of the writ of habeas corpus shall not be suspended unless when, in case of rebellion or invasion, the public safety may require it." But this qualification or limitation upon this restriction upon the powers of Congress has no reference to or connection with the other constitutional guarantees of personal liberty. Expunge from the Constitution this limitation upon the power of Congress to suspend the writ of habeas corpus, and yet the other guarantees of personal liberty would remain unchanged.

Although a man might not have a constitutional right to have an immediate investigation made as to the legality of his arrest upon habeas corpus, yet his "right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed" will not be altered; neither will his right to the exemption from "cruel and unusual punishment," nor his right to be secure in his person, houses, papers, and effects, against unreasonable seizures and searches, nor his right not to be deprived of life, liberty, or property, without due process of law, nor his right not to be held to answer for a capital or otherwise infamous offence, unless on presentment or indictment of a grand jury, be in anywise changed.

And certainly the restriction upon the power of Congress to suspend the writ of habeas corpus in time of insurrection or invasion, could not affect the guarantee that the freedom of speech and of the press shall not be abridged. It is sometimes urged that the proceedings in the civil tribunals are too tardy and ineffective for cases arising in times of insurrection or invasion. It is a full reply to this to say that arrests by civil process may be equally as expeditious and effective as arrests by military orders. True, a summary trial and punishment are not allowed in the civil courts. But, if the offender be under arrest and imprisoned, and not entitled to a discharge on writ of habeas corpus before trial, what more can be required for the purposes of the Government? The idea that all the constitutional guarantees of personal liberty are suspended throughout the country at a time of insurrection or invasion in any part of it, places us upon a sea of uncertainty, and subjects the life, liberty, and property of every citizen to the mere will of a military commander, or what he may say that he considers the public safety requires. Does your Excellency wish to have it understood that you hold that the rights of every man throughout this vast country are subject to be annulled whenever you may say that you consider the public safety requires it, in time of invasion or insurrection?

You are further reported as having said that the constitutional guarantees of personal liberty have "no application to the present case we have in hand, because the arrests complained of were not made for treason—that is, not for the treason defined in the Constitution, and upon the conviction of which the punishment is death—nor yet were they made to hold persons to answer for capital or otherwise infamous crimes; nor were the proceedings following in any constitutional or legal sense 'criminal prosecutions.' The arrests were made on totally different grounds, and the proceedings following accorded with the grounds of the arrests," &c.

The conclusion to be drawn from this position of your Excellency is, that where a man is liable to "a criminal prosecution," or is charged with a crime known to the laws of the land, he is clothed with all the constitutional guarantees for his safety and security from wrong and injustice; but that where he is not liable to "a criminal prosecution," or charged with any crime known to the laws, if the President or any military commander shall say that he considers that the public safety requires it, this man may be put outside of the pale of the constitutional guarantees, and arrested without charge of crime, imprisoned without knowing what for, and any length of time, or be tried before a court martial and sentenced to any kind of punishment, unknown to the laws of the land, which the President or the military commander may see proper to impose.

Did the Constitution intend to throw the shield of its securities around the man liable to be charged with treason as defined by it, and yet leave the man not liable to any such charge unprotected by the safeguards of personal liberty and personal security? Can a man not in the military or naval service, nor within the field of the operations of the army, be arrested and imprisoned without any law of the land to authorize it? Can a man thus, in civil life, be punished without any law defining the offence and prescribing the punishment? If the President or a court martial may prescribe one kind of punishment unauthorized by law, why not any other kind? Banishment is an unusual punishment and unknown to our laws. If the President has the right to prescribe the punishment of banishment, why not that of death and confiscation of property? If the President has the right to change the punishment prescribed by the court martial from imprisonment to banishment, why not from imprisonment to torture upon the rack or execution upon the gibbet?

If an indefinable kind of constructive treason is to be introduced and engrafted upon the Constitution, unknown to the laws of the land and subject to the will of the President whenever an insurrection or invasion shall occur in any part of this vast country, what safety or security will be left for the liberties of the people?

The constructive treason that gave the friends of freedom so many years of toil and trouble in England were inconsiderable compared to this. The precedents which you make will become a part of the Constitution for your successors, if sanctioned and acquiesced in by the people now.

The people of Ohio are willing to coöperate zealously with you in every effort warranted by the Constitution to restore the Union of the States, but they cannot consent to abandon those fundamental principles of civil liberty which are essential to their existence as a free people.

In their name, we ask that, by a revocation of the order of his banishment, Mr. Vallandigham may be restored to the enjoyment of those rights of which they believe he has been unconstitutionally deprived.

We have the honor to be respectfully, yours, &c.: M. Burchard, Chairman, 19th Dist.; David A. Houk, Sec'y, 3d Dist.; George Bliss, 14th Dist.; T. W. Bart-

ley, 8th Dist.; W. J. Gordon, 18th Dist.; John O'Neill, 13th Dist.; C. A. White, 6th Dist.; W. E. Finck, 12th Dist.; Alexander Long, 2d Dist.; J. W. White, 16th Dist.; James R. Morris, 15th Dist.; George S. Converse, 7th Dist.; Warren P. Noble, 9th Dist.; George H. Pendleton, 1st Dist.; W. A. Hutchins, 11th Dist.; Abner L. Backus, 10th Dist.; J. F. McKinney, 4th Dist.; F. C. Le Blond, 5th Dist.; Louis Schaefer, 17th Dist.

WASHINGTON, *June 29th*, 1863.

Messrs. M. Burchard, David A. Houck, George Bliss, T. W. Bartley, W. J. Gordon, John O'Neill, C. A. White, W. E. Finck, Alexander Long, J. W. White, George H. Pendleton, George S. Converse, Warren P. Noble, James R. Morris, W. A. Hutchins, Abner L. Backus, J. F. McKinney, P. C. Le Blond, Louis Schaefer:

GENTLEMEN: The resolutions of the Ohio Democratic State Convention, which you present me, together with your introductory and closing remarks, being in position and argument mainly the same as the resolutions of the Democratic meeting at Albany, New York, I refer you to my response to the latter as meeting most of the points in the former.

This response you evidently used in preparing your remarks, and I desire no more than that it be used with accuracy. In a single reading of your remarks, I only discovered one inaccuracy in matter which I suppose you took from that paper. It is where you say, "The undersigned are unable to agree with you in the opinion you have expressed that the Constitution is different in time of insurrection or invasion from what it is in time of peace and public security."

A recurrence to the paper will show you that I have not expressed the opinion you suppose. I expressed the opinion that the Constitution is different in its application in cases of rebellion or invasion, involving the public safety, from what it is in times of profound peace and public security; and this opinion I adhere to, simply because by the Constitution itself things may be done in the one case which may not be done in the other.

I dislike to waste a word on a merely personal point, but I must respectfully assure you that you will find yourselves at fault should you ever seek for evidence to prove your assumption that I "opposed in discussions before the people the policy of the Mexican war."

You say: "Expunge from the Constitution this limitation upon the power of Congress to suspend the writ of habeas corpus, and yet the other guarantees of personal liberty would remain unchanged." Doubtless if this clause of the Constitution, improperly called, as I think, a limitation upon the power of Congress, were expunged, the other guarantees would remain the same; but the question is, not how those guarantees would stand with that clause out of the Constitution, but how they stand with that clause remaining in it, in case of rebellion or invasion, involving the public safety. If the liberty could be indulged in expunging that clause, letter and spirit, I really think the constitutional argument would be with you.

My general view on this question was stated in the Albany response, and hence I do not state it now. I only add that, it seems to me, the benefit of the writ of habeas corpus is the great means through which the guarantees of personal liberty are conserved and made available in the last resort; and corroborative of this view is the fact that Mr. Vallandigham, in the very case in question, under the advice of able lawyers, saw not where else to go but to the habeas corpus. But by the Constitution the benefit of the writ of habeas corpus itself may be suspended, when, in case of rebellion or invasion, the public safety may require it.

You ask, in substance, whether I really claim that I may override all the guaranteed rights of individuals, on the plea of conserving the public safety—when I may choose to say the public safety requires it. This question, divested of the phraseology calculated to represent me as struggling for an arbitrary personal prerogative, is either simply a question who shall decide, or an affirmation that nobody shall decide, what the public safety does require in cases of rebellion or invasion. The Constitution contemplates the question as likely to occur for decision, but it does not expressly declare who is to decide it. By necessary implication, when rebellion or invasion comes, the decision is to be made, from time to time; and I think the man whom, for the time, the people have under the Constitution, made the commander-in-chief of their army and navy, is the man who holds the power and bears the responsibility of making it. If he uses the power justly, the same people will probably justify him; if he abuses it, he is in their hands, to be dealt with by all the modes they have reserved to themselves in the Constitution.

The earnestness with which you insist that persons can only, in times of rebellion, be lawfully dealt with, in accordance with the rules for criminal trials and punishments in times of peace, induces me to add a word to what I said on that point in the Albany response. You claim that men may, if they choose, embarrass those whose duty it is to combat a giant rebellion, and then be dealt with only in turn as if there were no rebellion. The Constitution itself rejects this view. The military arrests and detentions which have been made, including those of Mr. Vallandigham, which are not different in principle from the other, have been for prevention, and not for punishment—as injunctions to stay injury, as proceedings to keep the peace—and hence, like proceedings in such cases and for like reasons, they have not been accompanied with indictments, or trials by juries, nor in a single case by any punishment whatever beyond what is purely incidental to the prevention. The original sentence of imprisonment in Mr. Vallandigham's case was to prevent injury to the military service only, and the modification of it was made as a less disagreeable mode to him of securing the same prevention.

I am unable to perceive an insult to Ohio in the case of Mr. Vallandigham. Quite surely nothing of this sort was or is intended. I was wholly unaware that Mr. Vallandigham was, at the time of his arrest, a candidate for the Democratic nomination for Governor, until so informed by your reading to me the resolutions of the Convention. I am grateful to the State of Ohio for many things, especially for the brave soldiers and officers she has given in the present national trial to the armies of the Union.

You claim, as I understand, that according to my own position in the Albany response, Mr. Vallandigham should be released; and this because, as you claim, he has not damaged the military service by discouraging enlistments, encouraging desertions, or otherwise; and that if he had, he should have been turned over to the civil authorities under the recent acts of Congress. I certainly do not know that Mr. Vallandigham has specifically and by direct language advised against enlistments, and in favor of desertion and resistance to drafting. We all know that combinations, armed in some instances, to resist the arrest of deserters, began several months ago; that more recently the like has appeared in resistance to the enrolment preparatory to a draft; and that quite a number of assassinations have occurred from the same animus. These had to be met by military force, and this again has led to bloodshed and death. And now, under a sense of responsibility more weighty and enduring than any which is merely official, I solemnly declare my belief that this hinderance of the military, including maiming and murder, is due to the course in which Mr. Vallandigham has been engaged, in a greater degree than to any other cause; and it is due to him personally in a greater degree than to any other man.

These things have been notorious, known to all, and of course known to Mr. Vallandigham. Perhaps I would not be wrong to say they originated with his

especial friends and adherents. With perfect knowledge of them he has frequently, if not constantly, made speeches in Congress and before popular assemblies; and if it can be shown that, with these things staring him in the face, he has ever uttered a word of rebuke or counsel against them, it will be a fact greatly in his favor with me, and one of which, as yet, I am totally ignorant. When it is known that the whole burden of his speeches has been to stir up men against the prosecution of the war, and that in the midst of resistance to it he has not been known in any instance to counsel against such resistance, it is next to impossible to repel the inference that he has counselled directly in favor of it.

With all this before their eyes, the Convention you represent have nominated Mr. Vallandigham for Governor of Ohio, and both they and you have declared the purpose to sustain the National Union by all constitutional means. But, of course, they and you, in common, reserve to yourselves to decide what are constitutional means, and, unlike the Albany meeting, you omit to state or intimate that, in your opinion, an army is a constitutional means of saving the Union against a rebellion, or even to intimate that you are conscious of an existing rebellion being in progress with the avowed object of destroying that very Union. At the same time, your nominee, for Governor, in whose behalf you appeal, is known to you and to the world to declare against the use of an army to suppress the rebellion. Your own attitude, therefore, encourages desertion, resistance to the draft, and the like, because it teaches those who incline to desert and to escape the draft to believe it is your purpose to protect them, and to hope that you will become strong enough to do so.

After a short personal intercourse with you, gentlemen of the committee, I cannot say I think you desire this effect to follow your attitude; but I assure you that both friends and enemies of the Union look upon it in this light. It is a substantial hope, and by consequence a real strength, to the enemy. It is a false hope, and one which you would willingly dispel. I will make the way exceedingly easy. I send you duplicates of this letter, in order that you, or a majority, may, if you choose, indorse your names upon one of them, and return it thus indorsed to me, with the understanding that those signing are thereby committed to the following propositions, and to nothing else:

1. That there is now a rebellion in the United States, the object and tendency of which is to destroy the National Union; and that, in your opinion, an army and navy are constitutional means for suppressing that rebellion.

2. That no one of you will do anything which, in his own judgment, will tend to hinder the increase or favor the decrease or lessen the efficiency of the army and navy, while engaged in the effort to suppress that rebellion; and

3. That each of you will, in his sphere, do all he can to have the officers, soldiers, and seamen of the army and navy, while engaged in the effort to suppress the rebellion, paid, fed, clad, and otherwise well provided for and supported.

And with the further understanding that, upon receiving the letter and names thus indorsed, I will cause them to be published, which publication shall be, within itself, a revocation of the order in relation to Mr. Vallandigham.

It will not escape observation that I consent to the release of Mr. Vallandigham upon terms not embracing any pledge from him, or from others, as to what he will or will not do. I do this because he is not present to speak for himself, or to authorize others to speak for him; and hence I shall expect that on returning he would not put himself practically in antagonism with the position of his friends. But I do it chiefly because I thereby prevail on other influential gentlemen of Ohio to so define their position as to be of immense value to the army—thus more than compensating for the consequences of any mistake in allowing Mr. Vallandigham to return, so that, on the whole, the public safety will not have suffered by it. Still, in regard to Mr. Vallandigham and all others, I must hereafter, as heretofore, do so much as the public service may seem to require. I have the honor to be, respectfully, yours, &c. A. LINCOLN.

On the 1st of July, the committee made an answer to the letter of President Lincoln, in which, after urging objections to the positions taken by the President, they conclude as follows:

In the conclusion of your communication you propose that, if a majority of the committee shall affix their signatures to a duplicate copy of it, which you have furnished, they shall stand committed to three propositions, therein at length set forth, that you will publish the names thus signed, and that this publication shall operate as a revocation of the order of banishment. The committee cannot refrain from the expression of their surprise that the President should make the fate of Mr. Vallandigham depend upon the opinion of this committee upon these propositions. If the arrest and banishment were legal, and were deserved; if the President exercised a power clearly delegated, under the circumstances which warranted its exercise, the order ought not to be revoked, merely because the committee hold, or express, opinions accordant with those of the President. If the arrest and banishment were not legal, or were not deserved by Mr. Vallandigham, then surely he is entitled to an immediate and unconditional discharge.

The people of Ohio were not so deeply moved by the action of the President merely because they were concerned for the personal safety or convenience of Mr. Vallandigham, but because they saw in his arrest and banishment an attack upon their own personal rights; and they attach value to his discharge chiefly, as it will indicate an abandonment of the claim to the power of such arrest and banishment. However just the undersigned might regard the principles contained in the several propositions submitted by the President, or how much soever they might, under other circumstances, feel inclined to indorse the sentiments contained therein, yet they assure him that they have not been authorized to enter into any bargains, terms, contracts, or conditions with the President of the United States to procure the release of Mr. Vallandigham. The opinions of the undersigned touching the questions involved in these propositions are well known, have been many times publicly expressed, and are sufficiently manifested in the resolutions of the Convention which they represent, and they cannot suppose that the President expects that they will seek the discharge of Mr. Vallandigham by a pledge, implying not only an imputation upon their own sincerity and fidelity as citizens of the United States, and also carrying with it, by implication, a concession of the legality of his arrest, trial, and banishment, against which they and the Convention they represent have solemnly protested. And, while they have asked the revocation of the order of banishment, not as a favor, but as a right due to the people of Ohio, and with a view to avoid the possibility of conflict or disturbance of the public tranquillity, they do not do this, nor does Mr. Vallandigham desire it, at any sacrifice of their dignity and self-respect.

The idea that such a pledge as that asked from the undersigned would secure the public safety sufficiently to compensate for any mistake of the President in discharging Mr. Vallandigham is, in their opinion, a mere evasion of the grave questions involved in this discussion, and of a direct answer to their demand. And this is made especially apparent by the fact that this pledge is asked in a communication which concludes with an intimation of a disposition, on the part of the President, to repeat the acts complained of.

The undersigned, therefore, having fully discharged the duty involved upon them, leave the responsibility with the President.

On the 26th of August, President Lincoln addressed the following letter to a mass convention or meeting to be held at Springfield, Ill.:

EXECUTIVE MANSION, WASHINGTON, *Aug. 26th*, 1863.

Hon. James C. Conklin:

MY DEAR SIR: Your letter, inviting me to attend a mass meeting of unconditional Union men, to be held at the capital of Illinois, on the 3d day of September, has been received. It would be very agreeable to me thus to meet my old friends at my own home; but I cannot, just now, be absent from this city so long as a visit there would require.

The meeting is to be of all those who maintain unconditional devotion to the Union, and I am sure that my old political friends will thank me for tendering, as I do, the nation's gratitude to those other noble men whom no partisan malice or partisan hope can make false to the nation's life. There are those who are dissatisfied with me. To such I would say, You desire peace, and you blame me that we do not have it. But how can we attain it?

There are but three conceivable ways. First, to suppress the rebellion by force of arms. This I am trying to do. Are you for it? If you are, so far we are agreed. If you are not for it, a second way is to give up the Union. I am against this. If you are, you should say so plainly. If you are not for force, nor yet for dissolution, there only remains some imaginary compromise. I do not believe that any compromise embracing the maintenance of the Union is now possible. All that I learn leads to a directly opposite belief. The strength of the rebellion is its military, its army. This army dominates all the country and all the people within its range. Any offer of terms, made by man or men, within that range, in opposition to that army, is simply nothing for the present, because such man or men have no power whatever to enforce their side of a compromise, if one were made with them.

To illustrate: Suppose refugees of the South and peace men of the North meet together in convention, and frame and proclaim a compromise, embracing a restoration of the Union, in what way can that compromise be used to keep Gen. Lee's army out of Pennsylvania? Gen. Meade's army can keep Gen. Lee's army out of Pennsylvania, and I think can ultimately drive it out of existence. But no paper compromise, to which the controllers of Gen. Lee's army are not agreed, can at all affect that army.

In an effort to make such compromise, we would waste time, which the enemy would improve to our disadvantage, and that would be all. A compromise, to be effective, must be made either with those who control the rebel army, or with the people, first liberated from the domination of that army by the success of our army.

Now, allow me to assure you that no word or intimation from the rebel army or from any of the men controlling it, in relation to any peace compromise, has ever come to my knowledge or belief. All charges and intimations to the contrary are deceptive and groundless, and I promise you that if any such proposition shall hereafter come, it shall not be rejected and kept secret from you. I freely acknowledge myself to be the servant of the people, according to the bond of the service, the United States Constitution, and that as such I am responsible to them. But to be plain, you are dissatisfied with me about the negro. Quite likely there is a difference of opinion between you and myself upon that subject. I certainly wish that all men could be free, while you, I suppose, do not. Yet I have neither adopted nor proposed any measure which is not consistent with even your views, provided that you are for the Union.

I suggested compensated emancipation, to which you replied that you wished not to be taxed to buy negroes. But I had not asked you to be taxed to buy negroes, except in such a way as to save you from greater taxation to save the Union exclusively by other means.

You dislike the Emancipation Proclamation, and, perhaps, would like to have it retracted. You say it is unconstitutional. I think differently. I think that the Constitution vests the commander-in-chief with the law of war in time of war. The most that can be said, if so much, is, that slaves are property. Has there ever been any question that by law of war property, both of enemies and friends, may be taken when needed, and is it not needed whenever taking it helps us or hurts the enemy? Armies, the world over, destroy the enemy's property when they cannot use it, and even destroy their own to keep it from the enemy. Civilized belligerents do all in their power to help themselves or hurt the enemy, except a few things, regarded as barbarous and cruel. Among the exceptions are the massacre of vanquished foes and noncombatants, male and female. But the Proclamation law is valid or it is not valid. If it is not valid, it needs no retraction; if it is valid, it cannot be retracted any more than the dead can be brought to life. Some of you profess to think that retraction would operate favorably to the Union. Why better after the retraction than before the issue? There was more than a year and a half of trial to suppress the rebellion before the Proclamation was issued, the last one hundred days of which passed under an explicit notice that it was coming, unless averted by those in rebellion returning to their allegiance.

The war has certainly progressed as favorably to us since the issue of the Proclamation as before. I know, as fully as one can know the opinion of others, that some of the commanders of our armies in the field, who have given us our most important victories, believe the emancipation policy and the aid of colored troops constituted the heaviest blows yet dealt to the rebellion, and that at least one of these important successes could not have been achieved, but for the aid of black soldiers. Among the commanders holding these views, are some who have never had any affinity with what is called Abolitionism, or with Republican party politics, but who hold them purely as military opinions. I submit their opinion as being entitled to some weight against the objections often urged that emancipation and arming the blacks are unwise as military measures, and were not adopted in good faith.

You say you will not fight to free negroes. Some of them seem to be willing enough to fight for you. But no matter. They fight, then, exclusively to save the Union. I issued the Proclamation on purpose to aid you in saving the Union. Whenever you shall have conquered all resistance to the Union, if I shall urge upon you to continue fighting, it will be an apt time then for you to declare that you will not fight to free negroes. I thought that in your struggle for the Union, to whatever extent the negroes should cease helping the enemy, to that extent it weakened the enemy in their resistance to you.

Do you think differently? I thought that whatever negroes can be got to do as soldiers, leaves just so much less for white soldiers to do in saving the Union. Does it appear otherwise to you? But negroes, like other people, act upon motive. Why should they do anything for us, if we will do nothing for them? If they stake their lives for us, they must be prompted by the strongest motive, even the promise of freedom, and the promise being made, must be kept.

The signs look better. The Father of Waters again goes unvexed to the sea, thanks to the great Northwest for it; nor yet wholly to them, for three hundred miles up they met New England, Empire, Keystone, and Jersey hewing their way right and left. The sunny South, too, in more colors than one, also lent a hand. On the spot, then, part of the history was jotted down in black and white. The job was a great national one, and let none be bound who bore an honorable part in it; and while those who have cleared the great river may well be proud, even that is not all.

It is hard to say that any thing has been done more bravely and better done than Antietam, Murfreesboro, Gettysburg, and on many fields of less note; nor must Uncle Sam's webbed feet be forgotten. At all the traitors' margins they have been present, not only on the deep sea, the broad bay, and the rapid river, but also up the narrow, muddy bayou, and wherever the ground was a little damp, they have been, and made their tracks. Thanks to all, for the great republic, for the principles by which it lives and keeps alive for man's

vast future; thanks to all, that peace does not appear so distant as it did. I hope it will come soon, and come to stay, and so come as to be worth the keeping in all future time.

It will then have been proved that among freemen there can be no successful appeal from the ballot to the bullet, and that they who take such appeal are sure to lose their case and pay the costs; and then there will be some black men who can remember that, with silent tongue, and with clenched teeth, and with steady eye and well-poised bayonet, they have helped mankind on to this great consummation, while I fear that there will be some white men unable to forget that, with malignant heart and deceitful speech, they have striven to hinder it. Still, let us not be over sanguine of a speedy and final triumph; let us be quite sober; let us diligently apply the means, never doubting that a just God, in His own good time, will give us the rightful result.

Yours, very truly, A. LINCOLN.

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REFORMED CHURCH. The following is a summary view of the Reformed Protestant Dutch Church of North America for the year 1863: Particular synods, 3 (New York, Albany, Chicago), classes 32, churches 422, ministers 446, number of families 34,521, number of communicants 53,007, infants baptized during the past year 3,155, adults baptized 399, catechumens 19,826, Sunday-school scholars 38,539. Contributions for religious and benevolent purposes $135,814, for congregational purposes $402,900. One of the classes, that of Arcot, is in India; its membership (226) being deducted from the above total of members, the number of communicants in the United States will be found to amount to 52,781.

The fifty-seventh General Synod of the Reformed Protestant Dutch Church, convened at Newburg, New York, on June 3d, 1863, and organized by the election of the Rev. Dr. T. W. Chambers, of New York, as president, and the Rev. John Dewitt, of New Jersey, as assessor. The synod adopted, with but one dissenting voice, a series of resolutions on the state of the country, "tendering to the Government of the United States, and to those who represent it, the renewed expression of their warmest and deepest sympathy in its present protracted struggle to maintain its lawful authority, and to preserve unbroken the integrity and union of the States," declaring it their duty as ministers of the gospel and members of the synod "to strengthen by every possible means the hands of the Government, and to yield a cordial support to all such measures as may be necessary to suppress the existing rebellion, and to assert the complete authority of the Union over all its people, territory, and domain," and also declaring that they would "hail with satisfaction the earliest practicable period for the introduction and establishment of a salutary peace, founded on the full ascendancy of law and rightful authority, and guaranteed in its permanency by the removal or the sufficient coercion and restraint of whatever causes tend necessarily to imperil the existence of the nation, and to endanger the preservation of the Union."

The Reformed Dutch Church has, besides the missions in India, which constitute the classis of Arcot, three missionary churches in China (2 in Amoy, 1 in Chioh-be), with 309 communicants, and one missionary church in Japan (at Kanagawa). In 1857 the General Synod directed the missionaries in China to apply to the particular synod of Albany to organize them into a classis as soon as they should have formed churches enough to make the permanency of such organization reasonably certain. The missionaries, however, did not regard the circumstances as favoring the formation of a classis of the Reformed Dutch Church, and deemed it preferable to form, in conjunction with three native congregations, established by English Presbyterians, a separate organization called "The Great Presbyterial or Classical Council of Amoy." The General Synod of the Church in 1863 adhered to its former resolution, and instructed the Board of Foreign Missions to inform the missionaries of the wish and expectation of the General Synod to have their action conform as soon as possible to the resolution of 1857.

Among the other acts of the General Synod we may mention its resolution to accept a proposal from the New School Presbyterian General Assembly, to open correspondence with the latter body "on the same terms on which they (the General Synod) corrrespond with other bodies," and to reopen a correspondence with the German Reformed Church, which some years ago was terminated by a vote of the General Synod against the most earnest protestations of the German Reformed Church.

The German Reformed Church consists of two synods, one east and the other west. The Eastern Synod, according to the statistics of 1863 (which statistics are, however, not in all respects complete) has 15 classes, 253 ministers, 711 congregations, and 79,676 members; and the Western Synod has 11 classes, 179 ministers, 411 congregations, and 21,015 members. The two synods together contain 26 classes, 432 members, 1,122 congregations, and 100,691 members. The synods and the classes both meet annually, the first in the fall, the latter in the spring. The denomination has five German and 4 English periodicals, 5 literary institutions, and 3 theological seminaries.

The Triennial General Convention assembled at Pittsburg on November 18th, 1863. With this convention a new era begins in the German Reformed Church, for it was the first clothed not only with advisory, but judicatory power. Delegates were present from all the classes, except three, Virginia, North Carolina, and Indiana. The Rev. Dr. J. W. Nevin was elected president. The proceedings presented many points of interest. An animated debate,

in particular, took place on the general introduction of the liturgy, which is now in use in the Eastern Synod. The Western Synod desired in place of it a new liturgy, and the General Convention complied with its desire. The following resolution on the state of the country was adopted:

Resolved, That in conformity with the admonitions of the Holy Scriptures, and in imitation of the example of our ecclesiastical fathers during the period of the Revolution, this synod admonishes the pastors and members of the churches under its care, to remember that the powers that be are ordained of God, and that it is the solemn duty of all Christians enjoying the protection of such civil rulers to pray for them, and that we should feel especially obligated to do during the time of peril like that through which our beloved country is now passing.

The three hundredth anniversary of the Heidelberg Catechism was commemorated during the year 1863, with much spirit and success by the German Reformed Church of this country. A grand convention was held in Philadelphia on the 19th of January, 1863, and lasted for several days. A number of essays, bearing upon important points in the history of the German Reformed Church, and prepared by some of the most prominent theologians of the German and Dutch Reformed Churches of Germany and Holland, were read to the convention, and subsequently published in a volume, called the "Tercentenary Monument." A superb triglot edition of the catechism, in Latin, German and English, was also published under the auspices of the church, in commemoration of the tercentenary.

REYNOLDS, JOHN FULTON, a major-general of U. S. volunteers, born in Lancaster, Pa., in 1820, killed at the battle of Gettysburg, July 1st, 1863. He graduated at West Point on the 30th of June, 1841, and on the 23d of October following, received his commission as second lieutenant in the third artillery. On the 13th of June, 1846, he was promoted to the rank of first lieutenant, and served throughout the Mexican war, winning the brevets of captain and major for his "gallant and meritorious conduct" at Monterey and Buena Vista. After his return from Mexico he was engaged in military service in California, and against the Indians on the Pacific coast. In 1852 he was appointed aid to Gen. Wool, and on the 3d of March, 1855, was promoted to a captaincy in the third artillery. On the 14th of May, 1861, he was appointed lieutenant-colonel of the 14th U. S. infantry. On the 20th of August, 1861, he was commissioned brigadier-general of volunteers, and appointed to the command of the first brigade of the Pennsylvania reserve corps, then under Gen. McCall. In June, 1862, the Reserves joined the army of the Potomac, on the peninsula, and Gen. Reynolds, on the 26th of June, 1862, participated in the battle of Mechanicsville, and the next day took part in the severe battle of Gaines's Mill. He was also engaged at Savage Station, and at Charles City Cross Roads, where he took command of the division after Gen. McCall was taken prisoner, and at a late hour the same day was himself captured by the enemy and sent to Richmond. For his gallantry in these battles he received the brevets of colonel and brigadier-general in the regular army. After his release from Richmond, and on the 26th of September, he returned to the command of his division, and soon after assumed command of the first army corps, by virtue of seniority of rank. He commanded this corps in the first battle of Fredericksburg. In January, 1863, he was nominated major-general of volunteers. In the battles at Chancellorsville his corps took no active part, being in the reserve. On the 12th of June he was appointed to the command of the right wing of Hooker's army, having charge of three corps. He hastened forward to Gettysburg at the direction of the commanding general, and arrived there in the vanguard of the Union army, and bringing his little corps of eight thousand men into action against a Confederate force of three times their number, he rode forward to reconnoitre a grove in which the enemy had placed a large body of sharpshooters; and dismounting from his horse, approached a fence and looked over toward the wood, when he was struck in the neck by a rifle ball, and, falling upon his face, died in a few minutes.

RHODE ISLAND. The draft for soldiers in Rhode Island was completed in August. The number of men drawn who entered the service was 109; the number drawn who procured substitutes was 679; and the number who commuted by paying three hundred dollars was 461. The quota required from the State was 2,880, and the number drafted including the fifty per cent. was 4,320. Those who did not enter the service, or find substitutes, or commute, were discharged as aliens, or physically disqualified. In addition 716 recruits were furnished during the year to regiments in the field; one colored regiment numbering 1,400 was raised, and a cavalry regiment of 400 men. The State paid a bounty of $300 to recruits for regiments in the field.

The following amendment to the Constitution of the State was submitted to the people on Oct. 4th. It required a majority of three fifths of the votes to become adopted:

Alien residents of this State who have enlisted or volunteered, or who may enlist or volunteer in any of the regiments of this State, and shall be honorably discharged therefrom, and who are now or may become naturalized citizens of the U. States, shall be admitted to vote at all elections in this State on the same terms as native born citizens of this State.

The votes were given as follows:

	Ay.	No.
Providence county	869	1,590
Newport county	147	388
Kent county	93	316
Washington county	153	303
Bristol county	48	208
Total	1,310	2,805

The election for State officers was held on

the first Wednesday of April. The Republican Convention nominated for governor James T. Smith, and the Democratic and Union Convention nominated Wm. W. Hoppin, who declined. Wm. E. Cozzens was subsequently nominated. The votes were given as follows: Smith, 10,828; Cozzens, 7,537; scattering 302.

The Legislature elect was divided as follows:

	Senate.	House.
Republicans	22	54
Democrats	12	18

The votes for members of Congress were as follows:

	Repub.		Dem.
1st Dist.—Jenckes	6,532	Bradley	4,616
2nd Dist.—Dixon	4,202	Brown	3,180

The balance in the State Treasury on May 1st, 1863, was $57,384. The receipts during the fiscal year had been $334,115. A new valuation of property was made throughout the State, by which the amount of taxable property was increased twenty-seven millions.

RUBIDIUM. By igniting in a suitable apparatus the carbonized bitartrate of its oxide, Bunsen has obtained metallic rubidium. From 75 grammes of the salt, he secured 5 grammes of the metal (about 3 dwts. Troy) in a single mass. The metal rubidium is very brilliant, like silver, and is white with a scarcely perceptible tinge of yellow. In air it oxidizes instantly to bluish-gray sub-oxide, and takes fire (after a few minutes) much more easily than potassium. At 10° C., it has about the hardness of iron; it melts at 58° 5′C., and below a red heat is converted into a vapor which is of a blue color with a shade of green. Its density is about 1.52. It is much more electro-positive than potassium, and upon water takes fire with a flame not distinguishable by the eye from that of the latter element. It burns with brilliancy in chlorine, and in the vapors of bromine, iodine, sulphur, and arsenic.—(*Ann. der Chem. und Pharm.*, CXXV. 367.)

In the mother-liquors from which salt has been extracted, at the Nauheim Salt Works, Böttger finds the chlorides not only of magnesium, potassium, and sodium, but also, in comparatively large quantities, of cæsium and rubidium, and a trace moreover of that of thallium. He considers this mother-liquor the readiest now known source of cæsium and rubidium.

RIOTS IN NEW YORK, BOSTON, AND ELSEWHERE. After several postponements Col. Nugent, the provost-marshal of New York city, was directed to prepare the central office of the acting assistant provost-marshal-general, for the immediate execution of the provisions of the act for enrolling and calling out the national forces. The several deputies received official requisitions direct from the President, calling for specified numbers of men, and were instructed to commence operations on the 11th of July. In compliance with this order Provost-Marshal Jenkins, of the ninth congressional district in New York, publicly announced through the press, that on Saturday, the 11th, the ballots would be publicly counted at the corner of Forty-sixth street and Third avenue, and that immediately thereafter the wheel would be turned and the draft begin. Rumors of popular dissatisfaction were heard on every side, trouble was apprehended, and the police were notified to hold themselves in readiness for any emergency. On Saturday morning a large crowd assembled at the appointed place, but as everything was conducted quietly, systematically, and fairly, no opportunity for disturbance occurred. The day passed pleasantly, the crowd were in good humor, well known names were saluted with cheers, and at night as the superintendent of the police passed out from the office, he remarked that there was no danger to be apprehended; the Rubicon was passed, and all would go well. The names of the conscripts were published by the press of Sunday morning, with incidents, jocular and otherwise, connected with the proceedings. In the neighborhood in which the initial working of the law was attempted, an excitable element of the city's population resided. Very many poor men were, by the turn of the wheel, forced instantly as it were from home and comfort, wrested from the support of a needy family, to be sent they knew not whither, unless to the battle field, or, perhaps, to the grave. Such were the apprehensions of many imprudent persons, who were liable to the draft, and such their anxieties for the fate of their wives and children, that associations were formed to resist it, at the last alternative, with bloodshed. Some of the inhabitants of the 9th district met in secret places on Sunday, and resolved to resist the further drafting by force, and, if necessary, to proceed to extremity. On the following morning, Monday the 13th, organized parties of men went from yard to yard, from shop to shop, to compel the workmen to leave their labor and join the several processions which were wending their way toward the corner of Third avenue and Forty-sixth street. Unconscious of impending danger, Captain Jenkins, with his assistants, prepared for the morning's work, and in the presence of a great multitude, many of whom had crowded into the little room, the draft recommenced, a few names were called and registered, when a huge paving stone came crash through the window, and shivered into a thousand pieces the glass, knocked over two or three quiet observers, upset the inkstand on the reporters' table, and astonished somewhat the officials. Hardly had their surprise found expression in words before a second and a third stone was sent straight from the crowd among the officials and reporters behind the railing. As if emboldened by these acts, the crowd developed instantly into a mob, and with frantic yells passionately rushed upon the place, breaking down the doors, throwing helter-skelter the furniture, smashing into fragments the tables and desks, and venting their fury

over the remains of the boxes connected with the office. The wheel was taken up stairs and eventually saved, but nothing else was spared from absolute wreck. The marshal escaped uninjured, as did the reporters; but one of the deputies, Lieutenant Vanderpoel, was badly beaten and taken home for dead. Having destroyed the material of the office, the enraged multitude thought of an additional outrage, and regardless of the women and children who occupied the upper portion of the house, sprinkled camphene upon the lower floor and set the place ablaze. In two hours from that time the entire block, of which this was the corner building, was a pile of smoking brick and mortar. At an early stage of the proceedings, Chief Engineer Decker, of the Fire Department, arrived, but the incendiaries had taken possession of the hydrants, and would not allow the engines to be worked. After much persuasion and an exhibition of absolute heroism, Chief Decker obtained permission to restrain the flames from further devastation, but it was too late to be of service. Police Superintendent Kennedy was attacked by the mob and nearly killed.

In the meantime, word had been sent to the lower part of the city, that the long threatened resistance had been made, and that success had crowned the efforts of the anti-conscriptionists. The most exaggerated rumors obtained ready currency, and while every one from the mayor to the ward-constable stood aghast, all business was suspended, and the voice of trade was hushed. There were no troops in the city, the militia regiments being nearly all on duty in Pennsylvania; the force in the several forts in the harbor was small, and the Navy Yard, at Brooklyn, could spare but a few marines. While therefore Maj.-Gen. Sandford, on the part of the State militia, Maj.-Gen. Wool, on behalf of the General Government, Mayor Opdyke, as the chief magistrate of the city, and their several staffs, were "consulting," the mob, whose proportions had attained the size of an army, had resolved itself into a peregrinating column of incendiaries, and was in the successful pursuit of an uninterrupted career of murder, pillage, and arson. No person was sacred from their touch, and before the day had passed, gangs of thieves joined the crowd, and availing themselves of the general disturbance, reaped vast harvests of money and other *desiderata*, which they unblushingly took from the pockets and persons of their proprietors. Several members of the press, in pursuit of their normal avocations, were maltreated and abused. A noticeable case was that a reporter, then of the "New York Times," who was surrounded by a set of ruffians on the corner of 46th street and Third avenue. Without a moment's parley, they robbed him of his watch, chain, diamond pin, and wallet, knocked him down, raised the cry of "Abolitionist!" and left him to the tender mercies of the crowd. Supposing him to be a spy, the rioters kicked and trampled upon him, pulled him by the hair up and down the streets, and only let him alone when some firemen interfered in his behalf. He was carried to a neighboring engine-house, and barely escaped being stoned to death by a second crowd, which had gathered about the door, and whose volleys of missiles broke every window in the house. A fortunate incident attracted their attention, and the wounded man was permitted later in the day to retire.

While the up-town mob was delighting itself in the destruction of a brown stone block in Lexington Avenue, a detachment of marines, some fifty in number, with muskets and blank cartridges, were sent to quell the riot. Taking a Third avenue car, at the Broadway junction, they started for 46th street. Information reached the mob that the soldiers were coming, and they prepared to receive them. Tearing up the rails, they rendered it impossible for the car to be drawn beyond 43d street, and at that point several thousand men, women, and children stood anxiously waiting for the storming party of fifty. Many of them, particularly the women, were armed with pieces of thick telegraph wire, which they had broken from the lines, and which, as will be seen, they used with great effect. Such a scene has rarely been witnessed; the men were sober and quiet, but malignant and fearful in their aspect; the women, on the contrary, were merry, singing and dancing; they cheered their husbands, chatted gaily with bystanders, and boasted of what should yet be done by their brawny arms. As the car, containing the marines, reached the centre of the block, the lieutenant in command ordered the men to leave and form in line. Small groups and gatherings of women and children greeted them with hisses and derisive cheers; to these they paid no attention, but marched toward the larger mob at the corner. The lieutenant called upon the crowd to disperse, but no further notice was taken of the command than a sullen refusal; he then ordered his men to fire, which they did, with blank cartridges, and of course, with blank effect. The smoke had not cleared away before the infuriated mob rushed with vengeance upon the little band, broke them into confusion, seized their muskets, trampled them under foot, beat them with sticks, punched them with the long wires, and laughed at their impotence. Several of the marines managed to escape into the side streets, but each fugitive had his gang of temporary pursuers, and quite a number were killed, while all were terribly beaten. From this moment the spirit of the mob seemed changed. Resistance was no longer thought of: attack was the watchword. A squad of police attempted to arrest some of the ringleaders at this point, but they were signally defeated, badly beaten, and one of them was killed. Elated with this triumph, excited by the spilled blood, and the instinct of passion, the mob seemed beside themselves, and proposed an immediate on-

slaught upon the principal streets, the hotels, and other public buildings.

Against the negroes there seemed to exist a peculiar animosity, and incidents of barbaric cruelty occurred. The restaurants and hotels whose servants were of this class, were taken possession of by the rioters, who broke windows, smashed furniture, maltreated guests, and sought to kill the fleeing and terrified servants. In the afternoon, by which time the whole city was in alarm, the crowd had increased to great numbers, when some one suggested that the Colored Half Orphan Asylum was not far from their immediate neighborhood. The asylum was a substantial edifice, erected a few years since, on Fifth avenue, between Forty-third and Forty-fourth streets, and afforded a home to between 700 and 800 children. Its destruction was at once resolved upon, and headed by a gang of half-grown men, the crowd rapidly moved on the asylum. Entering it by doors or windows, they ransacked every room, drove the women and nurses out, and flung the children hither and thither, kicked and cuffed the little ones without regard to humanity, and after throwing everything they could lay their hands upon into the street, deliberately set fire to the building. Here, too, Chief Decker interfered. With one hand he extinguished the flames, with his person barred the progress of the rioters, and strove by the force of words to deter them from their purpose. But his efforts were in vain. With fearful yells and screams, the boys set fire again to the doomed building, while the men looked sternly on, and the women walked off laden with the spoils.

About the same hour, an attack was made upon the armory in Second avenue, corner of Twenty-first street. The object was to secure rifles and muskets which it was known the Government had stored there. Early in the day, the police authorities had placed a squad of men in charge of the building, with instructions to guard it and to prevent the entrance of any one. Against an army of three or four thousand rough men it was no easy task to defend the building. Sledge hammers and stones soon broke open the doors, when a grand rush was made, and the men began to push in. The police knew their duty, and did it; their first volley killed two men, and a subsequent discharge three others; but then the crowd pushed on more vigorously. A severe hand-to-hand fight ensued among those at the door, while the crowd outside stoned the windows, breaking every pane of glass in the building. Finding resistance useless, the police retired and effected an escape through a rear door. The building was instantly fired, and soon fell a mass of blackened ruins.

In the lower part of the city, the evidences of riotous demonstrations were confined to attacks upon colored men, and a threatened demolition of the Tribune newspaper office. Toward five o'clock, the Forty-sixth street crowd made its way to the park, where they joined a smaller gathering of boys and men, who had been hooting and sneering at the establishment of the New York Tribune, and subjecting its inmates generally to an unpleasant inquisition. After some delay, the more venturesome approached the doors of the office. These were locked, but a few vigorous pushes broke them, and the crowd rushed in. The counters and desks were broken up, and preparations were made for a grand illumination, when a detachment of police suddenly made its appearance, and charged full upon them. So sudden was the attack that a panic seized them, and they fled like chaff before the wind.

The assaults upon negroes were among the most fiendish features of the proceedings. It was estimated that, during the twenty-four hours, at least a dozen unfortunate colored persons were brutally murdered, while some were beaten, forced to jump into the river, or driven from the city. A colored man residing in Carmine street, was caught by a mob of about four hundred men and boys, as he was leaving his stable in Clarkson street. Instantly an attack was made upon him, and he was beaten and kicked until life was seemingly extinct, and then his body was suspended to a tree, a fire kindled beneath it, the heat of which restored the sufferer to consciousness, while the smoke stifled him.

Several fierce battles were fought between the police and the mob, in which the former were invariably the victors. During the day and night, the city was protected solely and only by this arm of the civil service.

The office of Provost-Marshal Manierre was on Broadway near Twenty-eighth street. At nine o'clock drafting was begun there, but in consequence of the disturbances in the 9th district, at twelve o'clock it was suspended. Shortly afterward the mob arrived and entered and sacked the office, set fire to the building, and destroyed the entire block, of which the office was the centre building. The famous Bull's Head Hotel, on Forty-fourth street, between Lexington and Fifth avenues, shared the fate of other fine structures, and was burned to the ground, because its proprietor declined to furnish liquor. The residences of Provost-Marshal Jenkins and Postmaster Wakeman, the 23d precinct station house, and two brown stone private dwellings on Lexington Avenue, were totally destroyed by fire; several members of the police were killed and many badly wounded, some twenty negroes were murdered, and a number of marines stoned to death.

The Board of Aldermen of the city met at half past one o'clock, P. M., but a quorum not being present, that body adjourned.

It was the general belief, that a decided action on the part of the board in providing means whereby poor men, who should be drafted, would be furnished with substitutes, would at once check the riot; and to meet this view, Alderman Hall had proposed this resolution:

Whereas, It is apparent that the three hundred dol-

lar clause in the National Enrolment act of the late Congress is calculated to inflict great privations upon the poorer classes of our citizens; therefore, be it

Resolved, That the Committee on National Affairs be, and they are hereby, instructed to report to this board a plan whereby an appropriation can be made, to pay the commutation of such of our poorest citizens as are likely to be most sorely affected by the enforcement of a conscription.

Maj.-Gen. Wool was in command of the Department of the East, with his headquarters in New York, and about noon issued the following call to "veteran volunteers":

The veterans who have recently returned from the field of battle, have again an opportunity of serving, not only their country, but the great emporium of New York, from the threatened dangers of a ruthless mob.

The Commanding General of the Eastern Department trusts that those who have exhibited so much bravery in the field of battle, will not hesitate to come forward at this time, to tender their services to the Mayor, to stay the ravages of the city by men who have lost all sense of obligations to their country, as well as to the city of New York.

JOHN E. WOOL, Major-General.

P. S.—These men are requested to report to Major-General Sandford, corner of Elm and White streets, on Tuesday, July 14th, at 10 A. M.

The next morning at eight o'clock, several colonels of returned volunteer regiments called upon their former commands to rally, and in pursuance of orders from Gen. Wool, Gen. Harvey Brown assumed command of the Federal troops in the city.

The mob had full control of the city, and omitted no opportunity of breaking laws or violating ordinances, until midnight, when a heavy rain dispersed them.

On Tuesday, the spirit of the riot was more malignant. Governor Seymour having arrived in the city, issued the following proclamation:

NEW YORK, *July 14th*, 1863.

To the People of the City of New York:

A riotous demonstration in your city, originating in opposition to the conscription of soldiers for the military service of the United States, has swelled into vast proportions, directing its fury against the property and lives of peaceful citizens. I know that many who have participated in these proceedings would not have allowed themselves to be carried to such extremes of violence and of wrong, except under an apprehension of injustice, but such persons are reminded that the only opposition to the conscription which can be allowed, is an appeal to the courts.

The right of every citizen to make such an appeal will be maintained, and the decision of the courts must be respected and obeyed by rulers and people alike. No other course is consistent with the maintenance of the laws, the peace and order of the city, and the safety of its inhabitants.

Riotous proceedings must, and shall, be put down. The laws of the State of New York must be enforced, its peace and order maintained, and the lives and property of all its citizens protected at any and every hazard. The rights of every citizen will be properly guarded and defended by the Chief Magistrate of the State.

I do, therefore, call upon all persons engaged in these riotous proceedings, to retire to their homes and employments, declaring to them that unless they do so at once, I shall use all the power necessary to restore the peace and order of the city. I also call upon all well-disposed persons not enrolled for the preservation of order, to pursue their ordinary avocations.

Let all citizens stand firmly by the constituted authorities, sustaining law and order in the city, and ready to answer any such demand as circumstances may render necessary for me to make upon their services; and they may rely upon a rigid enforcement of the laws of this State against all who violate them.

HORATIO SEYMOUR, Governor.

It was soon urged upon the governor that measures more rigorous must be taken; and becoming convinced that such was the case, he was induced to declare the city in a state of insurrection in the following proclamation:

NEW YORK, *July 14th*, 1863.

Whereas, It is manifest that combinations for forcible resistance to the laws of the State of New York and the execution of civil and criminal process exist in the city and county of New York, whereby the peace and safety of the city, and the lives and property of its inhabitants, are endangered; and

Whereas, The power of the said city and county has been exerted and is not sufficient to enable the officers of the said city and county to maintain the laws of the State and execute the legal process of its officers; and

Whereas, Application has been made to me by the sheriff of the city and county of New York, to declare the said city and county to be in a state of insurrection;

Now therefore I, Horatio Seymour, governor of the State of New York, and commander-in-chief of the forces of the same, do in its name, and by its authority, issue this proclamation, in accordance with the statute in such case made and provided, and do hereby declare the city and county of New York to be in a state of insurrection, and give notice to all persons that the means provided by the laws of this State for the maintenance of law and order will be employed to whatever degree may be necessary, and that all persons who shall, after the publication of this proclamation, resist, or aid and assist in resisting, any force ordered out by the Governor to quell or suppress such insurrection, will render themselves liable to the penalties prescribed by law. HORATIO SEYMOUR.

These proclamations, however, produced but little effect, and the second day was in many of its features the worst of the four. The stores were closed in all parts of the city; no signs of trade were visible. Between the several military officers, into whose hands the defence of the city and the suppression of the riot were committed, there were difficulties of which no one could obtain a satisfactory explanation. General Wool, as commanding general of the Department of the East, was in supreme control of the regular troops, and he delegated departments of his small command to General Brown and General Sandford, at different times, so that it was difficult for his more immediate subordinates to know the authority of each. The police were true to their great trust, and won for themselves an honorable record. The principal feature of these twenty-four hours was the onset upon the negroes, which was attended with fearful atrocities. Whenever a negro was found, death was his inexorable fate. Old men and infirm women were beaten without mercy; whole neighborhoods were burned out; the life of no person of color was safe for a moment in the presence of the infuriated mob. On several occasions during the day the military and the rioters were brought face to face. Twice an attempt was made to resist the progress of the soldiers, but ball cartridges were used and the rioters fled.

Lieut. Wood, in command of 150 "regulars" from Fort Lafayette, was directed to disperse a crowd of perhaps 2,000 men, who had assembled in the vicinity of Grand and Pitt streets. On the approach of the soldiers, the lieut. called upon the crowd to disperse. A volley of stones was the reply. He then ordered his men to fire above the crowd, which being done without apparent effect, he directed them to fire and take aim. The result was 12 dead men, several wounded, and a general flight. Two children were among the killed. In this way the mob was frequently broken up, but as it would continually reorganize, it became necessary to adopt some plan of absolute and general dispersion. The citizens generally prepared to defend themselves and their property. The governor was induced to speak from the steps of the City Hall to an immense gathering of the people, among whom were undoubtedly many who had been engaged in the riots. The governor made a few remarks, intended to allay the popular excitement, and earnestly counselled obedience to the laws and the constituted authorities. He also read the following note explanatory of what he had done about the draft:

NEW YORK, *July 13th*, 1863.

MY DEAR SIR: I have received your note about the draft. On Saturday last I sent my adjutant-general to Washington for the purpose of urging a suspension of the draft, for I know that the city of New York can furnish its full quota by volunteering. I have received a dispatch from Gen. Sprague that the draft is suspended. There is no doubt the conscription is postponed. I learn this from a number of sources. If I get any information of a change of policy at Washington, I will let you know. Truly yours,

HORATIO SEYMOUR.

Hon. SAMUEL SLOAN, President of the Hudson River Railroad Company, New York.

The governor was listened to with great respect, and the reading of the above letter caused general satisfaction among his hearers.

The murder of Col. O'Brien was, perhaps, the most fearful of the many incidents which occurred. Commissioned to disperse a mob in the Third avenue, he gallantly charged upon them with an efficient detachment of troops, and succeeded in breaking the front and turning the face of the rioters. Having sprained his ankle during the excitement, he stepped into a drug store in 32d street, while his command passed on. The store was soon surrounded, and the proprietor fearing it would be sacked begged the colonel to get away as soon as possible. With a brave heart O'Brien went out among the crowd alone; and while parleying with them a treacherous blow from behind laid him senseless upon the pavement. The crowd fell upon the prostrate form, beating and bruising it. For hours the bleeding body was drawn up and down the street, receiving a brutal treatment almost unparalleled, after which it was carried, with shouts and groans, to his residence, where the same conduct was repeated. A priest with kindly courtesy interfered, and read over the dead body the prayers of its church, after which he directed the remains to be taken into the house. Hardly was his back turned, however, when a brutal fellow stamped upon the corpse, and his example was followed by many others.

Events followed each other in rapid succession. The Secretary of War ordered home the militia regiments that were doing duty in Pennsylvania, and the rioters became, to a great extent, "demoralized," their leaders having been killed or taken prisoners. The stages and cars were withdrawn from the streets until Thursday, when, by order of the Police Commissioners, the regular running was resumed. On Thursday, Mayor Opdyke issued the following proclamation:

MAYOR'S OFFICE, NEW YORK, *July 15th*, 1863.

To the Citizens of New York:

I am happy to announce to you that the riot which has for two days disgraced our city, has been in good measure subjected to the control of the public authorities. It would not have interrupted your peace for a day but for the temporary absence of all our organized local militia. What now remains of the mob are fragments prowling about for plunder; and for the purpose of meeting these, and saving the military and police from the exhaustion of continued movements, you are invited to form voluntary associations under competent leaders, to patrol and guard your various districts. With these exceptions you are again requested to resume your accustomed daily avocations. This is as necessary to your personal security as to the peace of the city.

The various lines of omnibuses, railways and telegrams must be put in full operation immediately. Adequate military protection against their further interruption will be furnished on application to the military authorities of the State.

Fellow citizens, the laws must and shall be obeyed; public order shall not be broken with impunity. Our first duty now is to restore the public peace and preserve it unbroken, and to pursue and punish the offenders against the majesty of the laws.

GEORGE OPDYKE, Mayor.

On the 16th the following notice was placarded about the city:

NEW YORK, *July 16th*, 1863.

To the men of New York, who are now called in many of the papers rioters:

Men! I am not able, owing to the rheumatism in my limbs, to visit you; but that is not a reason why you should not pay me a visit in your whole strength. Come, then, to-morrow (Friday) at two o'clock, to my residence, northwest corner of Madison Avenue and Thirty-sixth street. I shall have a speech prepared for you.

There is abundant space for the meeting around my house. I can address you from the corner of the balcony. If I should be unable to stand during its delivery, you will permit me to address you sitting; my voice is much stronger than my limbs. I take upon myself the responsibility of assuring you that, in paying me this visit, or in retiring from it, you shall not be disturbed by any exhibition of municipal or military presence. You who are Catholics, or as many of you as are, have a right to visit your bishop without molestation.

+ JOHN HUGHES,
Archbishop of New York.

Its authenticity was doubted by many persons, but inquiry proved that it was genuine.

Before the appointed hour on the following day, a crowd of between 3,000 and 5,000 persons assembled in front of the archbishop's residence, and patiently waited for his appear-

ance. Precisely at 2 P. M., the archbishop, clad in his purple robes and the other insignia of his office, stepped upon the balcony from a window of his house, and was greeted with long and enthusiastic applause. A number of priests and influential citizens belonging to the Roman Catholic Church accompanied him upon the balcony. After courteously acknowledging his reception, the archbishop proceeded to address his audience at some length, in an off-hand manner, alternately eliciting their laughter and their applause. The following is the portion of his remarks which particularly related to the riots:

In the case of a violent and unjust assault on you without provocation, my notion is, that every man has a right to defend his house or his shanty at the risk of his life. The cause, however, must be just. It must be aggressive, not offensive. Do you want my advice? I have been hurt by the reports that you are rioters. You cannot imagine that I could hear those things without being pained grievously. Is there not some way by which you can stop these proceedings, and support the laws, of which none have been enacted against you as Irishmen and Catholics? You have suffered enough already. No Government can stand or protect itself unless it protects its citizens. Military force will be let loose on you, and you know what that is. The innocent will be shot down and the guilty likely to escape. Would it not be better for you to retire quietly; not to give up your principles or convictions, but to keep out of the crowd where immortal souls are launched into eternity, and, at all events, get into no trouble till you are at home? Would it not be better? There is one thing in which I would ask your advice. When these so-called riots are over, and the blame is justly laid on Irish Catholics, I wish you to tell me in what country I could claim to be born? [Voices—Ireland.] Yes, but what shall I say if these stories be true? Ireland, that never committed a single act of cruelty until she was oppressed. Ireland, that has been the mother of heroes and poets, but never the mother of cowards. I took upon myself to say that you should not be molested in paying me a visit. I thank you for your kindness, and I hope nothing will occur till you return home, and if, by chance, as you go thither, you should meet a police officer or a military man, why just—look at him.

The archbishop then retired, and his hearers slowly and peaceably returned to their homes.

By this time it had become generally known that the draft was suspended. The municipal authorities had passed a relief bill to pay $300 commutation, or substitute money, to every drafted man of the poorer classes. These facts contributed greatly to appease the mob, though they had been practically subdued by the gallant conduct of the regular troops, the militia, and the police. The riot ceased as an organized operation, on the 16th instant. A large force of cavalry patrolled the disaffected districts on the evening of that day, and met with no armed opposition. On the morning of the 17th the cavalry found and took possession of seventy stands of revolvers and carbines, and several casks of pavingstones, which had been secreted by the rioters, and also captured several prisoners. On the 18th instant, Maj.-Gen. Wool was relieved of the command of the Department of the East by Maj.-Gen. Dix, by orders of the President, dated the 15th. Gen. Harvey Brown who had been in command of the city and harbor of New York (under General Wool) during the riots, was relieved on the 17th instant by Brig.-Gen. Canby.

The twelve militia regiments had by this time returned from Pennsylvania. Detachments from their number, amounting to over 1,000 men, were constantly on duty for many days after the suppression of the riots, and the entire 1st division was ready to support them at short notice. But there was not the least symptom of a renewal of the disturbances, although rioters were arrested by civil processes, tried, and sent to prison, from day to day.

The number of persons killed during these terrible riots is not known. The mortality statistics for the week, at the city inspector's office, show an increase of 450 over the average weekly mortality of the year. About 90 deaths from gunshot wounds were reported at his office. It was said—but this is, doubtless, incorrect—that the remains of many of the rioters were secretly taken into the country and buried there. A large number of wounded persons probably died during the following week. Governor Seymour in his annual message states that the "number of killed and wounded is estimated by the police to be at least one thousand." The police and the regular and local military forces suffered but little in comparison with the mob. With regard to the militia of the 1st division, General Sandford gives the exact figures of their losses in a portion of the riots. He says that "one private soldier was killed; and twenty-two men dangerously, and fifty officers and soldiers slightly, wounded, at the defeat of the mob in 42d street, the storming of the barricade erected by the rioters in 29th street, and in the other conflicts which followed."

The losses, by the destruction of buildings and other property, were originally estimated at $400,000. A committee was appointed by the county supervisors, to audit claims for damages, for all of which the county was responsible, under the law, and for the payment of which a large appropriation was made. The aggregate of the claims far surpassed the highest expectations, amounting to over $2,500,000. The committee disallowed many, and cut down most of the remainder 50 per cent. At last accounts over $1,000,000 had been paid to claimants, and it was supposed that $500,000 more would be needed for the same purpose.

On the night of the 15th of July, a riot broke out in Boston, under the following circumstances: Two of the provost-marshal's assistants were engaged in distributing notifications to drafted men, when one of the officers was struck by a woman, at whose house a notification had been left. An attempt being made to arrest the woman, a number of her friends collected and attacked the officer, severely beating him. A police force was soon upon the ground, and succeeded in temporarily

quelling the disturbance; but a crowd lingered in the vicinity of the scene, and increased as night approached, and the military authorities thought it best to order out the Lancers, the 11th battery (Capt. Jones), the 44th regiment, three companies from Fort Warren, a company of regulars from Fort Independence, and a squad of the second cavalry from Readsville, to check the riot which was believed to be imminent. The entire police force was also placed on duty, and stationed at points where difficulties were most likely to occur. About 8½ P. M., a crowd of men and boys, estimated at from 500 to 1,000, gathered in front of the armory of the 11th battery, in Cooper street, and although warned off by Captain Jones, the commanding officer, threw a shower of stones and bricks at the building, breaking the windows and the door, and wounding several of the soldiers. The mob then attempted to carry the building by storm, and had succeeded in forcing an entrance, when a gun loaded with canister shot was fired into them with terrible effect, but they did not break and run until a bayonet charge was made upon them. Six or eight persons were killed on the spot, and a large number wounded. Simultaneously with the attack on the armory a mob of several hundred persons broke into the gun store of Thomas P. Barnes, in Dock Square, and carried away about a hundred muskets and a large quantity of pistols and bowie knives. They next made a rush at the gun store of Wm. Read and Son, Faneuil Hall Square, but the police had received information of the intended attack, and were on hand in time to repel it. One of the rioters was shot by the police, and a few others were slightly injured. The formidable array of military and police, and the promptness with which they had quelled disturbances thus far, seemed to frighten the rioters at this stage of operations, and they gradually dispersed. The only other riotous incident of note during the night was an attempt to set fire to the armory in Cooper street, in the absence of the guard. The fire was soon discovered and extinguished, with but little loss. This was the only riot of any importance in Boston during the year.

At Portsmouth, N. H., there was some trouble on the day of drafting. An excited throng of men, women, and children, gathered about the provost-marshal's office, which was in charge of volunteers from Fort Constitution, and U. S. marines from the navy yard, under command of Col. Marston. A large police force was also in attendance, and instructed to disperse the crowd. Two men who resisted were taken to the station house. About 9½ P. M., an attack was made upon the station house by about 100 friends of the arrested parties, but was repelled by the small force of police then on the ground. A squad of soldiers from the provost-marshal's office was sent to their assistance, and charged upon the mob with bayonets, dispersing it instantly. Two of the police and four of the rioters were wounded, but none reported killed; and there was no further obstruction of the draft in Portsmouth.

A disturbance which threatened at one time to assume formidable proportions occurred in Holmes county, Ohio, in June. It appears that on the 5th of that month, Elias Robinson, an enrolling officer, was stoned out of Richland township by a party of men, of whom the names of four were known. Captain Drake, the provost-marshal of that district, went with a posse of men to the village of Napoleon, in the above-named township, to arrest those persons, and found them in the upper story of a house, armed and ready for resistance. They refused to surrender, saying that they would not consent to be tried by court-martial. On the promise, however, that they should be tried by the U. S. court at Cleveland, they gave themselves up, and the party started for Wooster. On the way they met a party of fifteen or twenty armed men, friends of the prisoners, who were apparently designing to rescue them. But when Greiner, one of the arrested persons, informed them that they were going voluntarily to Cleveland for trial, the armed men were satisfied, and dispersed. Other armed parties were soon after met, and satisfied with the same explanation, and disappeared. But before Captain Drake had succeeded in getting his prisoners beyond the limits of Holmes county he was overtaken by an armed force of 150 men, who ordered the prisoners from the wagons, took revolvers from several of Captain Drake's men, and surrounding Captain Drake with a score of rifles pointed at his breast, demanded that he should take an oath never to enter Holmes county on such business again, on penalty of death. It is said that he refused to take the oath and also to give up his pistols. The rescuers finally let him and his posse go, and carried the prisoners back to their homes. On the 12th and 13th the enrolling officers were also driven out of two of the townships of Holmes county.

These facts having been reported to the United States authorities, Colonel Parrot, provost-marshal of the State, was ordered to call out troops and suppress the insurrection. About 600 soldiers, infantry, cavalry, and artillery, were at once sent up to Holmes county, under command of General Mason. Previous to their departure, Governor Tod addressed the following letter to the commandant:

THE STATE OF OHIO, EXECUTIVE DEPARTMENT,
COLUMBUS, *June 16th*, 1863.

Brig.-Gen. Mason, Present:

Learning that you are about to send a military force to Holmes county, for the purpose of arresting a body of armed men who are there assembled to resist the execution of the laws of the United States, I have to request that, before firing upon the party, you send forward, under a flag of truce, the enclosed appeal or proclamation I have made to them. If, in obedieuce to my admonition, the party shall promptly offer to disperse, that you permit them to do so. Of course, I do not wish, in the slightest degree, to interfere with the performance of any military duty committed to any of your officers before this assemblage took place. Should

the rioters refuse to give obedience to my request, then show them no quarter whatever.

Respectfully yours, DAVID TOD,
Governor of the State of Ohio.

EXECUTIVE DEPARTMENT, COLUMBUS, *June 16th*, 1863.

To the men who are now assembled in Holmes county for the purpose of using armed force in resisting the execution of the laws of the National Government:

I have heard, with pain and mortification, of your unlawful assemblage; and, as governor of the State to which you owe obedience, and as the friend of law and order, as well as the friend of yourselves and your families, I call upon you to at once disperse and return to your quiet homes.

This order must be immediately complied with, or the consequences to yourselves will be destructive in the extreme.

The Government, both of the State and nation, must and shall be maintained.

Do not indulge the belief, for a moment, that there is not a power at hand to compel obedience to what I now require of you. Time cannot be given you for schemes or machinations of any kind whatever.

I have felt it my duty to give you this timely warning; and having done my duty, sincerely hope you will do yours. DAVID TOD, Governor.

In the meantime it was reported that over 1,000 men from Holmes, Knox, Coshocton, Summit, and other counties, armed with squirrel rifles and revolvers, were in camp at Napoleon, and regularly organized. On the arrival of the U. S. troops in the county, a large force under the command of Colonel Wallace was distributed in squads throughout the township. Several collisions took place between small parties of the soldiers and the insurgents, without serious results, until a committee of the most influential citizens of the county undertook to compromise the difficulty without further bloodshed. This was finally done, on the terms that the four men who had been engaged in driving out Enrolling Officer Robinson should deliver themselves up for trial by the United States court, and that Provost-Marshal Drake should be allowed to arrest nine persons who had taken an important part in the rescue. With this understanding the soldiers were withdrawn, and the insurgents dispersed. The arrests were made, as agreed upon, without difficulty.

Riots occurred during the year in portions of North Carolina under rebel rule. On the 18th of March a mob of soldiers' wives at Salisbury, being impelled by hunger, armed themselves with hatchets, and made an attack on the railroad depot, where flour was stored. The agent in charge, finding remonstrance useless, gave them ten barrels of flour. The women also carried off several bags of salt. Another flour operator bought off the enraged women with ten barrels, and another with three. A dealer in molasses surrendered all he had of that article; two or three other merchants were compelled to give up provisions in the same way. Later in the month disturbances of a similar character, in which women alone were concerned, occurred at High Point, near Raleigh.

On the 9th of November, a party of soldiers belonging to Benning's (Georgia) brigade, passing through Raleigh, attacked the office of the "Standard" newspaper, throwing the type into the street, and doing considerable other damage. On being addressed by Governor Vance, the soldiers desisted from the work. On the following day, by way of retaliation for the assault on the "Standard" office, a mob of about 200 citizens attacked the "State Journal" office, broke its presses, and knocked its type into "pi." The "Raleigh Register" was also doomed to destruction, but was spared at the earnest solicitations of the governor, Mayor Harrison, and others.

A women's bread riot occurred in Mobile on the 5th of September. (*See* ALABAMA.)

Richmond was also visited by a women's bread riot, of which none of the Southern papers give a detailed account. It was reported that 5,000 women were engaged in it, and that not only flour stores and bakers' shops were cleared out, but also dry goods, millinery, and fancy goods stores. The riot was finally checked, partly by force and partly by promises that bread would be freely distributed to the hungry. A Richmond paper stated that 2,900 loaves per month were distributed free to the needy families of soldiers in the field.

Popular disturbances of less importance occurred at several other places both at the North and South.

ROBINSON, EDWARD, an American philologist and biblical scholar, born in Southington, Conn., April 10th, 1794, died in New York, Jan. 27th, 1863. He was graduated at Hamilton College, N. Y., in 1816, remained there for a year as tutor, and in 1821 removed to Andover, Mass., where he studied Hebrew and became associated with Prof. Stuart of the theological seminary in the translation of some text books from the German and in the instruction of his classes. In 1826 he went to Europe, spent several years in travel and study, and in 1828 was married to Miss Theresa A. L. von Jakob, daughter of Prof. von Jakob, of Halle, and widely known in Europe and America by her writings published under the *nom de plume* of "Talvi." Returning to America in 1830, he received the appointment of professor extraordinary of sacred literature and librarian at Andover, which he resigned in 1833 and removed to Boston. Four years later he was appointed professor of biblical literature in Union Theological Seminary of the city of New York, which position he held until his death. Previous to entering upon the active duties of his professorship he made a visit to Palestine, and in company with Dr. Eli Smith, devoted a year or more to a minute and careful geographical survey of that country. At Berlin he embodied the results of his visit in a narrative published simultaneously in Europe and America under the title of "Biblical Researches in Palestine, and in the Adjacent Countries, a Journal of Travels in the year 1838," (3 vols. 8vo, Halle, London

and Boston, 1841). The work was received with great favor by biblical scholars, and immediately became a leading book of reference for all students in that department of research. In 1840 he took up his residence in New York, and for a number of years was occupied exclusively with the duties of his professorship and with philological and geographical studies. In 1852 he revisited Palestine with Dr. Smith for the purpose of completing the investigations previously commenced, and in 1856 published a supplementary volume embodying his new discoveries, in connection with a revised edition of his original work. During the latter part of his life he was engaged upon a physical and historical geography of the Holy Land, which he did not live to complete. Among his other literary productions were translations of Buttmann's Greek Grammar and Gesenius's Hebrew Lexicon; A Greek and English Lexicon of the New Testament"; "The Harmony of the Four Gospels," in Greek and in English; editions of Calmet's "Biblical Dictionary," and other works, &c. He also edited for several years the "Biblical Repository," a theological quarterly, and the "Bibliotheca Sacra," with which it was subsequently united. He was a prominent member of the American geographical, oriental, and ethnological societies, and received the degree of D. D. from Dartmouth College and the University of Halle, and that of LL.D. from Yale College. He was in feeble health during the latter part of his life and in the summer of 1862 visited Germany for surgical treatment of his eyes, which were for some time threatened with total deprivation of sight. He died of dropsy, having for a few months previous been unable to discharge the active duties of his professorship.

ROMAN CATHOLIC CHURCH. The present Head of the Church is Pope Pius IX., before his elevation to the Papal See, Count John Maria Mastai Ferretti, born at Sinigaglia, on 13th of May, 1792; after the death of Pope Gregory XVI. (1st June, 1846), elected Pope 16th June, 1846; crowned 21st June, 1846. The Pope is assisted in the administration of the Church by the college of cardinals, which consists (Oct., 1863) of 6 cardinal bishops, 46 cardinal priests, and 10 cardinal deacons. The majority of the cardinals are natives of Italy; of foreigners, there are now in the college of cardinals 8 Frenchmen, 4 Germans, 4 Spaniards, 1 Hungarian, 1 Sclavonian, 1 Englishman, 1 Portuguese, 1 Belgian. According to the *Annuario Pontifico*, for 1863, there are five patriarchates of the Oriental Rite with patriarchal jurisdiction, namely: three in Antioch for the Melchites, Maronites, and Syrians; one in Babylon for the Chaldeans; one in Cilicia for the Armenians. There are, further, seven patriarchates of the Latin Rite, namely: Constantinople, Alexandria, Antioch, Jerusalem, Venice, West India, and Lisbon. There are 176 archbishoprics; of the 131 belonging to the Latin Rite, 12 are dependent directly upon the Roman patriarchate; 119 of these sees are endowed with church provinces. There are 694 bishoprics—640 of Latin, 54 of Oriental Rites. At this moment there are filled 646 bishoprics, with residence. Beside these, there are 234 titular bishoprics, that is, *in partibus infidelium;* so that the total of the bishops amounts to 980.

The population connected at the present with the Roman Catholic Church amounts to about 185,041,000, of whom 38,759,000 belong to America, 138,103,000 to Europe, 7,167,000 to Asia, 1,113,000 to Africa, and 280,000 to Australia and Polynesia.

It has for a long time been the endeavor of the Popes to educate at Rome theological students from all countries of the world, and to found for that purpose national ecclesiastical seminaries. The total number of seminaries at Rome is 25, containing 1,027 students. Among them are the Roman seminary, with 94 students; the Pio seminary, with 76; the Vatican seminary, with 41; the French, with 58; the South American, with 45; the North American, with 53. The Propaganda college contains 128 students; the German, 59; the English and the Pio-English together, 49; the Scotch, 15; the Irish, 50; the Belgian, 6; the Græco-Ruthenian, 22; the Lombard, 11.

On October 18th, 1862, the Pope addressed the following letter on the subject of the war in the United States, to the archbishop of New York:

To our Venerable Brother, John, Archbishop of New York.

POPE PIUS IX.

Venerable Brother, Health and Apostolic Benediction: Amongst the various and most oppressive cares which weigh on us in those turbulent and perilous times, we are greatly afflicted by the truly lamentable state in which the Christian people of the United States of America are placed by the destructive civil war broken out amongst them.

For, venerable brother, we cannot but be overwhelmed with the deepest sorrow whilst we recapitulate, with paternal feelings, the slaughter, ruin, destruction, devastation, and the other innumerable and ever-to-be deplored calamities by which the people themselves are most miserably harassed and dilacerated. Hence, we have not ceased to offer up, in the humility of our hearts, our most fervent prayers to God, that He would deliver them from so many and so great evils.

And we are fully assured that you also, venerable brother, pray and implore, without ceasing, the Lord of Mercies to grant solid peace and prosperity to that country. But since we, by virtue of the office of apostolic ministry, embrace, with the deepest sentiments of charity, all the nations of the Christian world, and, though unworthy, administer here on earth the vicegerent work of Him who is the Author of Peace and the Lover of Charity, we cannot refrain from inculcating again and again, on the minds of the people themselves, and their chief rulers, mutual charity and peace.

Wherefore, we write you this letter, in which we urge you, venerable brother, with all the force and earnestness of our mind, to exhort, with your eminent piety and episcopal zeal, your clergy and faithful, to offer up their prayers, and also apply all your study and exertion, with the people and their chief rulers, to restore forthwith the desired tranquillity and peace by which the happiness of both the Christian and the civil republic is principally maintained. Wherefore, omit

nothing you can undertake and accomplish by your wisdom, authority and exertion, as far as compatible with the nature of the holy ministry, to conciliate the minds of the combatants, pacify, reconcile, and bring back the desired tranquillity and peace, by all those means that are most conducive to the best interests of the people.

Take every pains, besides, to cause the people and their chief rulers seriously to reflect on the grievous evils with which they are afflicted, and which are the result of civil war, the direst, most destructive and dismal of all the evils that could befall a people or nation.

Neither omit to admonish and exhort the people and their supreme rulers, even in our name, that, with conciliated minds, they would embrace peace, and love each other with uninterrupted charity. For we are confident that they would comply with our paternal admonitions and hearken to our words the more willingly, as of themselves they plainly and clearly understand that we are influenced by no political reasons, no earthly considerations, but impelled solely by paternal charity, to exhort them to tranquillity and peace. And study with your surpassing wisdom, to persuade all that true prosperity, even in this life, is sought for in vain out of the true religion of Christ and its salutary doctrines.

We have no hesitation, venerable brother, but that, calling to your aid the services and assistance even of your associate bishops, you would abundantly satisfy these our wishes, and by your wise and prudent efforts bring a matter of such moment to a happy termination.

We wish you, moreover, to be informed that we write in a similar manner this very day to our venerable brother John Mary, archbishop of New Orleans, that, counselling and conferring with you, he would direct all his thoughts and care most earnestly to accomplish the same object.

May God, rich in mercy, grant that these our most ardent desires be accomplished, and as soon as possible our heart may exult in the Lord over peace restored to that people.

In fine, it is most pleasing to us to avail ourselves of this opportunity to again testify the special esteem in which we hold you. Of which, also, receive a most assured pledge, the apostolic benediction, which, coming from the inmost recesses of our heart, we most lovingly bestow on you, venerable brother, and the flock committed to your charge.

Dated Rome, at St. Peter's, Oct. 18th, 1862, in the 17th year of our Pontificate. POPE PIUS IX.

In consequence of these letters the following correspondence took place between Mr. Jefferson Davis and Pope Pius IX.:

RICHMOND, *September 23d*, 1863.

Very Venerable Sovereign Pontiff: The letters which you have written to the clergy of New Orleans and New York have been communicated to me, and I have read with emotion the deep grief therein expressed for the ruin and devastation caused by the war which is now being waged by the United States against the States and people which have selected me as their President, and your orders to your clergy to exhort the people to peace and charity. I am deeply sensible of the Christian charity which has impelled you to this reiterated appeal to the clergy. It is for this reason that I feel it my duty to express personally, and in the name of the Confederate States, our gratitude for such sentiments of Christian good-feeling and love, and to assure your Holiness that the people, threatened even on their own hearths with the most cruel oppression and terrible carnage, is desirous now, as it has always been, to see the end of this impious war; that we have ever addressed prayers to heaven for that issue which your Holiness now desires; that we desire none of our enemy's possessions, but that we fight merely to resist the devastation of our country, and the shedding of our best blood, and to force them to let us live in peace under the protection of our own institutions, and under our laws, which not only insure to every one the enjoyment of his temporal rights, but also the free exercise of his religion. I pray your Holiness to accept on the part of myself and the people of the Confederate States, our sincere thanks for your efforts in favor of peace. May the Lord preserve the days of your Holiness, and keep you under his divine protection.

JEFFERSON DAVIS.

Illustrious and Honorable President: We have just received, with all suitable welcome, the persons sent by you to place in our hands your letter, dated 23d of September last. Not slight was the pleasure we experienced when we learned, from these persons and the letter, with what feelings of joy and gratitude you were animated, illustrious and honorable President, as soon as you were informed of our letters to our venerable brothers, John Archbishop of New York and John Archbishop of New Orleans, dated the 18th of October of last year, and in which we have, with all our strength, excited and exhorted these venerable brothers that in their episcopal piety and solicitude they should endeavor, with the most ardent zeal, and in our name, to bring about the end of the fatal civil war which has broken out in those countries, in order that the American people may obtain peace and concord, and dwell charitably together. It is particularly agreeable to us to see that you, illustrious and honorable President, and your people, are animated with the same desires of peace and tranquillity which we have in our letters inculcated upon our venerable brothers. May it please God at the same time to make the other peoples of America and their rulers, reflecting seriously how terrible is civil war, and what calamities it engenders, listen to the inspirations of a calmer spirit, and adopt resolutely the part of peace. As for us, we shall not cease to offer up the most fervent prayers to God Almighty that He may pour out upon all the peoples of America the spirit of peace and charity, and that He will stop the great evils which afflict them. We, at the same time, beseech the God of mercy and pity to shed abroad upon you the light of His grace, and attach you to us by a perfect friendship.

Given at Rome, at St. Peter's, the 3d day of December, 1863, of our Pontificate 18. PIUS IX.

One of the most important events in the history of the Roman Catholic Church in Europe during the year 1863 was the meeting of the Roman Catholic Congress at Malines, Belgium. In Germany and Switzerland the Roman Catholics have had, since 1848, annual conventions of priests and laymen, to consult on important interests of the church. Belgium, in 1863, followed their example, and held its first "Catholic Congress." This Belgian assembly awakened a more universal interest than the Congress of Germany and Switzerland, as it was understood that it would virtually be a Congress of both Belgium and France, in the latter of which countries such meetings will not be allowed by the Government to take place, and that it would be, moreover, largely attended from nearly every country in Europe. The expectation that many celebrated priests and laymen from other countries would be present was realized, for England sent Cardinal Wiseman, and France Montalembert, De Broglie, and Cochin. Cardinal Wiseman made an eloquent speech on the religious and civil position of the Roman Catholics of England; but the great event in the history of the Congress was the speech of Count Montalembert on "Freedom of Worship." The orator spoke in the most eloquent terms against

every kind of religious intolerance. Though he did not expressly censure the legislation of such Catholic countries as prohibit or restrict the exercise of Protestant worship, nor the Papal efforts for keeping, by means of concordats, the Protestants excluded from the Catholic countries, he did so impliedly by saying: "I must confess that the enthusiastic devotion for religious freedom by which I am animated is not everywhere to be found among Catholics. They desire freedom for themselves, but that is of no great merit; men in general want freedom of every kind for themselves. But the freedom of creeds which we reject and deny terrifies and troubles many among us. If we inquire into the origin of this terror we shall find that it rests on the notion entertained by many Catholics, that freedom of worship is of anti-Christian origin. The consequence of this error have been seen in many bloodstained and deplorable pages in the book of history, though every impartial judge will confess that the cruelties of the Spanish Inquisition and of the edict of Nantes fell short of the horrors of the British reformation and its reign of terror." The sentiments of Count Montalembert were received by the Congress with great applause, and most of the papers of the Catholic world bestowed likewise upon his speech an unqualified approval; but the *Monde* of Paris, with a few other newspapers, rejected the views of Montalembert as uncatholic.

The Catholic Congress of Germany held its annual meeting at Frankfort-on-the-Main. There, as in Malines, the Congress claimed to be in favor of liberty, but did not express an opinion on the prohibition of Protestantism in Roman Catholic countries.

In a great many Catholic countries, the question whether Protestants should have equal rights with Catholics, was discussed with great animation. The republic of Ecuador concluded a concordat with the Pope, which contains the following articles:

1. The Catholic religion is the religion of the State; consequently the practice of any other mode of worship, rejected by the Church, is forbidden in the republic.

3. Every book forbidden by a bishop is confiscated by the Government.

6. The Government will lend the bishops its powerful aid in putting down every one who attempts to lead the faithful into the paths of error.

8. An ecclesiastic can be summoned to answer even for offences against the common law, before an ecclesiastical court alone.

9. The Pope grants permission to the clergy to pay taxes; but in case they do not, they are accountable for the failure, to their spiritual superiors only.

11. Every church and cloister has the right of asylum. No criminal can be seized in such places, without the express and particular consent of the authorities of the church.

The Government of the United States of Colombia (formerly New Granada) have introduced religious liberty. The Pope addressed an encyclical letter to the bishops of New Granada, in which he deplores cruel persecution conducted by the Government against the doctrines, authority, and rights of the Church, and condemns the laws promulgated against the clergy and ecclesiastical property. The Pope censures the introduction of liberty of worship, and the conduct of the ecclesiastics who obey iniquitous laws. He praises the firmness of the bishops, for protesting against several laws passed by the Government, and for refusing to take the oath under the new Constitution, and enjoins the members of the clergy remaining faithful, together with the people, to persevere in their faith, and to pray God that the persecution may cease.

In Spain, the legislation against Protestant meetings continued to be strictly enforced. On April 23d, 1863, the Court of Appeal, in Granada, passed sentences in the case of the Protestants Matamoras, Trigo, and Alhama. Matamoras was condemned to nine years' punishment at the galleys, Alhama likewise to nine, and Trigo to seven. The queen subsequently commuted these sentences into an equal number of years of imprisonment.

In one of the Austrian provinces, the Tyrol, the bishops moved, at the Provincial Diet, that the Diet request the Imperial Government to exempt the Tyrol from the law which grants to the Protestants of Austria equal rights with the Roman Catholics, and to decree that no Protestant parish should exist in the Tyrol; that the public exercise of the Protestant religion be prohibited, and that Protestants shall have the right of acquiring landed property, only if authorized, in every case, by a special decree. This motion, after long debate, was adopted by thirty-four against eighteen votes, but the Imperial Government did not grant the request.

The Roman Catholic Church continued to make progress in a number of pagan countries. In China, the Church enjoys the efficient patronage of the Government, and the native Christians, among whom are a number of mandarins, are in no way molested in the free exercise of their religion. Very favorable news has been received from the missionaries in Thibet. They report that whole villages are embracing the Catholic religion, and that even numerous bonzes are asking for missionaries. The bloody persecution which for many years has been desolating the Roman Catholic congregations in Cochin China, has ceased. The cession of several provinces of Cochin China to France, and the establishment of a French protectorate over the adjoining kingdom of Farther India, make a rapid progress of the Roman Catholic Church in Farther India highly probable.

In Japan, chapels have been erected in the European settlements. In Africa, Madagascar especially bids fair to witness the progress of the Roman Catholic missions. In Turkey, the movement among the Bulgarians toward a union with the Roman Catholic Church has again made some progress.

RUSSIA, an empire in Northeastern Europe and Northern Asia. The reigning emperor is Alexander II. (Nicolajevitch), who was born 29th April (17th, old style), 1818, succeeded his father, Nicholas I. (Paulovitch), 2d March (18th Feb., o. s.), 1855, was crowned 7th September (26th August, o. s.), 1856. He was married on 28th April (16th, o. s.), 1841, to Maria Alexandrovna, daughter of the late Grand Duke Ludwig II., of Hesse Darmstadt. His oldest son and heir to the crown is the Cesarevitch, Nicholas Alexandrovitch, born 20th September (8th, o. s.), 1843.

We can find room in this volume to notice only the emancipation movement in this great country.

On March 3d, 1863, the transitory epoch which the law for the abolition of serfdom had provided for, terminated, and serfdom definitely expired throughout the Russian empire. The event was celebrated everywhere with the greatest solemnity, and all classes of society showed a full consciousness of the immense influence which it cannot fail to have upon the destiny of Russia. On the immediate results which emancipation has already had in Russia, interesting statements have been published by an English clergyman, the Rev. J. Long, who spent five months in Russia, mainly in order to gain information from the best sources, on the facts connected with this movement. Mr. Long states that the serfs have shown by their peaceable demeanor, and by avoiding any violent excess, that they know how to appreciate their newly acquired liberty. As municipal constitutions were conceded to the peasants simultaneously with emancipation, Mr. Long found among intelligent Russians the conviction that provincial assemblies would be the results of municipal freedom, and that a Constitution would be the fruit of provincial assemblies. "To carry out the Emancipation Act, 1,500 unpaid justices of the peace were nominated by Government. The administration of these men, who were selected for their character and public spirit, generally gave satisfaction, and it was intended that they should be continued, to discharge similar duties to those of county magistrates in England. Within two years, more than 8,000 new schools have sprung into existence, through individual efforts among the peasantry, and they are rapidly on the increase. The peasant is anxious to be able to read the laws by which he is governed; besides, the elevation of his social position through emancipation gives him the means, as well as the inclination, to learn to read. The example of peasant elevation in other parts of Europe confirms this. In Russia, before emancipation, there was scarcely a day school among the peasantry; but these 8,000 schools have arisen spontaneously from the wish of the peasants, aided by the clergy and gentry. The Government has spent nothing on them. The Emperor Nicholas allowed only colleges and universities, and that to a very limited degree: serf emancipation inaugurates the education of the masses.

"The social condition of the peasant is being improved. The anxiety of the peasant to purchase land, so strongly marked in France, is showing itself also in Russia, thus leading to habits of industry, in order to procure the means of making the purchase. Indolence, the natural fruit of serfdom, is giving way to the encouragement of industry. One million peasants have bought up the land on which they were formerly located, borrowing the money from Government. The price of land is rising all through Russia, owing to the peasants renting or hiring it to a far greater extent than formerly, though the enemies of emancipation said the peasants would be too indolent to cultivate the land. Money is no longer hidden in earthen pots in the ground, or in the wall, through fear of the steward. The peasants' houses in some quarters are exhibiting a greater appearance of comfort, and providing more rooms, instead of—after the old fashion—crowding twenty-five into a room. More houses have been built within the last two years than during the previous six."

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SCHLESWIG-HOLSTEIN. Schleswig and Holstein are two duchies in Northern Europe, which, until November 15th, 1863, were a part of the dominions of the king of Denmark, but, having always had a different law of succession from Denmark Proper, claimed to become independent of Denmark upon the death of King Frederick VII. In Denmark Proper, the crown of the monarchy was transmissible to females; in the two duchies the Salic law prevailed, according to which the crown can only descend to heirs male. Prince Christian, of Schleswig-Holstein-Sonderburg-Glücksburg succeeded as King Christian IX., in the kingdom of Denmark; but in the two duchies the Prince Frederic of Schleswig-Holstein-Sonderburg-Augustenburg claimed to be entitled to succession, and assumed at once the title of Duke of Schleswig-Holstein. He was recognized as such by the majority of the Diets of each duchy and by a considerable number of the German princes. The peculiar relations of Holstein to the German Confederacy, and its close connection with Schleswig, involved the whole of Germany in this Schleswig-Holstein difficulty, while a previous treaty of 1852, concerning the succession in the Danish monarchy, made it at once a European question, in which all the European powers felt a deep interest, and some even claimed a right to interfere.

The duchy of Schleswig has an area of 167 geographical square miles, with a population, in 1855, of 409,970; Holstein has an area of 155 geographical square miles, with a population of 544,419 inhabitants. Holstein is exclusively inhabited by Germans, and is a member of the German Confederacy. Schleswig is inhabited by a mixed population, consisting of Germans, Danes, and Frisians. The statistics of these three different nationalities are differently estimated; according to the *Almanac de Gotha* for 1864, they were as follows: 146,500 inhabitants speak German as their native language, 135,000 Danish, 85,000 Danish and German, and 33,000 Frisians. The little duchy of Lauenburg which is, like Holstein, exclusively inhabited by Germans, and belongs likewise to the German Confederacy, has a population of 50,147 inhabitants. Together the three duchies have an area of 341 geographical square miles, against 696 of Denmark Proper, and an aggregate population of 1,004,473, against 1,600,551 of Denmark Proper.

Schleswig does not belong to the German Confederacy; but, according to the fundamental law of the duchies, it is inseparably connected with Holstein. This fundamental law dates from the year 1460 when, Adolphus VIII., Count of Holstein and Duke of Schleswig, having died without direct issue, the estates of both united countries elected, after prolonged negotiations, King Christian I. of Denmark, of the house of Oldenburg, their duke and lord on these principal conditions: 1. That they elected him not in his quality as King of Denmark, but as Duke and Lord of Schleswig and Holstein. 2. That the estates and people of Schleswig-Holstein be free in future to elect their ruler from among his heirs, under certain safeguards. 3. That Schleswig and Holstein should remain forever undivided and inseparably united. All the following king-dukes of Denmark and Schleswig-Holstein, up to Frederic VII., deceased in 1863, confirmed this Magna Charta of the two duchies. In 1616 the estates of the two duchies consented to renounce their elective franchise in favor of the right of primogeniture. By a family statute of both the branches, into which the house of Oldenburg had divided in the 16th century, the law of male primogeniture and *agnatic* (*male*) lineal succession was finally substituted for the former system of election. Since 1660, only the *male line* of the house of Oldenburg was entitled to succession *in the duchies.* A different order of succession, however, was established in the kingdom of Denmark, by the *Lex Regia*, published by King Frederic III. in 1665. According to this law the *cognatic* (*female*) *descendants* of King Frederick were to succeed *in Denmark*, in case his male line should fail. The same king had already, in 1658, dissolved the feudal connection between Denmark and Schleswig, and declared the latter an independent state. Holstein had always been a fief of the German empire, and, in 1815, became an independent state of the restored German Confederacy. As, at the beginning of the present century, it became apparent that the male line of King Frederick III. was likely soon to fail, the kings of Denmark made great efforts to secure, in such an event, the integrity of the Danish monarchy. King Christian VIII., by his famous Letters Patent of July 8th, 1846, declared that the validity of the cognatic succession in the duchies of Schleswig and Lauenburg was unquestionable, but that in regard to some parts of the duchy of Holstein there existed certain facts militating against an equally positive opinion concerning the rights of inheritance of all his royal hereditary successors in that duchy. The estates of Holstein (on August 3d) applied to the German Diet for protection. The king, in reply (September 7th), declared that it had never entered his mind to violate the independence of Holstein, its constitution, and its union with Schleswig, and that it was not his object to infringe upon well established rights of the agnates. Still the efforts, both for dissolving the connection between Schleswig and Holstein, and for securing the integrity of the monarchy, were not abandoned. On March 24th, 1848, King Frederic VII. declared, by royal proclamation, that Denmark and Schleswig were henceforth to form an inseparable union under the same constitution, thus dissolving the ancient union between Schleswig and Holstein. This proclamation led to a three years' war between the people of the duchies, who regarded the proclamation as an abolition of their independence, and the Government of Denmark. The German Diet sent auxiliary troops to assist Holstein, but in 1851 peace was restored on the basis of the state of things before the war. The people of the duchies complained, however, that the Danish Government persistently continued to violate their constitutional rights. Against some of these measures complained of, not only the states of the German Confederacy, but also the Governments of England and Russia remonstrated. On November 18th, 1863, the present king of Denmark, Christian IX., signed a new constitution, under which Schleswig was again incorporated in the kingdom of Denmark. The German Diet, and, particularly, the Governments of Austria and Prussia declared this to be a violation of the constitutional rights of the duchies, and by order of the Federal Diet, troops of Austria, Prussia, Saxony, and Hanover, were called out to prevent the execution of the new Danish Constitution. But the people of the two duchies, who were supported by the almost unanimous voice of the people of all the German States, and by several German Governments, asserted that all and every connection between the duchies and Denmark had ceased forever with the extinction of the last prince of the royal line of Oldenburg, on the 15th of November, 1863, and that, in accordance with the law of succession, Prince Frederick of Schleswig-Holstein-Sonderburg-Au-

gustenburg is the next legitimate heir to the duchies.

To forestall the claims which it was foreseen Prince Frederick of Schleswig-Holstein-Sonderburg-Augustenburg would raise to the succession in the duchies upon the death of the childless King Frederick VII., the Danish Government had prevailed upon the Great Powers of Europe (England, Austria, Prussia, France, Russia, and Sweden) to agree upon the "Treaty of London," of May 8th, 1852, by which the said Powers acknowledged the "integrity of the Danish monarchy" as a perpetual principle in European politics, and engaged to recognize the succession of Prince Christian, of Glücksburg, and his male issue, to all the lands united under the sceptre of Frederic VII. The London treaty was afterward acceded to by Hanover, Würtemberg, Saxony, Electoral Hesse, Oldenburg, Holland, Belgium, Spain, Portugal, Greece, and the Italian States. The Duke of Augustenburg was also prevailed upon to sign an act (December 30th, 1852), by which he renounced his claims to succession. The London treaty was not acceded to by the Federal Diet, and the Diets of the two duchies. The eldest son and the brother of the Duke of Augustenburg declared that they did not consider themselves bound by the declaration of the duke, and the former (Prince Frederic) therefore, in the place of his father, asserted his claims to the duchies. Those who advocate his rights, assert, that "to change the order of succession in any country subject to princely rule, it is required to obtain: 1. The consent and renunciation of all the male and female heirs (agnati and cognati), whose right to the inheritance would be impaired by the change. 2. The consent of the people of that country, or its lawful representatives, and that neither of these two conditions has been fulfilled.

The Federal Diet of Germany, at the close of 1863, had not yet decided the question, whether Germany would recognize Prince Frederic as Duke of Holstein, or confine itself to compel Denmark to repeal the Constitution of November 18th, 1863, and give guarantees for the protection of the constitutional rights of the duchies.

SIDERIUM. In course of the development of his invention for producing on a commercial scale the metal magnesium, Mr. E. Sonnstadt, of Loughborough, England, is said to have discovered a new metal. This he found in the "carcasse" remaining when the chloride of magnesium is obtained by evaporating and igniting the mixed chloride of the same and of sodium. In many of its reactions this new metal corresponds almost precisely with iron, for which it may hitherto have been mistaken. It appears to occur invariably in connection with magnesium, which cannot be entirely freed from it.

SOUTH CAROLINA. A special session of the Legislature of South Carolina was held in April. Governor Bonham, in his message, made a number of recommendations of which the following are the most important: To prohibit the planting of over a half, or at most one acre with cotton, to the "full hand" (able-bodied slave), and that the hands to be enumerated should only be such as "work in the crop;" also, to adopt some legislation to arrest the purchase and monopoly of articles of prime necessity, even when it is not intended to export them beyond the limits of the State; also, to prevent the undue distillation of spirits from the cereals and molasses, for which the enormous profits on whiskey offered a great temptation. The governor declares that the act to supply negro labor for the coast defences cannot be made effectual for the accomplishment of its objects.

Early in June, Colonel Montgomery, with five companies of his negro regiment, and a section of company G, 3d Rhode Island artillery, left Beaufort with three steamers on an expedition up the Combahee river. They carried eight guns, a portion of them 10-lb. Parrotts, and the rest 12 and 24-lb. howitzers. The party landed at Field's Point, about twenty miles up the river, and there found two deserted forts and numerous rifle pits. A rebel force appeared in the distance, but hastily retired. Leaving a few men in the forts and rifle pits, Colonel Montgomery threw out the balance of his command as skirmishers, making the enemy believe that he had a large force in reserve. Upon the withdrawal of the rebels, the gangs of slaves who were just going to work on the plantations broke away from their overseers, and came rushing down to the landing-place in droves of hundreds and thousands. They were sent on board the steamers, till all the spare room was taken up. Meanwhile companies of negro soldiers were sent in various directions to burn buildings and secure horses, provisions, and other property. Several rice-mills, store houses filled with rice and cotton, and every house, barn, or other building belonging to any known rebel were burned, and all the portable property of value brought away. One store house that was fired contained two years' crops of rice; and another $10,000 worth of cotton. The locks by which the plantations are irrigated were destroyed, flooding the fields of rice and destroying the young crop. One company alone burned twenty-five buildings, many of them containing immense quantities of rice. All this work of devastation was done in a few hours, when Colonel Montgomery thought it prudent to withdraw, and did so without loss, arriving at Beaufort within twenty-nine hours of the time of his departure. The trophies of the expedition were over eight hundred slaves, men, women, and children, several hundred bags of hominy, a fine lot of horses, and a large quantity of household furniture.

About the same time that the above raid was made, Colonel Barton, with a large picked force, made an expedition on three steamers

to the village of Bluffton. The village was captured, with but little opposition, and burned to the ground, only one building, a church, being spared.

On the 12th of June, General Hunter was relieved from his command by order of the President, and General Q. A. Gillmore was appointed his successor.

General Gillmore's operations against Charleston caused a feeling of anxiety among the people of that city such as they never felt before. The newspapers were filled with appeals to the courage and local pride of the citizens. They were called upon to welcome "destruction and extermination" sooner than succumb to "Yankee dominion and all its nameless enormities." Gov. Bonham repeated the same sentiments in his proclamation ordering non-combatants to leave the city. The commission who had been elected in 1862, to remove women, children, and other non-combatants from the city, whenever, in their opinion, it should become necessary, now proceeded to act. Free transportation and board, and lodging, at safe places out of the city, were given to all persons who were unable to pay. It is probable that the city was (with but few exceptions) cleared of all women and children before Gillmore commenced throwing his shells into it.

The disposition of the Federal negro troops captured by the rebels on Morris and James Islands, was a mystery which the rebel authorities did not take the trouble to clear up. It was generally supposed that they had been hung or sold into slavery. General Beauregard authorized a statement, on the 12th of August in the "Charleston Mercury," to the effect that the Secretary of War had ordered the negro prisoners to be turned over to the State authorities by virtue of the joint resolution of Congress. Governor Bonham had therefore been notified that the negroes were held subject to his orders. The governor had requested General Beauregard to retain them in military custody until he could make arrangements to dispose of them. That was their situation on the date above given, and of their fate nothing further is definitely known.

The proceedings of the Legislature during the latter part of the year were chiefly confined to the increase, equipment, and maintenance of the military forces of the State; and were devoid of special interest.

SPAIN, a kingdom in Southern Europe. The present queen is Isabella II., who was born 10th of October, 1830, and succeeded her father, the late King Ferdinand VI., on 29th of September, 1833, remaining under guardianship until 8th of November, 1843, when she was declared of age by the Cortes (Legislature). She was married 10th of October, 1846, to Francis d'Assisi, her cousin german. Her eldest son and heir to the throne is Alfons, Prince of Asturias, who was born 28th of November, 1857.

The difficulties between Spain and St. Domingo form the only topic we can notice in this volume.

In Feb., 1863, the people of the late republic of Santo Domingo, which in 1861 was sold by its President Santana, to Spain, rose again in insurrection for the recovery of their national independence. The movement showed itself in particular in the two provinces of Cibao and Santiago de los Caballeros. The chief of the insurrection, Lucas de la Pena, had counted upon the support of the Government of Hayti; but the latter refused to take part in any hostile demonstrations, and the commander of Fort Liberté, who had favorably received a communication from the chief of the insurgents, and replied to it, was promptly deposed. On February 26th, a body of from six to seven hundred insurgents, under the command of Lucas de la Pena, presented themselves before the town of Guayabin, and captured the small garrison of twenty-four men. Almost at the same time they occupied the town of Savaneta. In Manga and Santiago the attempts at making an insurrection were unsuccessful. Savaneta was likewise soon wrested from them again, and on March 21st the whole insurrection seemed to be suppressed, and the captain-general proclaimed a general amnesty, from which he only exempted the leaders. Soon, however, the insurrection broke out again on a larger scale than before. Though the Spanish accounts and those received from the neighboring Turks Island (the latter were friendly to the cause of the insurgents) materially differed, there is no doubt that the Spanish forces were defeated in several engagements, and driven from Guayabin, Savaneta, Moca, la Vega, and Macoris. Even the city of Santiago, the largest city in the north, was burned by the insurgents, and the Spanish troops had to retire to the seaport town, Puerto Plata. But even this place was abandoned, on the ground that it was not adapted for a base of extensive operations, and Monte Christo, another seaport town near the Haytian frontier, selected for that purpose. The insurgents fought with the utmost bravery, and it was only owing to the immense superiority of the Spanish forces in numbers, that they had gradually to yield. An offer was made by the authorities at Santiago, to the President of Hayti, to annex themselves to Hayti; but the offer was not accepted. An appeal was made to all the republics of America for assistance, but although much sympathy was expressed for them, no material aid was given; and toward the close of the year, the insurrection, although still holding out, had been greatly reduced.

STEAM. The controversy between Messrs. Dickerson and Isherwood on the value of expansion in the cylinder of the steam engine, has been brought prominently before the public by a trial at Washington, in which Mr. Dickerson appeared as attorney to establish the value of the Sickles cut-off in the saving of fuel, and

Mr. Isherwood as a witness on the opposite side. The jury gave their verdict for a saving of 34 per cent. produced by the Sickles cut-off. The positions taken by Mr. Isherwood in his book are as follows:

The causes of the great discrepancy found to exist in steam engines using steam with different measures of expansion between the economy as promised by the law of Marriotte and as realized experimentally, may be summed up as follows, premising that the same initial and back pressures are supposed to be employed in the cylinder, namely:

1st. The law of the expansion of steam is not rigorously that of Marriotte, even when condensation is prevented by superheating; the pressure decreases in a higher ratio than the volume increases.

2d. The condensation of steam in the cylinder due to the production of power.

3d. The condensation of steam in the cylinder due to superheating the back pressure vapor as a gas.

4th. The condensation of steam in the cylinder due to its expansion *per se.*

5th. The condensation of steam in the cylinder due to external radiation.

6th. The condensation of steam in the cylinder due to the re-evaporation of water deposited on its internal surface.

7th. The loss of dynamic effect in the cylinder clearance and steam-passage.

8th. The influence of the back pressure in the cylinder resisting the stroke of the piston.

9th. The influence of the pressure required to work the engine *per se.*

10th. The difference of dynamic effect due to an equal weight of steam used at the average cylinder pressure and at the boiler pressure.

To which Mr. Dickerson replies:

Now, each and all of these statements are either false or do not affect the economy of expansion any more than the economy of non-expansion.

1st. The first one is false. Expanded steam increases its pressure—not diminishes it—in a higher ratio than the volume increases; and this is the discovery of Regnault.

2d. The second one is false, no such condensation occurs; but if it did, there would be no difference of practical consequence between expansion and non-expansion.

3d. The third one is of itself immaterial, and not adverse to expansion.

4th. The steam does not condense by expansion in an engine, as Regnault shows.

5th. The loss by external radiation from the cylinder is too insignificant to mention, but Isherwood says of it that "the radiation from the exterior surface of the cylinder and the condensation by the interior surfaces will be about the same," whether expansion or non-expansion is used.

6th. No such effect is produced—no "water is deposited on the interior surface of the cylinder," and of course none is re-evaporated

7th. The total loss of power by clearance is perfectly calculable, but is less with expansion than without it, although it is a greater percentage of the total power with expansion than without it.

8th and 9th. The answer is that the back pressure and friction are just like all other resistances which oppose the steam in its effort to drive down the piston —just such resistance as the friction of the boat going through the water, or of the mill-stone which grinds the grain—and by whatever means any of these resistances are overcome with less steam than otherwise would be needed, by that same means all of these resistances are overcome more economically.

But "back pressure" is diminished by increasing expansion—that is to say, a lower "vacuum" is produced by cutting off short than by following full stroke —and therefore, in respect to this item, there is a reduction of resistance to be overcome, effected by the very act of economizing the means by which it is to be overcome.

10th. I trust I shall not be considered intensely ignorant when I confess that I don't understand what this means—either philologically or scientifically considered.

SUEZ, Canal of. The project of a ship canal across the Isthmus of Suez, for which M. de Lesseps, a Frenchman, has received the concession from the Pasha of Egypt, is not only of the utmost importance for the commercial world, but has, of late, also led to some political complications. According to the plan of M. de Lesseps a canal was to be dug, ninety miles long, three hundred and thirty feet wide at the water line, and sloping at the sides down to the bottom, which was to be twenty feet below low-water level in the Mediterranean. A sluice-lock, three hundred and thirty feet long, by seventy wide, was to be formed at each end; and by taking advantage of the rise of the tides at Suez, it was expected, or hoped, that an additional depth of three or four feet might be obtained. The more formidable portions of the work would be two artificial harbors, necessary to be constructed at the ends of the canal; seeing that no ship could enter it from the sea except through a harbor protected at all times from sands and shoals. At Suez, the piers would have to be carried out to the length of three miles, in order to inclose a harbor deep enough for such a purpose, and would have to pass through shifting sand; but still the stone to construct them is near at hand, and the difficulties are only such as engineers are accustomed to deal with. At the Mediterranean end of the canal, however, near Tyneh or Pelusium, the indispensable harbor would be much more difficult of construction, and much more costly. The Nile annually pours out thirteen million cubic yards of sand and mud into the Mediterranean, beside that which is deposited on the land of the Delta, or Lower Egypt. These thirty million cubic yards are borne by a current directly toward the shore of the Mediterranean near the region of Tyneh, making the sea at that spot shallower and shallower every year, full of shifting mud banks and sand banks. The English, in general, showed a great opposition to the plan, and the French naturally attributed this to political reasons. After seven years of discussion, the matter was taken up, in 1855, somewhat in an international spirit. The nations that would be most benefited commercially by the opening of a canal across the isthmus—France, England, Austria, Prussia, and Holland—were invited by the pasha to send out a joint commission of civil engineers, to test the plans of Lesseps and Talabot, and to report upon the feasibility of the whole project. After they had made their report, a larger commission, appointed by the pasha, devoted the greater part of 1856 to a consideration of the matter. The commission came to the conclusion that a canal, differing in certain points from Lesseps' plan, could be

constructed with profit. The result of all this was: that M. de Lesseps obtained requisite powers from the pasha; that a company was formed; that the pasha and French shareholders agreed to furnish the funds; and that the works were commenced, and have been progressing, with a few interruptions, ever since.

The new canal commences many miles to the westward of Tyneh, near the old Damietta mouth of the Nile, and takes Lake Temsah on the way. As there is scarcely a drop of fresh water to be met with along the arid region to be traversed by the canal, and as the laborers employed in the works must be reckoned by tens of thousands, an important preliminary enterprise has been necessary, to bring the fresh water of the Nile to the villages or encampments where the laborers are stationed. This has been accomplished, from the Nile at Cairo to a point near Lake Temsah; from thence iron pipes convey the water along the northern half of the route toward Damietta, while arrangements are also being made for conveying it along the southern half toward Suez. Another auxiliary work is being constructed in the shape of a service-canal, designed to take men and materials from place to place. It was opened from Lake Temsah northward, some months ago.

Said Pasha of Egypt, although he always declared that the sanction of the Ottoman Porte was indispensable even for the commencement of the canal, did not debar the director of the company from preliminary works or from employing forced labor. He even became responsible for nearly one half of the capital of the company. On his death, the sultan was induced to visit Egypt and examine the works personally, and on his return to Constantinople, he declared that he could not sanction the large grants of territory which the company claimed, and which would have rendered them proprietors of a great portion of the soil of Egypt, and that, further, he could not allow the continuance of forced labor, which had decimated the people by exhaustion and fever. M. de Lesseps declared this order of the sultan contrary to his treaty with Said Pasha, and denied the right of the sultan to interfere in any way with its execution. The present Pasha of Egypt, Ismail, despatched, therefore, one of his councillors, Nubar Bey, to Paris, to lay before the company and its directors the chief demands of the Porte, which were concurred in by the pasha, and to entreat their acquiescence. When his offers were rejected, Nubar Bey laid the whole circumstances before three of the most eminent French lawyers, Odillon Barrot, Jules Favre, and Dufaure, who declared in emphatic terms that the Government of Egypt had acted with perfect propriety, and that the canal company was unwise in asking for more than it had thought fit to accord.

SUMNER, Major-General Edwin Vose, an officer of U. S. volunteers, and brevet major-general in the U. S. army, born in Boston, Mass., in 1796, died at Syracuse, N. Y., March 21st, 1863. He was educated at the Milton Academy, Boston, and in March, 1819, was appointed second lieutenant in the 2d infantry, and served in the Black Hawk war. When the 2d regiment of dragoons was raised by Gen. Jackson, he was commissioned as its captain, and was for many years employed in service on the Indian frontier, and subsequently commanded the school of cavalry practice, at Carlisle, Penn. He was promoted to be major in 1846, and in April, 1847, led the famous cavalry charge at Cerro Gordo; was wounded, and obtained the brevet of lieutenant-colonel. At Contreras and Churubusco he won much honor, and at the battle of Molino del Rey commanded the entire cavalry, holding in check 5,000 Mexican lancers. For his gallant conduct, he received the brevet of colonel, and in July, 1848, was commissioned lieutenant-colonel of the 1st dragoons. At the close of the war, he was placed in command of the department of New Mexico. In 1855, he was promoted to the colonelcy of the 1st cavalry, and the following year was in command at Fort Leavenworth, Kansas. In July of 1857, he led a successful expedition against the Cheyenne Indians, and in 1858 was appointed commander of the department of the West. In March, 1861, he was appointed brigadier-general in the regular army, in place of General Twiggs, and in March, 1862, appointed commander of the first army corps in the army of the Potomac. At the siege of Yorktown he commanded the left wing, and was engaged in all the battles of the Chickahominy, during which he was twice wounded. For his services before Richmond, he was made major-general of volunteers, and brevet major-general in the regular army. Upon the reorganization of the army, Gen. Sumner was assigned to the second corps, and in the battle of Antietam, was wounded. Subsequently he was placed in command of the right grand division of the army of the Potomac, but, upon the appointment of Gen. Hooker as chief of that army, he asked to be relieved, and after a few weeks was ordered to the command of the army of the frontier. Upon the way thither he was taken sick, and died after a short illness, at Syracuse.

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TELEGRAPH. The construction of a telegraph around the earth made a considerable progress during the year. Grants and privileges were made by the Russian and British Governments, which are highly favorable to this object. Through an arrangement with Mr. Perry McD. Collins, the Russian Government undertakes to construct a line of telegraph from St. Petersburg to the mouth of the Amoor river, in Eastern Asia, a distance of about seven thousand miles; and it has already built the line as far as Irrutsk, on Lake Baikal, nearly three fourths of the distance. Mr. Collins and his associates then take up the line at the mouth of the Amoor river, and continue it by way of Behring's strait, until it shall intersect at some point between Chicago and the Pacific coast, the present lines. The Russian Government grants the exclusive privilege for 33 years for the construction of this line through its territory on the northwest coast. The British Government has proceeded with great liberality relative to its territory, known as British Columbia. Where the line crosses Behring's strait is about 66°N. latitude. From the Russian line others will soon stretch into India and China, and other parts of Asia. A line from San Francisco already extends some distance north on the Pacific coast.

TENNESSEE. After the retreat of General Bragg from Murfreesboro' in July, Western and Middle Tennessee were entirely under the control of the Federal army. The advance of Gen. Burnside into East Tennessee was followed by a defeat of the Confederate force, and a reduction of their strength in that part of the State. (*See* ARMY OPERATIONS.) The subject of a restoration of the State to the Union was considerably discussed, and some conventions were held, one of which assembled at Nashville on the 1st of July. The military governor expressed a willingness to issue writs of election whenever the people in a suitable manner manifested their willingness and solicitude to choose legislators and commence in good faith the work of re-organization. The guerilla system prevailed so extensively that it furnished the greatest obstacle to this object. The State was exempted from the operation of the emancipation proclamation, and upon its re-organization an effort will probably be made to remove slavery. The views of Gov. Johnson were thus expressed in a public speech made in September:

> Tennessee is not out of the Union, never has been and never will be out. The bonds of the Constitution and the Federal power will always prevent that. This Government is perpetual; provision is made for reforming the Government and amending the Constitution, and admitting States into the Union; not for letting them out of it. * * *
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> Where are we now? There is a rebellion; this was anticipated, as I said. The rebel army is driven back. Here lies your State; a sick man in his bed, emaciated and exhausted, paralyzed in all his powers and unable to walk alone. The physician comes. Don't quarrel about antecedents, but administer to his wants; and cure him as quickly as possible. The United States sends an agent or a military governor, whichever you please to call him, to aid you in restoring your government. Whenever you desire, in good faith, to restore civil authority, you can do so, and a proclamation for an election will be issued as speedily as it is practicable to hold one. One by one all the agencies of your State government will be set in motion. A legislature will be elected. Judges will be appointed temporarily, until you can elect them at the polls; and so of sheriffs, county court judges, justices and other officers, until the way is fairly open for the people, and all the parts of civil government resume their ordinary functions. This is no nice intricate metaphysical question. It is a plain, common sense matter, and there is nothing in the way but obstinacy.

The provisional organization previously created by the President continued throughout the year, and on the 26th of January ensuing, Governor Johnson issued his proclamation for a State election. About twenty-five thousand of the citizens of the State entered the Union army, and several colored regiments were also organized. The desolations of the State in consequence of the war were without a parallel, especially in East Tennessee.

TERRITORIES OF THE UNITED STATES. These are Arizona, Colorado, Dakota, Idaho, Nebraska, Nevada, New Mexico, Utah, and Washington. These vast districts have attracted considerable attention during the year, in consequence of the mineral wealth of several of them. Large numbers of persons have emigrated thither, and mining has been commenced on an extensive scale. For the details of their area, population, and civil organizations, the reader is referred to the ANNUAL CYCLOPÆDIA, 1862.

TEXAS. Gov. Lubbock of Texas, in his message to the Legislature on the 3d of February said that the State had contributed 68,500 men to the Confederate armies, or 4,773 in excess of her highest popular vote. He then estimated the number of men remaining in the State between the ages of 16 and 60, at only 27,000. In his message in November following, he states that the number of soldiers furnished by Texas had at that time reached the aggregate of 90,000. According to this estimate only 5,500 men were left between the ages of 16 and 60. In the latter message the governor discussed the situation of the Confederacy and the State at great length. With regard to the loss of Vicksburg and Port Hudson he makes the novel observation that those places cost the North a great deal more than they were worth, and thinks that the Confederacy could afford to fortify and lose several other places on the same terms. He denounced the system of exemptions and substitutes, and maintained that every man in the State, including aliens, should be forced into the army. He reported the revenues for the year to August 31st, at $2,-

468,061 including a balance of $36,866. The expenditures were the same, with a balance of $15,819. Up to the same date the public works at the Texas Penitentiary had turned out 2,258-660 yards of cotton goods and 293,298 yards of woollens, of which the larger part had been distributed among the army. The State foundry had not been successful in the manufacture of cannon. Large quantities of percussion caps had, however, been made in the State. The governor recommended the appropriation of at least $1,000,000 (to be based on cotton bonds, or that cotton be purchased and paid for in bonds, to supply the State with arms and munitions of war. He declared himself opposed to any peace which did not recognize the independence of the Confederate States. He "regards reconstruction" as intolerable on any terms, and would admit no State into the Confederacy whose laws did not recognize and protect slavery.

The tyrannical conduct of the rebel authorities in impressing men and seizing provisions produced great dissatisfaction throughout the State, alike among the soldiers and the people. Two serious riots occurred at Galveston. In one case, the troops, being short of rations, turned their guns on the town and compelled the commandant to give them what they wanted. In the other instance, the troops paraded the streets in a body, took the poor rations that had been issued in the morning and burned them in the public square, and demanded fresh and better ones, which were accordingly furnished. Desertions were numerous—sometimes as many as 50 or 60 a day. About 2,000 deserters had fortified themselves near the Red River, and defied the Confederacy. At last accounts they had been established at that rendezvous for eight months, and were constantly receiving accessions of discontented rebels and desperadoes.

The following were reported to be the prices of some articles in the State, in rebel money: corn meal, $10 a bushel; flour, $2 per lb.; coffee, $20 per lb.; sugar, $1 per lb.; butter, $3 per lb.; eggs, $4 a dozen; calf boots, from $150 to $175 per pair.

Blockade running via Nassau was brisk during the year. It was principally done by schooners, to and from the Brazos river, taking out cotton and bringing back materials of war, provisions and selected goods. Ten schooners with cotton were counted at one time in the Brazos river waiting a chance to get out. The enemy established a signal corps all along the Texas coast, in expectation of the arrival of a fleet of iron or steelclad blockade runners from Europe; but they did not come. The Anglo-rebel steamer, Sir Wm. Peel, with over 900 bales of cotton was captured by the sloop of war Seminole, as she was running out. She had taken to Matamoras a cargo of arms and ammunition contributed by the Southern Association in Europe; and it was believed that after landing her cotton at Nassau or Havana, she was to be converted into a privateer. Her crew consisted of 50 men, some of whom belonged to the British navy.

The Legislature generally sustained the rebel cause during the year, but refused to pass a resolution recommending Congress to declare the Confederate notes a legal tender.

At the fall election Pendleton Murray was chosen governor. He is a native of Alabama, a lawyer by profession, and said to be intensely devoted to the Confederate cause.

THACKERAY, William Makepeace, an English author, born in Calcutta in 1811, died in London, December 24th, 1863. In early childhood he lost his father, a civil officer in the service of the East India Company, and when about seven years of age was carried to England. A vivid recollection of the country of his birth remained with him through life, and traits and reminiscences of Anglo-Indian society often occur in his novels. In London he was sent to the Charter-house school, and thence went to the University of Cambridge, which, however, he left without taking a degree. Inheriting upon coming of age a property of about £20,000, he went abroad with the idea of making art his profession, and for several years pursued his studies and travels in Germany, France, and Italy. He finally decided that literature rather than art was his proper vocation, and that the latter, if followed at all, should be made subordinate to his literary labors. The loss of a considerable portion of his property by unlucky speculations induced him to rely upon his pen for support, and returning to England, at the age of twenty-five, or thereabouts, he commenced the long struggle toward fame and publicity, which was at the last crowned with success.

His first essays were in the London "Times," and were on subjects connected with art and general literature. He then became a regular contributor to "Fraser's Magazine," under the pseudonymes of Michael Angelo Titmarsh and George Fitz-Boodle, Esq., and produced a variety of tales, criticisms, descriptive sketches and verses, which, though lively, and often showing originality of thought and direction, had more in them of the trifler than the worker with a purpose. Then came travelling sketches of men and manners, of which the "Paris Sketch Book" (2 vols., 1840) was his earliest separate publication, followed by the "Irish Sketch Book," and an amusing and highly characteristic account of a voyage to the East, entitled "From Cornhill to Cairo." During this period of gradually growing reputation, his hand could be frequently traced in the pages of Fraser, where his "Men's Wives," his "Yellow-plush Papers," his "Shabby-Genteel Story," his "Great Hoggarty Diamond," and his "Luck of Barry Lyndon," successively appeared. None of these obtained popularity, though the last is one of the most vigorous and dramatic tales in English literature. They are all marked by an exaggerated humor for

banter and indifference, characteristic of the periodical in which they appeared, which was at that time sarcastic and unscrupulous. But the germs of that delicate irony, and playful, yet chaste and vigorous style, for which he afterward became famous, are also clearly indicated.

The establishment of "Punch" in 1841 opened to Thackeray a new and congenial field of labor, in which some of his happiest efforts were achieved. With his connection with this periodical his contributions also became more tempered by feeling and taste, and he evidently discovered a purpose worthy of guiding and influencing his pen. In "Punch" appeared his "Snob Papers," his "Prize Novelists," his "Jeames's Diary," &c., beside many excellent lyrics and ludicrous ballads, all illustrated by quaint designs from his own pencil. It was the publication of "Vanity Fair" (1846–'48), however—a work declined by many publishers—that gave Thackeray his place among the chief novelists of modern times. It was succeeded in due course of time by three other novels of modern society, "Pendennis," "The Newcomes," and "Philip," and by two other tales illustrating an elder world of manners, "Esmond," and "The Virginians," of which the former is considered the most artistically complete and scholarly of any of his larger works. They have obtained, for the most part, a very wide popularity in Europe and America, and as striking pictures of social life in England, impregnated with kindly satire of prominent social faults, their excellence can be scarcely overrated. The characters are among the most real ever drawn by novelist, and the style is clear, admirably void of affectation and thoroughly English. A prominent feature of these, and, indeed, of most of his works, is the characteristic illustrations by himself.

Among his numerous minor works may be mentioned a series of Christmas books, including "Mrs. Perkins's Ball," "Our Street," "Dr. Birch," "The Kickleburys on the Rhine," "The Rose and the Ring," and "Rebecca and Rowena," all reflecting with equal force, though on a lesser scale, the qualities of his novels. In 1851–'52 he lectured to delighted audiences in England and America on the "English Humorists," and also in 1852–'56 on the "Four Georges." Both series of lectures were published in book form, and have added not a little to his reputation as an author. In 1860 the "Cornhill Magazine" was commenced under his editorship, and during the two years that he remained in that capacity, he published in the magazine "Lovel the Widower," and "The Adventures of Philip." Here also appeared a number of charming essays by him, lately published under the title of "The Roundabout Papers." He had commenced a new serial tale when death overtook him, respecting which we have the statement of Charles Dickens that "in respect of earnest feeling, far-seeing purpose, character, incident, and a certain picturesque blending of the whole, it was much the best of all his works." He was found dead in his bed on the morning of December 24th; leaving two daughters, of whom one has already shown literary talents worthy of her name. His domestic happiness was saddened by the insanity of his wife, brought on many years ago by a fit of illness. Of his private character it is sufficient to say, that the death of no author, during the present century, has called forth more universal and genuine expressions of regret from all classes of the community.

THALLIUM. The contest between Mr. Crookes and M. Lamy in reference to priority of discovery of this metal, has been carried on during the past fourteen months, and chiefly by a paper read, Dec. 15th, 1862, by M. Dumas, before the French Academy, advocating the claim of Lamy, and by a reply in the Chemical News, Jan. 10th, 1863, by Mr. Crookes, in which latter—admitting that the exposure of the labelled metal in the International Exhibition (of 1862) constituted publication—Mr. Crookes' precedence in the discovery, not merely of a new element, but also of its *metallic* character, is clearly established. M. Lamy's first communication was published, May 16th, 1862. Mr. Crookes' specimen of thallium, labelled as "a new metallic element," and on a card described also as a "*heavy metal*, forming compounds which are volatile below a red heat," &c., was exposed to the view of scientific men in attendance on the exhibition, as early as May 1st of the same year. The same author had previously published the discovery of a new element, though at the dates of those earlier papers supposing it a metalloid.

Mr. Crookes has still more recently determined by means of spectrum observations the presence of thallium in varying proportions in many specimens of pyrites, sulphur, zinc, cadmium, sulphide of cadmium, and copper and bismuth ores. A native sulphur from Lipari contained so much thallium as almost to take rank as a new mineral.

The spectrum of thallium has been said to be characterized by a single bright green line, nearly coincident with Ba δ. This, owing to volatility of the thallium compounds, is usually perceived but a moment; hence its intensity and duration do not safely indicate the richness in thallium of the material thus examined. Usually, however, thallium is by the spectroscope at once determined in pyrites, flue-dust, and the sediment of the lead-chamber in sulphuric acid manufacture; and the metal is now much sought in such sources. Prof. W. A. Miller does not agree in respect to the simplicity of the thallium spectrum. Having obtained this spectrum by the induction of spark in hydrogen gas, and secured a photograph of it on a collodion surface, he states that it is marked by several very characteristic groups of lines, recalling features of the spectra of cadmium, zinc, and less strongly, of lead.

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UNITARIANS, or UNITARIAN CONGREGATIONALISTS. According to the monthly journal of the American Unitarian Association, the denomination numbered in 1863, in the United States, 260 "societies," of which 64 had no pastor; 343 ministers, of whom 140 were "not settled"; 2 theological seminaries, Cambridge and Meadville; 6 periodicals (of which 5 are published in Boston); and 13 religious charitable societies. The population connected with the denomination is differently estimated at from 13,000 to 30,000.

In England there are 259 ministers who have charge of congregations, and 284 places which have chapels; 7 periodicals. The denomination has, in London, the British and Foreign Unitarian Association, the London Domestic Mission Society, and 8 other societies. In the country they have 10 domestic missions, and 26 tract and other societies. In Ireland there are three Presbyterian bodies which, in point of doctrine, are regarded as Unitarians, namely: the Presbytery of Antrim, the Remonstrant Synod of Ulster, and the Synod of Munster. Together they form the "Non-subscribing Presbyterian Association of Ireland," which meets annually. In the English colonies the Unitarians have 7 chapels.

On the continent of Europe the Unitarians exist as a separate denomination only in the Austrian province of Transylvania, where they number a population of 50,870. Their peculiar views are, however, largely diffused in a number of other Protestant churches. The Unitarians of Transylvania have lately commenced to cultivate more intimate relations with those of Great Britain. In East India the Unitarians have established a mission school in Calcutta.

UNITED STATES. On the first day of the year, President Lincoln issued the following proclamation declaring freedom to all the slaves in the insurrectionary States excepting Tennessee, some counties in Virginia, and some parishes in Louisiana. Its appearance was announced by a preliminary proclamation issued in September, 1862. (*See* ANNUAL CYCLOPÆDIA, 1862, PUBLIC DOCUMENTS.)

Whereas on the 22d day of September, in the year of our Lord one thousand eight hundred and sixty-two, a proclamation was issued by the President of the United States, containing, among other things, the following, to wit:

"That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free; and the Executive Government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom.

"That the Executive will, on the first day of January aforesaid, by proclamation, designate the States and parts of States, if any, in which the people thereof, respectively, shall then be in rebellion against the United States; and the fact that any State, or the people thereof, shall on that day be in good faith represented in the Congress of the United States, by members chosen thereto at elections wherein a majority of the qualified voters of such State shall have participated, shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such State, and the people thereof, are not then in rebellion against the United States."

Now, therefore, I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as Commander-in-Chief of the Army and Navy of the United States in time of actual armed rebellion against the authority and Government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and in accordance with my purpose so to do, publicly proclaimed for the full period of one hundred days, from the day first above mentioned, order and designate as the States and parts of States wherein the people thereof respectively are this day in rebellion against the United States, the following, to wit:

Arkansas, Texas, Louisiana (except the parishes of St. Bernard, Plaquemines, Jefferson, St. John, St. Charles, St. James, Ascension, Assumption, Terre Bonne, Lafourche, Ste. Marie, St. Martin, and Orleans, including the city of New Orleans), Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia (except the forty-eight counties designated as West Virginia, and also the counties of Berkeley, Accomac, Northampton, Elizabeth City, York, Princess Ann, and Norfolk, including the cities of Norfolk and Portsmouth), and which excepted parts are for the present left precisely as if this proclamation were not issued.

And by virtue of the power and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated States and parts of States are and henceforward shall be free; and that the Executive Government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons.

And I hereby enjoin upon the people so declared to be free to abstain from all violence, unless in necessary self-defence; and I recommend to them that, in all cases when allowed, they labor faithfully for reasonable wages.

And I further declare and make known that such persons, of suitable condition, will be received into the armed service of the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.

And upon this act, sincerely believed to be an act of justice, warranted by the Constitution upon military necessity, I invoke the considerate judgment of mankind, and the gracious favor of Almighty God.

In testimony whereof I have hereunto set my name, and caused the seal of the United States to be affixed.

Done at the city of Washington this first day of January, in the year of our Lord one thousand
[L. S.] eight hundred and sixty-three, and of the independence of the United States the eighty-seventh. ABRAHAM LINCOLN.

By the President:
WILLIAM H. SEWARD, Secretary of State.

One hundred guns were fired in Pittsburg on January 2d, in honor of the proclamation. The same number were fired in Buffalo on the 3d. On the 2d Governor Andrew of Massachusetts issued a proclamation ordering a salute of one hundred guns, "as an official recog-

nition of its justice and necessity, by the Commonwealth of Massachusetts."

As the year advanced the views of the Government were made known relative to the importance of the measure and the influence which it should exert in the administration of affairs growing out of the war; the views of the people were also expressed relative to its legality; and its operation could be seen.

The view of the President relative to the proclamation is expressed in these words: "a fit and necessary war measure for suppressing said rebellion."

Mr. Seward, Secretary of State, in a letter to the American minister at Paris, dated December 1st, 1863, more than two months after the future appearance of the proclamation had been announced by the President, presented the following view of the position of slavery in the conflict:

The great problem of domestic slavery in the United States presented itself for solution when the war began. It is in process of solution, and so the war goes on. It is not yet solved, and so the war is not yet ended. The people of the United States are intensely engaged in the difficult task. If it questions and rejects one process of solution after another, that does not prove that it is abandoning the task. On the contrary it is the very act of performance of the task itself. If the performer seems slow, let the observer ask where or when did any nation advance faster in a labor so complex and so difficult. The President's message will carry the public mind still more directly and more earnestly on its great work. The war would have had no terrors for the people if they had not feared that the Union could not endure the trial of solving that problem. Apprehensions of that kind are beginning now to be dismissed. In all the elements of strength, power, and stability, the Union is stronger when Congress meets to-day than it was when Congress met a year ago. In all the same elements the insurrection is weaker. Revolutions do not revive their strength or their energy. They must succeed at first, or at least gain advantage continually, or they must perish. A year ago it seemed that any foreign nation might assail and destroy us at a blow. I am sure that no one foreign nation would now conceive such an attempt, while a combination of several powers for that purpose is impossible.

In a letter addressed to the Committee on the Inauguration of the Loyal National League of New York, dated April 9th, the Secretary of the Treasury, Mr. Chase, thus describes the extent of the emancipation and its good faith:

Nothing, in my judgment, is more certain than the fulfilment of these predictions. Safe in the States, before rebellion, from all Federal interference, slavery has come out from its shelter under State constitutions and laws to assail the national life. It will surely die, pierced by its own fangs and stings. What matter now how it dies? Whether as a consequence or object of the war, what matter? Is this a time to split hairs of logic? To me it seems that Providence indicates clearly enough how the end of slavery must come. It comes in rebel Slave States by military order, decree, or proclamation, not to be disregarded or set aside in any event as a nullity, but maintained and executed with perfect good faith to all the enfranchised; and it will come in the loyal Slave States by the unconstrained action of the people and their Legislatures, aided freely and generously by their brethren of the Free States. I may be mistaken in this; but if I am, another and better way will be revealed.

Meantime, it seems to me very necessary to say distinctly what many yet shrink from saying. The American blacks must be called into this conflict, not as cattle, not now even as contrabands, but as men. In the Free States, and, by the proclamation, in the rebel States they are freemen. The Attorney General, in an opinion which defies refutation, has pronounced these freemen citizens of the United States. Let then the example of Andrew Jackson, who did not hesitate to oppose colored regiments to British invasion, be now fearlessly followed. Let these blacks, acclimated, familiar with the country, capable of great endurance, receive suitable military organization, and do their part. We need their good will, and must make them our friends by showing ourselves their friends. We must have them for guides, for scouts, for all military service in camp or field for which they are qualified. Thus employed, from a burden they will become a support; and the hazards, privations, and labors of the white soldiers will be proportionally diminished. Some will object of course. There are always objections to everything practical. Let experience dispel honest fears, and refute captious or disloyal cavil.

The postmaster-general, Mr. Blair, in a speech delivered at Cleveland, Ohio, somewhat later, thus spoke of the permanence of the emancipation:

That measure, which as commander-in-chief, the President rightfully adopted under the Constitution, and in accordance with national law, to obtain the co-operation of the whole race of people, and which involves both life and freedom in its results when proclaimed, was beyond revocation by either civil or military authority of the nation. The people once slaves in the rebel States can never again be recognized as such by the United States. No judicial decision, no legislative action, State or national, can be admitted to re-enslave a people who are associated with our own destinies in this war of defence to save the Government, and whose manumission was deemed essential to the restoration and preservation of the Union and to its permanent peace.

In a speech delivered at Cincinnati, on October 15th, the Secretary of the Treasury, Mr. Chase, more fully related the cause which led to the issue of the proclamation, the design of it, and the advantages which had arisen from it. He said:

It was very simple and very plain, that slavery depended for its existence outside of those States upon the national will, which is simply saying your will and my will, that slavery outside of those States should not exist antagonistic to free labor. But with slavery in South Carolina, we in Ohio had nothing to do, and I was just as much averse to any interference with anything within the limits of other States. Although I dislike the institution and condemn it, yet I was just as much averse to any interference with it as I should be with their interference with our institutions here in Ohio. That was my doctrine; and so when this rebellion commenced, it would have been extremely agreeable to me if we could have put our foot upon the snake—I mean the rebellion—and crushed it out without any further trouble. But while I greatly desired that, and had I been general-in-chief I should have attempted, in an awkward way, to accomplish it; still we all know the rebellion went on, and assumed greater and greater proportions. We put greater and greater armies into the field, but the slave population of the South was the real prop of the rebellion—raising provisions for the army while it was fighting in the field, so that they could have pretty much all their laboring population in the battle-field; and they had another laboring population behind them to feed and support them; and therefore it appeared evident, especially as we had to depend upon the blacks in the South for information for our armies, and the whole country was so demoralized that they were the only friends our armies

could find when they passed through. It seemed, I say, perfectly clear that we had to strike at this under prop of the rebellion; and so, when President Lincoln thought fit to issue his proclamation, I said Amen, with all my heart.

It was never intended to interfere with the States that were loyal. The proclamation comes up as a great feature in this war. In my judgment the proclamation was the right thing in the right place, and without it, I am just as sure as I am of my own existence, that we could not have made the progress we have made; and I hold the man who denounces the proclamation either speaks ignorantly of that of which he knows but little or nothing, or else he really desires that the rebellion should succeed. There is no alternative. The rebellion would have succeeded but for the proclamation. He opposes it because he does not understand it, or because he wishes the rebellion to succeed. But then, say some, you are making war upon the people of the South, and you will not let them come back into the Union with their slaves. Well, now, gentlemen, there are two classes of States in the South; there is the class of States not affected by the proclamation. We have simply nothing to do except to bid God speed to the unconditional Union men of those States. They will do their own work in their own way, and in their own time, and all we have to do is to stand by them. But in the States which are affected by the proclamation, the case is different. Either the proclamation was a great monstrous sham and an imposition in the face of the whole world, or else that proclamation was an effectual thing, and there are no slaves to-day in the rebel States. They are all enfranchised by the proclamation, for what says it: all the slaves are declared now and forever free, and the executive power is pledged to the maintenance of this freedom. If it were not so, it would be a national imposture, and I would no more be guilty of that piece of infamy than I would steal into your house at night and rob your pantry. But what have we to do with this proclamation in the rebellious Slave States? It is a very simple thing. Just simply to recognize the Union men who remain in those States. Such men as Durand, Mr. Flanders, and Mr May, and a whole host of others who were known as slaveowners, are now satisfied that the Union men of the South must see to it, that slavery must never be permitted to be reëstablished in those States.

Take such a man as the Hon. Mr. Anderson. When he went home and stood up for the Union, what did the slave aristocracy do for him? They drove him from the State, and his wife and little ones were obliged to take shelter in the bushes; and so with multitudes of Union men in Texas at the present day, but all of them wish to get back and establish a free State in Texas, because they say no other than a free State can ever protect them from the enemies of freedom, and I was going to say, of human nature. Again, in Florida, there were many, who were driven away who are now anxious to return. Is there a man here who wants these noble, generous Union men of the South to go back to be trampled under foot by restored rebels? Let them go back, but let them go back under the ægis of the American Union, with the protection of the Government pledged to them, and then they will take care to settle this question of slavery. They will amend the Constitution so as to put the slavery question where it ought to be. When that is done, who is going to talk about the proclamation? You have here, my fellow citizens, an intelligent statement, as it seems to me of the manner in which this thing can be settled, simply by standing by the unconditional Union men, who almost all of them have embraced the doctrine of emancipation in the border States, and standing by the Union men in the pro-slavery States, and letting them protect themselves against the institution of slavery.

In Baltimore, at a large meeting two days previous to the State election in November, the Secretary of the Treasury, in a brief speech, thus alluded to the progress made in emancipation:

Fellow citizens, one word more. The unconditional Union cause is one and the same throughout the land; it is one in Ohio; it is one in Missouri; and the time has come when all unconditional Union men of the whole country must stand together, and shrink from no responsibility which the times may bring about. You will shrink from none. You will do your duty on the 4th of November. You will proclaim your adhesion to the cause of the Union and to the cause of emancipation in tones which cannot be misunderstood.

In June, an appeal was made to the President by a delegation claiming to represent the wishes of forty out of fifty parishes of Louisiana, to grant "a full recognition of all the rights of the State as they existed previous to the passage of an act of secession, upon the principle of the existence of the State Constitution unimpaired." The President declined to give the committee authority to act under the existing State Constitution, as a portion of the people desired to amend it. (*See* LOUISIANA.)

The views of the President relative to his proclamation, were still further expressed in a letter to a mass convention at Springfield, Illinois, dated August 26th:

I suggested compensated emancipation, to which you replied you wished not to be taxed to buy negroes. But I had not asked you to be taxed to buy negroes, except in such way as to save you from greater taxation to save the Union exclusively by other means. You dislike the emancipation proclamation, and perhaps you would have it retracted. You say it is unconstitutional. I think differently. I think the Constitution invests its commander-in-chief with the law of war in time of war. The most that can be said, if so much, is that slaves are property. Is there, has there ever been any question that, by the law of war, property both of enemies and friends may be taken when needed? And is it not needed whenever taking it helps us or hurts the enemy? Armies, the world over, destroy enemies' property when they cannot use it, and even destroy their own to keep it from the enemy. Civilized belligerents do all in their power to help themselves or hurt the enemy, except a few things regarded as barbarous or cruel. Among the exceptions are the massacre of vanquished foes and noncombatants, male and female. But the proclamation, as law, either is valid or is not valid. If it is not valid it needs no retraction. If it is valid it cannot be retracted any more than the dead can be brought to life. Some of you profess to think its retraction would operate favorably for the Union. Why better after the retraction than before the issue? There was more than a year and a half of trial to suppress the rebellion before the proclamation issued; the last one hundred days of which passed under an explicit notice that it was coming unless averted by those in revolt returning to their allegiance. The war has certainly progressed as favorably for us since the issue of the proclamation as before. (*See* PUBLIC DOCUMENTS.)

The views of the President were still farther manifested relative to the permanency designed to attach to this proclamation, in his amnesty proclamation accompanying his message to Congress, early in December. In the oath required to be taken before a pardon will be granted to any person, is the following clause: "that I will, in like manner, abide by and faithfully support all proclamations of the President, made during the existing rebellion, having reference to slaves, so long and so far as not modified or declared void by decision of the Supreme Court."

The views entertained by the public on the Emancipation Proclamation, are a subject of history, and referred chiefly to the question of constitutionality. Those who sustained the proclamation, claimed for the Government of the United States that, in conducting the hostilities in progress, it might exercise full sovereign and belligerent rights against the enemy; that the familiar right of eminent domain embraced in its scope the authority to confiscate all the property, real and personal, situated in the insurgent district, together with the effects of the inhabitants of that district in the loyal territory; that this right might be further deduced in time of war, from the clause of the Constitution empowering Congress to provide for the general welfare and common defence, by which whatever powers are, in the judgment of Congress, or of the President as commander-in-chief of the army and navy, necessary and proper against the enemy, are granted; that the law of nations established by modern usage, conferred upon the North, as belligerents, the universal right of confiscation and emancipation; and, finally, that there was no limit upon the power of Congress to provide the punishment of treason.

Those who opposed these views replied, that the extent of the sovereign powers of the Government of the United States is defined and limited by the Constitution. In dealing with its citizens, it can do no act not embraced within the scope of the powers there granted, upon which certain broad restrictions have been placed, both by specific prohibitions, and by the general rule of interpretation; that the powers not expressly conferred are reserved to the States. In this manner the sovereign power of the United States is made up, defined, and limited. It is a fundamental principle of law, that every man is presumed to be innocent until he has been proved guilty; and nothing is more carefully provided for in the Constitution than the separation of the legislative and judicial powers. Therefore Congress, in the exercise of its powers of legislation, cannot treat the inhabitants of a certain part of the country as guilty of treason; for by its very nature it is incompetent to distinguish between the guilt and the innocence of any portion of its constituency. It can indeed learn that the laws of the United States are impeded by combinations of armed men; it can provide laws by which the courts may condemn the guilty; it can furnish means to the executive for the enforcement of its authority; but it cannot apply the penalties which it creates, nor wield the force which it calls into the field, against any class of citizens.

As to the claim of war powers arising from the doctrine of self-preservation, it was replied, that history, and the theory of English liberty brought to this continent by the colonists and adopted as the corner stone of American Bills of Rights, united to condemn this proposition. There was no such thing as State necessity known to the Government. The English language had not been used in defence of that doctrine for more than two hundred years. The last time it was invoked it called forth the most memorable struggle in English history, and made wet the soil of England with the blood of civil war.

In the light of the usages of war among civilized nations, the question of emancipating enemies' slaves stands thus. It was practised in South America, by the chiefs of contending factions, but without the sanction of recognized Governments. By servile insurrection the slaves in St. Domingo wrested from their masters a freedom *de facto*, which was afterward granted to them by a decree of the French Convention. In both instances the hostilities were conducted in a manner long since reprobated by the public law, and by the consent of civilized powers. The English Government in the war of the American Revolution, and in 1812, sought to stir up the slaves and to seduce them from their masters, but in both instances the treaties of peace seem to recognize the illegality of this expedient by provision for partial or complete indemnity. The Government of the United States has denied the right to interfere with enemies' slaves, by acts and declarations of the most solemn and public character; and Napoleon, in the Russian war, refused to avail himself of this means of injuring the enemy, on the express ground of the nature of the warfare which would be its necessary result. These statements embrace the strongest points urged by the opponents of the proclamation. The views of the English Government were expressed in the following letter of Earl Russell to Lord Lyons:

FOREIGN OFFICE, *Jan. 17th*, 1863.

MY LORD: The proclamation of the President of the United States, enclosed in your Lordship's despatch of the 2d instant, appears to be of a very strange nature.

It professes to emancipate all slaves in places where the United States' authorities cannot, exercising jurisdiction, now make emancipation a reality, but it does not decree emancipation of slaves in any States or parts of States occupied by Federal troops and subject to Federal jurisdiction, and where, therefore, emancipation, if decreed, might have been carried into effect.

It would seem to follow, as in the Border States, and also in New Orleans, that a slaveowner may recover his fugitive slave by the ordinary process of law, but that, in the ten States in which the proclamation decrees emancipation, a fugitive slave arrested by legal warrant may resist, and his resistance, if successful, is to be upheld and aided by the United States' authorities and the United States' armed forces.

The proclamation, therefore, makes slavery at once legal and illegal, and makes slaves either punishable for running away from their masters, or entitled to be supported and encouraged by so doing, according to the locality of the plantation to which they belong, and the loyalty in which they may happen to be.

There seems to be no declaration of a principle adverse to slavery in this proclamation. It is a measure of war, and a measure of war of a very questionable kind.

As President Lincoln has twice appealed to the judgment of mankind in his proclamation, I venture to say that I do not think it can or ought to satisfy the friends of abolition, who look for total and impartial freedom for the slave, and not for vengeance on the slaveowner. I am, &c., Signed, RUSSELL.

The extent of the operation of the proclamation as regards the institution, was as follows: all the slaves in the Border States of Delaware, Maryland, Kentucky, Missouri, and Tennessee, were exempted from its scope, and remained in bondage, as before, under the State laws. The number in these States was, by the census of 1860, 705,115. Besides the States thus exempted from the application of the proclamation there were thirteen parishes in Louisiana and fifty-five counties in Virginia similarly excepted. In the thirteen parishes in Louisiana the number of the slaves was 87,812. In the fifty-five counties of Virginia there were 39,332—total in these two States, 127,144. The gross number, therefore, which the proclamation recognized as slaves was 832,259. On the other hand, the slaves in the following States are declared to be free:

Alabama	435,080
Arkansas	111,115
Florida	61,745
Georgia	462,198
Mississippi	436,631
North Carolina	331,059
South Carolina	402,406
Texas	182,566
Total	2,412,750

The slaves declared to be free in parts of States in rebellion are as follows;

In Louisiana, in thirty-five parishes,	243,914
In Virginia, in ninety-three counties,	451,533

The total number of slaves "ordered and declared" to be free in the designated States and parts of States amounts, therefore, to about 3,108,197.

The efficacy of the proclamation was probably very imperfectly manifested during 1863. On the one hand, it did not appear to make free any slave by its own operation during the year. All those became free who came in contact with the armies or within the military lines. This freedom would have been obtained equally as well without the existence of the proclamation, for all officers and soldiers had been forbidden to restore fugitives to rebel masters. On the other hand it tended to awaken a great sympathy among the slaves for the Union cause, which held out to them the promise of certain freedom by its success (*see* FREEDMEN); it presented a strong stimulus to free blacks to enter the army and fight for a cause which would give freedom to their race; it also stimulated the unconditional Union men in Maryland, Missouri and Louisiana, to make every effort to change the constitutions of the former States so as to secure immediate emancipation. (*See* MARYLAND, MISSOURI and LOUISIANA.) But the great efficacy of the proclamation was expected to become apparent at a future day, when the insurrectionary States should be recovered to the Union. In short it made emancipation the policy of the Administration, and encouraged the friends of that great cause to make every exertion to secure its speedy accomplishment. But it must not be supposed that this policy was adopted without opposition. The President nowhere during the year states that it is anything more than a measure for the preservation of the Union, and limits himself to this position. The opposition to the Administration protested against it. (*See* under the several States.) The friends of the Administration, known as Union men, approved of it as a war measure, and a resolution to this effect passed the Republican State convention of New York. The friends of the Administration, known as unconditional Union men, not only warmly approved of the proclamation, but demanded a most vigorous enforcement of it, by every method. (*See* under the several States.)

It now remains to notice the efforts which were made to secure the advantages of the proclamation, and the new questions which arose in connection with those efforts. The first movement was to bring the colored men into the field as soldiers. For this purpose the Secretary of War issued an order authorizing the governor of Massachusetts to raise volunteer companies of artillery and corps of infantry which might include persons of African descent. In March Gen. Thomas was sent to the Mississippi valley to organize colored regiments. (*See* ARMY OF THE UNITED STATES.) On the 27th of January a bill was introduced into Congress to authorize the President to raise one hundred and fifty thousand colored volunteers. (*See* page 268.) The impulse thus given by the Government resulted in bringing more than fifty thousand into the field during the year. On the 31st of July the President issued an order declaring that the Government would give the same protection to all of its soldiers; and that if the enemy should sell or enslave any one because of his color, the offence should be punished by retaliation upon the enemy's prisoners. An opinion had already been given by the attorney-general, Mr. Bates, that the colored man was a citizen of the United States (*see* ANNUAL CYCLOPÆDIA, 1862, page 752); and upon his appearance in the field under arms, it was insisted by many that he should possess all the rights and enjoy all the privileges peculiar to that citizenship. He should become a voter, they argued, and eligible to public office. A few went still further and advocated an entire wiping out of all civil and social distinctions between the whites and blacks, and an establishment of all the intimate relations which exist between persons of one and the same race.

But these questions were generally regarded as of little importance compared with the greater one which arose relative to the relations of the insurrectionary States to the Federal Government, and which involved the *status* of the slave at the close of the civil war. Previous to the adoption of emancipation as a principle and a policy of the Government, it had been held by all except those who were looking to ultimate emancipation, that it was

only necessary for the Southern States, in good faith, to send representatives to Congress where vacant chairs were in place for them, to restore the States to their original position in the Union. But now, under the operation of the principle of emancipation, they could not recover their position as slaveholding States, but must appear as non-slaveholding States. The problem thus to be solved was to accomplish the re-appearance of the slaveholding insurrectionary States in the Union, with the shackles of their slaves knocked off, with their bondmen and women and children sent forth as free. A problem of this magnitude called into exercise for its solution the ablest intellects of the unconditional Union men, or emancipationists. In the first place it assumes that the United States shall prescribe the terms and conditions of the re-appearance of the insurrectionary States in the Union, and be able to secure their re-appearance upon those terms. To accomplish this measure involves the entire subjugation of those States, the extinction of their existing Governments and the creation of new ones. The argument, however, upon the relations of the insurrectionary States is too important to be passed over.

As early as the session of Congress which commenced in December, 1861, and continued through the first part of 1862, the ground was taken by the majority of that body that slavery was the cause of the war. They reasoned that there could be no permanent peace as long as it existed, and that the future interests of the country demanded its extermination. In the Border States this end could be accomplished, it was suggested, by inducing the Union men who had successfully resisted secession, to become emancipationists either immediate or gradual. Gradual emancipation with compensation was proposed by the President and rejected in Maryland, Delaware and Kentucky, and held in suspense in Missouri in order to ascertain the action of Congress relative to an appropriation for that purpose. (*See* Annual Cyclopædia, 1862, Public Documents.) The appropriation failed to pass Congress, and the subject was dropped. Subsequent proceedings will be seen by reference to all the Border States and Louisiana. The doctrine of "contraband," as announced by Gen. Butler, had been followed by the freeing of the slaves of those already engaged in the rebellion, whenever they came within the field of army operations, and the emancipation proclamation declared free all persons held as slaves within the insurrectionary States. But in case of the ultimate success of the Federal forces, or of the people of the Confederate States returning to their allegiance to the United States, under the constitution and laws of their respective States at the time of secession, the slaves not within the lines of the army, or which had belonged to masters who had not sympathized with the rebellion, would remain in bondage unless the doctrine that those in rebellion could lay down their arms and return to their allegiance under the constitution and laws of their respective States, was set aside. Under this view the doctrine of reconstruction was announced. Some held that by the act of secession the States had committed, as it were, political suicide; others, that by the occupation of the States by the Federal forces, they were reduced to the condition of conquered provinces; others, that their condition would be similar to that of the territories; all, however, agreed that the consent of the United States was necessary to their re-assuming their positions as States, and that, too, upon such conditions as might be imposed—the principal one of which of course would be that slavery should not exist in such States. It was contended that the faith of the nation had been pledged to this end, by the fact that slavery was the cause of the war, and by the Proclamation of Emancipation. These views were enforced in the public journals and by addresses, without much reference to authority, until the decision of the prize cases (claimants of the Hiawatha, &c., *vs.* United States, &c.), in which the actual status of the people of the seceded States in reference to the United States came before the Supreme Court of the United States, on appeal from the District Courts, and which were decided March 9th. This decision has been made the foundation of arguments to prove that, by the act of war, the Constitution in regard to the seceded States is abrogated in the same manner as a treaty made between two countries in time of peace is by a declaration of war; and therefore that those States have lost all rights which they had under the Constitution before secession, and are in a position to be reduced to conquered provinces by the success of the Federal forces. (*See* Congress, U. S., pages 260, 309, 311, 312.) Mr. Whiting, Solicitor of War Dept., to whose opinion great weight was given, not only on account of his position, but as a just tribute to his acknowledged ability, presented this view of the case in a letter to the Union League of Philadelphia, in July:

> Beware of committing yourselves to the fatal doctrine of recognizing the existence, in the Union, of States which have been declared by the President's proclamation to be in rebellion. For, by this new device of the enemy—this new version of the poisonous State rights doctrine—the secessionists will be able to get back by fraud what they failed to get by fighting. Do not permit them, without proper safeguards, to resume in your councils in the Senate and in the House the power which their treason has stripped from them.
>
> Do not allow old States, with their Constitutions still unaltered, to resume State powers.
>
> Beware of entangling yourselves with the technical doctrine of forfeitures of State rights; as such doctrines admit, by necessary implication, the operation of a code of laws and of corresponding civil rights, the existence of which you deny.
>
> The solution of all our difficulty rests in the enforcement, against our public enemy, of our belligerent rights of civil war.
>
> When the insurrection commenced by illegal acts of secession, and by certain exhibitions of force against the Government, in distant parts of the country, it was supposed that the insurgents might be quelled

and peace restored without requiring a large military force, and without involving those who did not actively participate in overt acts of treason. Hence the Government, relying upon the patriotism of the people, and confident in its strength, exhibited a generous forbearance toward the insurrectionists.

When, at last, seventy-five thousand of the militia were called out, the President still relied upon the Union sentiments of the South; still announced the intention not to interfere with loyal men; but, on the contrary, to regard their rights as still under the protection of the Constitution. The action of Congress was in accordance with this policy. The war waged by this Government was then a personal war, a war against rebels; a war prosecuted in the hope and belief that the body of the people were still friendly to the Union, who, temporarily overborne, would soon right themselves by the aid of the army. Hence Congress declared, and the President proclaimed, that it was not their object to injure loyal men; to interfere with their rights or their domestic institutions.

This position of the Government toward the rebellious States was just, forbearing, and magnanimous, while the citizens thereof were generally loyal. But the revolution swept onward. The entire circle of the Southern States abandoned the Union, and carried with them all the Border States which they could influence or control.

Having set up a new Government for themselves; having declared war against us; having sought foreign alliances; having passed acts of non-intercourse; having seized public property and made attempts to invade States which refused to serve their cause; having raised and maintained large armies and an incipient navy; assuming, in all respects, to act as an independent, hostile nation at war with the United States—claiming belligerent rights as an independent people alone could claim them, and offering to enter into treaties of alliance with foreign countries, and treaties of peace with ours;—under these circumstances they were no longer merely insurgents and rebels, but became a belligerent public enemy. The war was no longer against "certain persons" in the rebellious States. It became a territorial war—that is to say, a war by all persons situated in the belligerent territory against the United States.

If we were in a war with England, every Englishman would become a public enemy, irrespective of his personal feelings toward America. However friendly he might be toward America, his ships on the sea would be liable to capture; himself would be liable to be killed in battle, or his property situated in this country would be subject to confiscation.

By a similar rule of the law of nations, whenever two nations are at war, every subject of one belligerent nation is a public enemy of the other.

An individual may be a personal friend and at the same time a public enemy to the United States. The law of war defines international relations.

When the civil war in America became a territorial war, every citizen residing in the belligerent districts became a public enemy, irrespective of his private sentiments, whether loyal or disloyal, friendly or hostile, unionist or secessionist; guilty or innocent.

As public enemies the belligerents have claimed to be exchanged as prisoners of war, instead of admitting our right to hang them as murderers and pirates. As public enemies they claim the right to make war upon us, in plain violation of many of the obligations they would have admitted if they acknowledged the obligations or claimed the protection of our Constitution.

If they had claimed any State rights under our Constitution, they would not have violated every one of the provisions thereof, limiting the powers of States. Asserting no such rights, they claim immunity from all obligations as States, or as people—to this Government or to the United States.

Two questions must be considered: 1st. When did the rebellion become a territorial, civil war? 2d. What are the rights of the enemy under the laws of war?

The first question has been settled by the Supreme Court of the United States, in the case of the Hiawatha, decided on the 9th of March, 1863. In that case, which should be read and studied by every citizen of the Union, the members of the court differed in opinion as to the time when the war became territorial. The majority decided that when the fact of general hostilities existed, the war was territorial, and the Supreme Court was bound to take judicial cognizance thereof. The minority argued that Congress alone had power to recognize the existence of war; and they contended that it was not until the Act of Congress of July 13th, 1861, commonly called the Non-Intervention Act, that a state of civil, territorial war was legitimately recognized. All the judges agree in the position "that since July 13th, 1861, there has existed between the United States and the Confederate States a civil, territorial war. That since that time the United States have full, belligerent rights against all persons residing in the districts declared by the President's proclamation to be in rebellion."

That the laws of war, "whether that war be civil or *inter gentes*, convert every citizen of the hostile States into a public enemy, and treat him accordingly, whatever may have been his previous conduct."

That all the rights derived from the laws of war, may now, since 1861, be lawfully and constitutionally exercised against all the citizens of the districts in rebellion.

Such being the law of the land, as declared by the Supreme Court, in order to ascertain what are the legal or constitutional rights of public enemies, we have only to refer to the settled principles of the belligerent law of nations, or the laws of war.

Some of the laws of war are stated in the dissenting opinion, in the case above mentioned.

A state of foreign war instantly annuls the most solemn treaties between nations. It terminates all obligations in the nature of compacts or contracts, at the option of the party obligated thereby. It destroys all claims of one belligerent upon the other, except those which may be sanctioned by a treaty of peace. A civil, territorial war has the same effect, excepting, only, that the sovereign may treat the rebels as subjects as well as belligerents.

Hence, civil war, in which the belligerents have become territorial enemies, instantly annuls all rights or claims of public enemies against the United States, under the Constitution or laws, whether that Constitution be called a compact, a treaty, or a covenant, and whether the parties to it were States, in their sovereign capacity, or the people of the United States as individuals.

Any other result would be as incomprehensible as it would be mischievous. A public enemy cannot, lawfully, claim the right of entering Congress, and voting down the measures taken to subdue him.

Why not? Because he is a public enemy; because, by becoming a public enemy, he has annulled and lost his rights in the Government, and can never regain them, except by our consent.

If the inhabitants of a large part of the Union have, by becoming public enemies, surrendered and annulled their former rights, the question arises, can they recover them? Such rights cannot be regained by reason of their having ceased to fight. The character of a public enemy having once been stamped upon them by the laws of war, remains fixed until it shall have been, by our consent, removed.

To stop fighting does not make them cease to be public enemies, because they may have laid down their arms for want of powder, not for want of will. Peace does not restore the noble dead who have fallen a sacrifice to treason. Nor does it revive the rights once extinguished by civil, territorial war. The land of the Union belongs to the people of the United States, subject to the rights of individual ownership. Each person inhabiting those sections of the country declared by the President's proclamation to be in rebellion, has the right to what belongs to a public enemy, and no more. He can have no right to take any part in Government. That right does not belong to an enemy of the country

while he is waging war or after he has been subdued. A public enemy has a right to participate in or to assume the Government of the United States only when he has conquered the United States. We find in this well settled doctrine of belligerent law, the solution of all questions in relation to State rights. After the inhabitants of a district have become public enemies, they have no rights, either State or personal, against the United States. They are belligerents only, and have left to them only belligerent rights.

Suppose that the inhabitants of South Carolina should be swept off, so that solitude should reign throughout its borders, unbroken by any living thing, would the State rights of South Carolina still exist as attached to the land itself?

Can there be a sovereignty without a people, or a State without inhabitants? State rights, so far as they concern the Union, are the rights of persons, as members of a State, in relation to the General Government; and when the person has become a public enemy, then he loses all rights except the rights of war. And when all the inhabitants have (by engaging in civil, territorial war) become public enemies, it is the same, in legal effect, as though the inhabitants had been annihilated. So far as this Government is concerned, civil war obliterates all lines of States or countries; the only lines recognized by war are the lines which separate us from a public enemy.

Among the war measures sanctioned by the President, to which he has, more than once, pledged his sacred honor, and which Congress has enforced by solemn laws, is the liberation of slaves. The Government has invited them to share the dangers, the honor, and the advantages of sustaining the Union, and has pledged itself to the world for their freedom.

Whatever disasters may befall our arms, whatever humiliations may be in store for us, it is earnestly hoped that we may be saved the unfathomable infamy of breaking the nation's faith with Europe, and with colored citizens and slaves in the Union.

Now if the rebellious States shall attempt to return to the Union with Constitutions guaranteeing the perpetuity of slavery; if the laws of those States shall be again revived and put in force against free blacks and slaves, we shall, at once, have reinstated in the Union, in all its force and wickedness, that very curse which has brought on the war and all its terrible train of sufferings. The war is fought by slaveholders for the perpetuity of slavery. Shall we hand over to them, at the end of the war, just what they have been fighting for? Shall all our blood and treasure be spilled uselessly on the ground? Shall the country not protect itself against the evil which has caused all our woes? Will you breathe new life into the strangled serpent, when, without your aid, he will perish?

If you concede State rights to your enemies, what security can you have that traitors will not pass State laws which will render the position of the blacks intolerable; or reduce them all to slavery?

Allow the inhabitants of conquered territory to form themselves into States, only by adopting Constitutions such as will forever remove all cause of collision with the United States, by excluding slavery therefrom, or continue military government over the conquered district until there shall appear therein a sufficient number of loyal inhabitants to form a republican government, which, by guaranteeing freedom to all, shall be in accordance with the true spirit of the Constitution of the United States.

The same position was assumed by Robert Dale Owen, in a letter to Mr. Seward, on the subject of the representation of the seceded States in Congress, dated August 27th:

Who are constitutionally entitled to fill the vacant chairs?

The Supreme Court has decided, by a unanimous vote, that since the passage of a law (sometimes called the "non-intercourse law"), approved July 13th, 1861, the inhabitants of the insurrectionary portions of the Union are public enemies; not the disloyal alone, not those who have taken up arms alone, but all. After stating that the territory "held in hostility to the United States has a defined boundary,"* the court adds:

The decision of our highest legal tribunal is, that these men, without distinction as to individual loyalty or disloyalty, have, in law, the same rights, and the same rights only, as alien enemies invading the United States. Men cannot, by their own act, release themselves from constitutional obligations; but they can and they do, by levying war against the Government, forfeit their constitutional rights.

For war annuls all treaties, all conventions, all agreements, how solemn soever, securing privileges or protection to a hostile party. The rights of war alone remain. By civil war the insurrectionists lose every privilege, every protection, which the Constitution affords to the citizen. We act upon this principle every day. By the Constitution, the home and the effects of the citizen are inviolate except after warrant issued, upon probable cause and under oath, specially describing the premises. Does this apply to the house of a rebel in an insurrectionary State? The Constitution declares that the citizen shall not be deprived of life, liberty, or property, without due process of law. What process of law precedes the opening of a battery on the Confederate ranks? or the confinement of our prisoners of war? or the appropriation of the enemy's ammunition or commissary stores?

When we make and ratify, with a foreign nation in time of peace, a treaty granting to the subjects of that nation certain rights and immunities, that treaty becomes part and parcel of the supreme law of the land; as much so as the Constitution itself. But when that nation declares war, its subjects can no more claim one of these solemnly granted rights and immunities than if the treaty had never existed. No single rule of international law is better established than this.

But under that rule the insurgents, having levied war, and having thus become public enemies, can no more claim any of the privileges or immunities once guaranteed to them under the Constitution than an alien enemy can claim rights under a treaty ratified during peace, but cancelled on the day his government declared war.

Therefore, by a rule of public law, applicable in all wars, and sanctioned by the assent and the constant usage of every civilized nation, no inhabitant of the insurrectionary territory has a constitutional right to elect a member to the Congress of the United States; and no Senator or Representative elected by these insurrectionists, though according to the forms prescribed by the Constitution, can legally fill a single vacant seat in our congressional halls.

Nor is the legal aspect of the case one whit changed, if the men lay down their arms. A treaty made during

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* This boundary, earlier defined by the respective acts of secession, was officially declared by proclamation of the President, issued under date of July 1st, 1862. This was done in accordance with a requisition contained in the second section of an act of Congress, approved June 7th, 1862. The list includes eleven States, reckoning Eastern Virginia as one. It does not include Western Virginia, nor Maryland, nor Kentucky, nor Missouri. Nothing here said, therefore, applies to the constitutional rights of the inhabitants of any of these States. To a proper understanding of the legal points involved, it is indispensable to bear in mind which States are, in the eye of the law, insurrectionary, and which are not.

All persons residing within this territory, whose property may be used to increase the revenue of the hostile power, are, in this contest, liable to be treated as enemies, though not foreigners. * * * When the regular course of justice is interrupted by rebellion or insurrection, so that the courts of justice cannot be kept open, civil war exists; and hostilities may be prosecuted on the same footing as if those opposing the Government were foreign enemies invading the land. * * * Whether property be liable to capture as enemy's property, does not, in any manner, depend upon the personal allegiance of the owner.†

† Claimants of Brilliant, etc., versus United States. March term, 1863. Opinion by Grier J. Amer, Law Register, April, 1863, pp. 334 to 344.

peace and cancelled by war, does not revive with the cessation of hostilities. The matter is then as completely open to negotiation as if no treaty had ever been made. A treaty in the same words, or with entirely different conditions, may be made, but it is a new treaty, and whether it shall be made, or shall not be made, is a matter entirely at the option of the contracting parties.

Any rule of law in contravention of this would be an absurdity too flagrant even to merit discussion. Does the insurgent who appeals to the wager of battle risk nothing? Is he to be secure and successful, whatever betide? If he conquer, is everything to be under his control? And if he be vanquished, is he still to retain each right and privilege which he ever possessed? Who, under such a State of things, so safe and prosperous as a rebel?

In virtue, then, of one of the plainest and best established rules of international law, the inhabitants of the insurgent States, whether in arms or after submission, have no constitutional right whatever to add, by election, one member to the Congress of the United States.

* * * * * * *

Assuming, what seems probable, that we shall remain victors in this war, suffer me, in conclusion, briefly to group together the main positions that have been advanced.

The inhabitants of the insurrectionary States have, at present, no constitutional right to elect a member to Congress.

We, the inhabitants of the non-insurrectionary States, may, by law, restore to them that right; and with us it rests to decide upon what conditions it shall be restored.

The preliminary condition ought to be some sufficient guarantee that the emancipation proclamation shall never be repudiated, and that the institution of slavery shall never again, in any part of the insurrectionary territory, be revived.

Our own national faith, already pledged before the world to three millions of suffering people, demands this. The law of nations permits and enjoins it.

We had a right, by that law, to destroy slave-property belonging to a public enemy. It was a national duty to destroy property so dangerous, in order to render the enemy "incapable of doing mischief with the same ease in future."

We offend against no principle of humanity in destroying this property; in other words, in cancelling life-long claims to service or labor. The inhumanity would have been to refrain from cancelling them.

Nor do we actually harm the slave-claimant by cancelling his claims. In point of fact it is greatly to his advantage, socially and pecuniarily, to be without them. Are we impertinently interfering with his business—arrogantly and improperly assuming to judge what is best for him—when we determine this? Not at all. The business is emphatically our own; for it intimately concerns our national safety. In deciding it as we see fit, there is neither impropriety nor arrogance, but proper precaution and prudent foresight. If he had refrained from levying war against his Government, he would have had the undoubted right to judge and to act in this affair. As it is, he has lost it; and we have now the right and the power to decide the matter; not he.

Before the vacant chairs in Congress are filled, let us make the decision. Failing in this high duty, we sacrifice at once the public honor and the public safety.

While these views were cheerfully embraced and earnestly defended by the more earnest emancipationists or unconditional Union men, they were attacked by others who contended that the conclusions were not fairly drawn from the decision of the court. J. J. Combes, Esq., of Washington, reviewing the argument of Mr. Whiting as deduced from that decision, says:

What the learned judge delivering the opinion of the court did say on this point was in these words:

> It [the rebellion] is no loose, unorganized insurrection, having no definite boundary or possession. It has a boundary marked by lines of bayonets, and which can be crossed only by force. South of this line is enemies' territory, because it is claimed and held in possession by an organized, hostile, and belligerent power. All persons residing within this territory, whose property may be used to increase the revenues of the hostile power, are, in this contest, liable to be treated as enemies, though not foreigners.

To understand the force and effect of this language, it is necessary to know what questions were before the court. In the language of the court, they were as follows:

> 1st. Had the President a right to institute a blockade of ports in possession of persons in armed rebellion against the Government, on the principles of international law, as known and acknowledged among civilized States?
>
> 2d. Was the property of persons domiciled and residing within these States a proper subject of capture on the sea as "enemies'" property?

These were the questions and the only questions decided. The learned judge delivering the decision in support of it reasoned thus: When a civil war becomes territorial, the Government may enforce certain belligerent rights against the territory, to cripple the resources of the enemy, by acts which are territorial in their operation and effect, among which is the right of blockade. As to the enforcement of such rights, "all persons residing within the hostile territory" are "liable to be treated as enemies," because "their property may be used to increase the revenues of the hostile power." The learned judge might have given another reason why they are liable to be so treated, that is to say, because, in resorting to belligerent acts which are territorial in their operation and effects, it is impossible to discriminate between friends and foes in the territory assailed. Loyal persons residing in the hostile territory are liable to be treated as enemies—not because they are such in fact or in law, but because belligerent acts against the territory necessarily operate upon all the inhabitants alike. This is one of the many misfortunes incident to their unhappy situation and surroundings.

It is impossible that the court could have intended to affirm any such principle as the learned writer deduces from their decision. If his deduction is legitimate, it puts one, if not two, of the judges in the ridiculous position of deciding that he himself was a public enemy to the Government whose highest judicial functions he was then administering.* Two of the Supreme Judges are citizens and in law residents of revolting States. One of them lives in a State [Tennessee] excepted by the President in his proclamation of January 1st, 1863; and the writer seems to entertain the opinion that somehow or other this would save him from becoming a public enemy—or, rather, would take him out of that category which, according to his theory, he certainly must have been in prior to the proclamation. But the other has no such chance of escape. No portion of his State [Georgia] is excepted by the proclamation. It is probably true that he has not been personally within the limits of that State since the rebellion broke out; but he has never renounced his citizenship, nor abandoned his residence there. He is in the condition of thousands of loyal refugees, who have temporarily fled from the rebellious territory, intending to return to their estates and homes as soon as the rebellion is put down. They are still in law citizens and residents of their respective States. No principle of law is better settled than that a man does not lose his residence by leaving it for a temporary purpose, with the intention to return when that temporary purpose is accomplished, even though he may remain absent for years. So long as the *animus revertendi* exists, his legal domicil remains unchanged. The loyal citizen of a rebellious State, who, being absent from the rebellious territory when the war broke out, has remained away with the intention of returning to his home when the rebellion shall be suppressed, is in

* Judges Wayne of Georgia, and Catron of Tennessee.

no different condition from the loyal refugee who has fled and remained away from his home with the same intention; and neither of them is, or ought to be, in any better condition than the loyal citizen who has remained at home because he could not get away. They are all in the same boat. If one has lost his political rights in the Union by becoming a public enemy to his Government, all have.

The discussion was continued in the public journals of the day, and the positions taken, attacked with much warmth. The "National Intelligencer," in commenting upon the subject, after stating the positions and deductions of Mr. Whiting, says:

Now, in order to ascertain the purport and scope of this reasoning it is only necessary to note the question before the court, arising under "public law as regards captures on the ocean," and as if expressly to exclude any such generalizations as those sophistically drawn from their language by Mr. Whiting, the majority of the court proceeded immediately to add, in a passage not cited by Mr. Solicitor Whiting (for it would cut up his dogma by the roots), the following limitations of the doctrine propounded under cover of the technical meaning and extent of the term "enemies' property," employed in prize cases:

But in defining the meaning of the term "enemies' property," we will be led into error if we refer to Fleta and Lord Coke for their definition of the word "enemy." It is a technical phrase peculiar to prize courts, and depends upon principles of public as distinguished from common law. Whether property be liable to capture as enemies' property does not in any manner depend on the personal allegiance of the owner. "It is illegal traffic that stamps it as enemies' property." "It is of no consequence whether it belongs to an ally or a citizen (8 Cranch, 354), the owner *pro hac vice* is an enemy (3 Washington, C. C. 183). The produce of the soil of the hostile territory, as well as other property engaged in the commerce of the hostile power, as sources of its wealth and strength, are always regarded as legitimate prize, without regard to the domicil of the owner, and much more so if he reside and trade within their territory. (See Upton, chap. 3.) That finishes the examination of these two general questions. It remains to apply these conclusions, and examine the several cases before us in reference to the circumstances peculiar to each.

This decision of the court, it will be seen, goes simply to the extent of declaring that by the armed insurrection now pending in a certain portion of the territory of the United States the inhabitants thereof are liable to be treated as "enemies," by the confiscation, under admiralty law, of "property that may be used to increase the resources of the hostile power." The decision has this extent and no more. Nor is the doctrine new, though it seems to be new to Mr. Whiting, because of the novel use he has made of it. The same doctrine, as we understand, was put forth by the Supreme Court in the case of the United States *vs.* Rice (4 Wheaton, p. 246), in which the court declared that "by the conquest and military occupation of a portion of the territory of the United States by a public enemy, that portion is to be deemed a foreign country, so far as regards our revenue laws." The circumstances under which the case arose, it will be remembered, were as follows:

On the 1st day of September, 1814, Castine, in the State of Maine, was captured by the British, and remained in the exclusive possession of the enemy until after the ratification of the treaty of peace in February, 1815. During this period the British Government exercised all civil and military authority over the place, and established a customhouse, and admitted goods to be imported according to the regulations prescribed by itself, and among others admitted the goods upon which duties were subsequently demanded (after the resumption of the national authority) by the United States authorities in the case brought before the court. These goods remained at Castine until after the town was evacuated by the enemy, and, upon the reëstablishment there of the United States Government, the collector of the customs, claiming a right to United States duties on the goods, took a bond from the defendant as security for their payment, and it was in order to enforce the payment of these duties that the action was brought by the Government against Rice. The decision of the court in the premises was as follows:

Under these circumstances we are all of opinion that the claim for duties cannot be sustained. By the conquest and military occupation of Castine, the enemy acquired that firm possession which enabled him to exercise the fullest rights of sovereignty over that place. The sovereignty of the United States over the territory was of course suspended, and the laws of the United States could no longer be rightfully enforced there, or be obligatory upon the inhabitants who remained and submitted to the conquerors. By the surrender the inhabitants passed under a temporary allegiance to the British Government, and were bound by such laws, and such only, as it chose to recognize and impose. From the nature of the case no other laws could be obligatory upon them, for where there is no protection, or allegiance, or sovereignty, there can be no claim to obedience. Castine was, therefore, during this period, so far as respected our revenue laws, to be deemed a foreign port; and goods imported into it by the inhabitants were subject to such duties only as the British Government chose to require. Such goods were in no correct sense imported into the United States. The subsequent evacuation by the enemy, and resumption of authority by the United States, did not, and could not, change the character of the previous transactions. The doctrines respecting the *jus postlimini* are wholly inapplicable to the case. The goods were liable to American duties, when imported, or not at all. That they are not so liable at the time of importation is clear from what has been already stated: and when, upon the return of peace, the jurisdiction of the United States was resumed, they were in the same predicament as they would have been if Castine had been a foreign territory, ceded by treaty to the United States, and the goods had been previously imported there. In the latter case there would be no pretence to say that American duties could be demanded; and, upon principles of public or municipal law, the cases are not distinguishable.

Now, suppose there had been some pundit living in the year 1819 (when this case was decided), who was as learned in the law as Mr. Solicitor Whiting. Who does not see that he would have educed from this decision the marvellous conclusion that the people of the town of Castine, in the State of Maine, by passing under temporary allegiance to the British Government (as the Southern people have passed under temporary allegiance to the usurping authority of Gen. Jefferson Davis), had thereby so forfeited all their rights as citizens of the United States as henceforth to have none save "such as the Federal Government might allow them" by special enactment after the restoration of the national authority in Castine. Nobody, of course, was then found shallow enough to propound any such preposterous doctrine, because then nobody had any motive to pervert a decision which carried its meaning on its face. It was then seen, as indeed the court state in making their decision, that "upon the return of peace the jurisdiction of the United States was reassumed," and that all the rights of the people and duties of the National Government reverted to the *status quo ante bellum.* And all men would see the same truth with equal clearness as regards the temporary domination of the insurgents in a portion of the country, if some did not suppose that a contrary theory would give them a right to affix unconstitutional terms and conditions to what they call "the readmission of the revolted States."

Judge Sprague, of the U. S. District Court at Boston, thus spoke of the error of drawing political conclusions from the decisions of the court in admiralty:

An objection to the prize decisions of the District Court has arisen from an apprehension of radical consequences. It has been supposed that if the Government have the rights of a belligerent, then, after the rebellion is suppressed, it will have the rights of conquest; that a State and its inhabitants may be permanently divested of all political privileges, and treated as foreign territory acquired by force of arms. This is an error—a grave and dangerous error.

Conquest of a foreign country gives absolute

and unlimited sovereign rights. But no nation ever makes such a conquest of its own territory. If a hostile power, either from without or within a nation, takes possession and holds absolute dominion over any portion of its territory, and the nation, by force of arms, expels or overthrows the enemy, and suppresses hostilities, it acquires no new title, but merely regains the possession of which it had been temporarily deprived. The nation acquires no new sovereignty, but merely the power to maintain its previous rights.

Another objection to these decisions of the district courts is founded upon the apprehension that they may lead to or countenance cruel and impolitic confiscations of private property found on land. This apprehension is unfounded. No such consequences can legitimately follow. Those decisions undoubtedly assert that the United States have the rights of a belligerent. But the extent of those rights on land, or the manner in which they are to be exercised, was not discussed. They were not even adverted to, except to say that enemy's property found by a belligerent on land, within his own country, on the breaking out of a war, will not be condemned by the courts, although it could be if found at sea. This distinction, so far as it goes, tends to show that the doctrine of maritime captures is not to be applied to seizures on land. But the danger upon which this objection is founded does not arise from the administration of the prize laws by the courts, or the exercise of belligerent rights by military commanders upon military exigencies. The objection really arises from fear of the legislation of Congress. It is apprehended that they may pass sweeping or general acts of confiscation, to take practical effect only after the rebellion shall have been suppressed; that the whole estates, real and personal, which have not been seized during the war, may be taken and confiscated upon coming within reach of the Government, after hostilities shall have ceased. This, as we have seen, would not be the exercise of belligerent rights, the war being at an end. Belligerent confiscations take effect only upon property of which possession is taken during the war. As against property which continues under the control of the enemy they are wholly inoperative. If possession be acquired by or after the peace, then previous legislation may take effect, but it will be by the right of sovereignty, not as an act of war. Under despotic governments the power of municipal confiscation may be unlimited, but under our Government, the right of sovereignty over any portion of a State is given and limited by the Constitution, and will be the same after the war as it was before. When the United States take possession of any rebel district they acquire no new title, but merely vindicate that which previously existed, and are to do only what is necessary for that purpose. Confiscations of property, not for any use that has been made of it, which go not against an offending thing, but are inflicted for the personal delinquency of the owner, are punitive; and punishment should be inflicted only upon due conviction of personal guilt. What offences shall be created and what penalties affixed, must be left to the justice and wisdom of Congress within the limits prescribed by the Constitution. Such penal enactments have no connection whatever with the decisions of prize courts, enforcing belligerent rights upon property captured at sea during the war.

In January, John P. Usher was appointed Secretary of the Interior to succeed Mr. Smith, appointed judge of the U. S. District Court of Indiana. The Cabinet of Mr. Lincoln was thus composed as follows:

William H. Seward, New York, Secretary of State.
Salmon P. Chase, Ohio, Secretary of the Treasury.
Edwin M. Stanton, Pennsylvania, Secretary of War.
Gideon Welles, Connecticut, Secretary of the Navy.
John P. Usher, Indiana, Secretary of the Interior.
Montgomery Blair, Maryland, Postmaster-General.
Edward Bates, Missouri, Attorney-General.

The most important questions in the foreign relations of the country arose with Great Britain. (*See* Diplomatic Correspondence.)

Intercourse of a private nature was allowed between the citizens of the Northern and Southern States, under certain simple regulations, as follows:

1. No letter must exceed one page of a letter sheet, or relate to any other than purely domestic matters.
2. Every letter must be signed with the writer's name in full.
3. All letters must be sent with five cents postage enclosed if to go to Richmond, and ten cents if beyond.
4. All letters must be enclosed to the commanding general of the Department of Virginia, at Fortress Monroe. No letter sent to any other address will be forwarded.

At intervals, females and children were granted passes to go South, under certain regulations.

It was asserted that the Southern States would send representatives to the session of Congress commencing in December, if an amnesty was granted to them; and a correspondence took place at the close of 1862, and was first published in September, 1863, which is important as showing the views of the Government at that time. On the 8th of December, 1862, a letter was addressed to the President by Fernando Wood, of New York, which commenced thus:

Dear Sir: On the 25th of November last I was advised by an authority which I deemed likely to be well informed, as well as trustworthy and truthful, that the Southern States would send representatives to the next Congress, provided that a full and general amnesty should permit them to do so. No guarantee or terms were asked for, other than the amnesty referred to.

Mr. Wood then states that he sought the aid of influential persons to procure from the Government permission for a correspondence, to be conducted under its inspection, to develop these facts. Being unsuccessful in obtaining this aid, he directly addressed Mr. Lincoln. The President replied, on December 12th, 1862, saying:

I strongly suspect your information will prove to be groundless; nevertheless, I thank you for communicating it to me. Understanding the phrase in the paragraph above quoted—"the Southern States would send representatives to the next Congress"—to be substantially the same as that "the people of the Southern States would cease resistance, and would reinaugurate, submit to, and maintain the national authority within the limits of such States, under the Constitution of the United States," I say that in such case the war would cease on the part of the United States; and that if within a reasonable time "a full and general amnesty" were necessary to such end, it would not be withheld.

I do not think it would be proper now to communicate this, formally or informally, to the people of the Southern States. My belief is that they already know it, and when they choose, if ever, they can communicate with me unequivocally. Nor do I think it proper now to suspend military operations to try any experiment of negotiation. I should, nevertheless, receive, with great pleasure, the exact information you now have, and also such other as you may in any way obtain. Such information might be more valuable before the 1st of January than afterward. While there

is nothing in this letter which I shall dread to see in history, it is, perhaps, better, for the present, that its existence should not become public. I therefore have to request that you will regard it as confidential.' Your obedient servant,

A. LINCOLN.

It is not known that any propositions were made either by the Federal Government or that at Richmond relative to peace, or a suspension of hostilities, or an amnesty, other than the proclamation of the President, accompanying his message to Congress, in December (for which *see* PUBLIC DOCUMENTS). This amnesty was subsequently explained by the President as not intended to embrace persons held as prisoners of war.

Several conventions assembled during the year, distinct from the local State conventions, and designed to consider subjects of national interest.

The earliest in date was a convention of Colored People, which convened at Poughkeepsie, New York, about June 15th. J. W. C. Pennington was chosen president of the convention. A lengthy address and resolutions were adopted—among the latter were the following:

Resolved, That more effective remedies ought now to be thoroughly tried, in the shape of warm lead and cold steel, duly administered by 200,000 black doctors, more or less under the direction of Surgeon General John Charles Fremont, or such other person, fit for the office, as might be selected.

Resolved, That we, the colored citizens of this State, are loyal and true to the Government; that our fortunes rise or fall with it; that we are ready, anxious, and willing to demonstrate that truth and loyalty on the field of battle, or wherever else we can aid in restoring the nation to its integrity and prosperity; that we firmly and confidently rely on the Government for the protection and treatment due to civilized men, and believe that we shall receive it.

On the 23d of August a convention of War Democrats was convened at Indianapolis, Ind. Gen. Nathan Kimball was chosen president. A series of resolutions was adopted, of which the following were among the most distinctive:

That the Democratic principles heretofore avowed, to which we stand pledged, imperatively demand of us to repudiate the doctrines of secession and all sympathy with them, and to give our unqualified support to our country and its constituted authorities in the great trial of war, until the last vestige of the present rebellion is suppressed and destroyed.

That the conspiracy to break up the Union of Democratic States, and to establish aristocracies was deliberately planned and executed by those who broke up and purposely defeated the Democratic party. We have no apologies to offer for the acts of the traitors who declared that the "election of Mr. Lincoln would be a good cause for secession, disunion, and revolution," and we denounce all organizations that oppose or fail with their whole strength to support the war and crush out the rebellion, as anti-Democratic, fanatic, and treasonable.

Subsequently, on November 24th, a conference of War Democrats was held at Chicago. Representatives were present from Ohio, Indiana, Illinois, Wisconsin, and Minnesota. A declaration of principles was adopted, and measures taken looking to a national organization. The platform declared unequivocally in favor of the Union, denied that the Constitution afforded any pretext for secession, providing, on the contrary, a peaceful remedy for every grievance that may occur in any part of the country; denounced the rebellion, and called upon the Administration to employ all the power of the nation for its suppression; affirmed continued devotion to the Monroe doctrine of non-intervention in the affairs of this continent by European nations; applauded the valor and unselfish patriotism of the soldiers: declared in favor of the colonization of the blacks freed by the war at the earliest practicable period; and protested against the incorporation of the negro contingent upon the peace establishment of the Federal army, holding that the disbandment of that contingent, upon the conclusion of hostilities, was "demanded by every consideration of wise and provident statesmanship."

The meeting recommended the War Democrats of the several States to meet in national convention on the first Wednesday in May, 1864, for the purpose of taking such action as appeared best respecting the nomination of a President and vice-President.

On the 19th of August, a conference or convention of conservative Union men assembled in Rochester, composed of persons invited to meet "for the purpose of consultation and taking such action as may be deemed most effective to unite the conservative elements of the country in the approaching presidential campaign." Representatives were present from several States, including Missouri, Kentucky, Maryland, and Wisconsin. A series of resolutions were adopted, of which the following were the most distinctive:

Resolved, That this meeting favors an association of conservative Union men for the next presidential campaign; and that we invite the union and coöperation of all who are opposed to the election to any office in the gift of the people of any person in political connection or sympathizing with secession, abolitionism, or fanaticism of any kind; that our abiding purpose in brief, is: The suppression of the rebellion, the maintenance of the Union, adherence to the Constitution, fidelity to the Government, the enforcement of the laws, and opposition to foreign intervention.

Resolved, That the rights of property, whether in lands, personalty, or slaves in the States, is exclusively within the authority and jurisdiction of the States respectively; and the owners of all or either of these three classes of property cannot be deprived of it by the Government of the United States, the President, or any military or civil officer thereof except for public use and just compensation, or for crimes committed of which they shall be convicted according to the mode and form of trial prescribed by the Constitution.

A committee was appointed, with authority to call a National Convention for the nomination of a President, and make all necessary arrangements. Under the auspices of this committee a convention was held on December 4th, in Cincinnati, of persons invited thus:

For the purpose of consultation, and taking such action as may be deemed most effective to secure the nomination and election of conservative men in the approaching presidential campaign. The meeting will be composed of Old Line Whigs, War Democrats, conservative men, without regard to former party predi-

lections—friends of Jackson, Webster, Clay, and Crittenden, who desire to preserve the Union and the Constitution unimpaired—who are willing to take their stand upon the Kentucky platform, opposed alike to secession and abolition fanaticism—who believe that the war should be carried on till those in armed revolt are compelled to obey the Constitution and the laws of Congress, and who hold that the State Governments suspended by the revolt should be restored under their State Constitutions respectively.

At this meeting the following resolution was adopted:

Resolved, That this convention of consultation adopts and reaffirms the Kentucky platform of 1863 (see page 563), and suggests to the conservative Union national committee the name of George B. McClellan for the next presidency, and recommends to the said committee to take such action in regard to the nomination of candidates for President and Vice-President as they may deem expedient.

A more considerable meeting of this committee was held in Philadelphia, on December 24th, at which the following, among other resolutions, were adopted:

Resolved, That this committee recommend to the people of the United States, General George B. McClellan as a candidate for the presidency, and Governor William B. Campbell, of Tennessee, as a candidate for the vice-presidency.

Resolved, That as a basis of Union this committee recommends the Kentucky platform, embodying the twofold idea of the support of the Government in its contest with the rebellion, and of opposition to all efforts to substitute the dogmas of radicalism for the principles of the Constitution.

Late in the year a convention of Germans was held at Cleveland, Ohio. An address and resolutions were adopted in which the members of the convention declared themselves to be independent of parties. They said:

We have not convened for the purpose of president-making, nor are we to arrogate to ourselves to forestall in this question our fellow-citizens. Nevertheless, we deem it proper to take advantage of our meeting, for the expression of our sympathies and antipathies. Therefore, we declare, that the confidence and sympathy of the German radicals will be ensured only by a decided and well-tried representation of a progressive and, as early as possible, a radical policy, and that we should consider it as incompatible with our principles, to support any representative of that so-called conservative policy which exposes the republic to disrepute and jeopardy at home and abroad.

The substance of the resolutions adopted is expressed as follows:

Integrity of the Union, and subordination of the several States under the sovereignty of the people of the United States.

Unconditional suppression of the rebellion.

Abolition of slavery in the entire territory of the United States in the shortest way.

Revision of the Constitution in the spirit of the Declaration of Independence.

Treatment of the reconquered rebel States as territories for the purpose of reconstruction.

Cession of the confiscated lands in the spirit of the homestead bill, as well as donation of portions of the land to the defenders of the country, of whatever color, and to the liberated slaves.

Realization of the Monroe doctrine.

Alliance with European revolution against foreign intervention.

Protection of the freedom of the press and speech against military usurpation.

Establishment of a national military system similar to the Swiss system—universal obligation for military service.

Support of such candidates for public offices as stand nearest to the principles laid down in this platform.

(*See* FINANCES of the UNITED STATES, ARMY, NAVY, CONGRESS, U. S., PRISONERS, COMMERCE, &c., &c.)

V

VERMONT. The number of troops sent into the army from this State up to Jan. 1864, was 18,224. The Vermont regiments have suffered greatly during the war, having been in active service in various portions of the South, and, at the above date, 7,884 were all that remained in the service, of whom only 6,150 were on duty. The quota assigned to Vermont under the conscription act of 1863, was 4,715, of which number only 948 had entered the service or furnished substitutes, and 1,833 paid the commutation.

The annual State election caused some excitement. The Democratic State Convention met at Montpelier on the 26th of June, and nominated for governor Hon. T. P. Redfield; lieut.-governor, E. A. Chapin; treasurer, R. McK. Ormsby. They adopted resolutions declaring that the liberties of the people are endangered by the Administration in establishing martial law in States where the Government is unobstructed, and committing tyrannical acts on loyal and unoffending citizens. The "platform" was similar to the one adopted by the Democratic State Convention of Ohio. An additional resolution thanked Gov. Seymour of New York, for his letter to the Vallandigham meeting at Albany. The Union State Convention met at Burlington on the 8th of July, and nominated for governor, John G. Smith; lieut.-governor, Paul Dillingham; treasurer, John R. Page. Resolutions were adopted pledging the men and means of Vermont to aid in putting down the rebellion; approving of the lawful and necessary use of the martial and civil powers of the Government for that object, and declaring that Northern traitors deserve greater reproach than Southern rebels. The Union ticket was elected by a large majority. The vote for governor stood as follows: Smith, 29,613; Redfield, 11,962; majority for Smith, 17,651. The agricultural interests of the State prospered during the year.

VERNET, EMILE JEAN HORACE, commonly known as Horace Vernet, a French painter, born in Paris, June 30th, 1789, died Jan. 17th, 1863. He was a member of a family well known in the history of French art, and at an early age manifested an unusual taste and facility for painting. While yet a boy he was compelled to use his pencil for his own support, and when about 17 years of age competed un-

successfully for the grand prize of the Academy of Fine Arts. Subsequently he was drafted into the army, and after two years' service was married, and commenced his artistic career. He had previously followed the classical manner of David, but finding it entirely inadequate to portray modern subjects with truthfulness or effect, he broke away from the conventionalisms of the predominant school and determined to make nature alone his guide. His experience of a soldier's life now proved of considerable service to him, and with happy tact he prepared to minister to the national love of military glory by painting the battles in which France had been victorious and the striking incidents or episodes of the wars of the republic and the empire. The first piece which brought him into notice was his "Capture of a Redoubt," followed within a few years by "The Dog of the Regiment," "The Trumpeters," "Halt of French Soldiers," "Battle of Tolosa," "Massacre of the Mamelukes," "Barrier of Clichy," "Battle of Jemmapes," "Battle of Valmy," "Soldier of Waterloo," "The last Cartridge," "Death of Poniatowski," &c., which for dramatic vigor and life-like detail soon gained a high position among contemporary works of their class, although the sticklers for the old style found much to condemn in them.

In 1822 his works were denied admission into the annual exhibition of the Louvre on account of their "seditious" tendency; whereupon he transformed his studio into an exhibition room, and presented to the public a numerous collection of his own works. In spite of this petty persecution he fared well under the Bourbons, and was made an officer of the Legion of Honor, 1825, and a member of the Institute, 1826. In 1828 he was appointed director of the French academy in Rome, where he remained 10 years, executing in that interval a number of works somewhat different in subject and treatment from his previous efforts, and of which his "Judith and Holofernes," "School of Raphael," "Confession of the Dying Brigand," and "Pope Pius VIII. carried into St. Peter's," may be taken as examples. Louis Philippe, who proved a warm friend of Vernet, commissioned him to paint for the Constantine Hall of the palace at Versailles a series of large pictures, illustrating the triumphs of the French arms in Algeria, conspicuous among which are several episodes in the siege of Constantine, "The Capture of the Smala," "The Battle of Isly," and "The Capture of Bougiah," which are perhaps the largest and finest pictures of their class ever painted. While engaged upon these works he made several visits to Algeria and the Holy Land, for the purpose of studying costumes, physiognomy and scenery, and was thus led to attempt numerous subsequent works illustrating oriental life and history. Prominent among these were a series of biblical subjects in which the characters are habited in the Arabian costume of the present day, as "Rebecca at the Well," "Hagar driven out by Abraham," and "The Good Samaritan." Other well known eastern subjects were his "Lion Hunt," "Council of Arabs," and "Arab Mother Rescuing her Child from a Lion." To the series of French battle pieces already mentioned must be added his battles of Jena, Friedland, Wagram, Arcola and Fontenoy, "The Bombardment of San Juan d'Ulloa," "The Attack on the Citadel of Antwerp," "The Fleet forcing the Entrance of the Tagus," and "The Capture of Rome by Gen. Oudinot." During the latter part of his life he was said to be engaged upon works illustrating the recent campaigns in Italy and the Crimea. He also painted many excellent portraits, including those of Napoleon I. and III., and Louis Philippe.

He declined a peerage from Louis Philippe, and it is honorable to his artistic self-respect that he refused, at the request of that monarch, to falsify history by representing Louis XIV. leading the assault at Valenciennes. In consequence their friendly relations were for a time suspended, and Vernet repaired to St. Petersburg, where he received flattering attentions from the Czar. Subsequently he became reconciled with the king. He was decorated with the chief orders of continental Europe, and at his death stood at the head of his profession in France.

VIRGINIA. That portion of the State which recognizes the Confederate Government, has been so completely occupied by the armies and by that Government, that the details of the army operations and of the Confederate States engross nearly all subjects of interest. The entire military force of the State was absorbed by the Confederate conscription. The State bank circulation entirely disappeared, and the State treasury notes were funded. The debt of the State is $34,399,680. This sum includes interest on the debt which has been uncalled for, and is due to the United States and her citizens, viz., $2,730,921; also the sum borrowed to aid in the war, and which is by agreement to be returned by the Confederate Government, viz., $8,500,000. Deducting the debt due to the literary fund, and the balance is $20,506,097. To offset this, the State holds bank and other stocks, from which can be realized sufficient to provide for all excepting $943,947. An election for governor took place during the year. William Smith was chosen.

VIRGINIA, East. A loyal State government for East Virginia was organized during the year by the election of a legislature and the following State officers: governor, Francis H. Pierpont; lieut.-governor, L. P. C. Cowper; secretary of State, L. A. Hagars; treasurer, G. T. Smith; auditor, L. W. Webb; adjutant-general, F. E. Foster; attorney-general, T. R. Bowden. The loyal eastern counties of the State participated in the election. Alexandria was selected as the temporary capital. In his message to the Legislature, Gov. Pierpont spoke of slavery as doomed, and rec-

ommended the calling of a convention to alter the State constitution so as to abolish slavery forever. In December the Legislature passed an act directing that a convention should be held at Alexandria on the 13th of February, 1864, to amend the constitution and prohibit slavery in the counties of Accomac, Northampton, Princess Ann, Elizabeth City, and York, including the cities of Norfolk and Portsmouth. None but loyal citizens who had not assisted the rebels since January 1st, 1863, were allowed to vote, and any one whose vote might be challenged was required to take an oath to support the constitution, and to declare that he had not in any way given aid and comfort to the enemy. In December, J. C. McLeod (a native Virginian) was elected to Congress from the 37th district.

VIRGINIA, West. The constitutional convention of West Virginia met during the month of February, and, among other important acts, adopted a resolution asking Congress to make an appropriation to aid West Virginia in emancipating her slaves.

On the 26th of March an election was held at which the "Willey amendment" was almost unanimously ratified. The effect of this amendment was to strike out from the constitution the clause excluding free negroes from the State, and to insert in place thereof certain provisions relative to freeing the slaves.

On the 20th of April the President issued a proclamation declaring that the State had complied with the required conditions. An election of State officers was held in May, and the following unconditional Union candidates were chosen by a vote of 30,000, without opposition: governor, Arthur I. Boreman; secretary of State, J. E. Boyers; treasurer, Campbell Tarr; auditor, Samuel Crane; attorney-general, A. B. Caldwell; judges of court of appeals, Ralph L. Berkshire, William A. Harrison, James H. Brown.

The inauguration of the new State took place at Wheeling (the capital), on the 20th of June, with imposing ceremonies. The retiring governor (Pierpont) briefly addressed the citizens, urging them not to forsake the national flag, and introduced the governor elect, whom he pronounced "true as steel." Gov. Boreman made a short speech, in which he said that the only terms of peace were that the rebels should lay down their arms and submit to the regularly constituted authority of the United States. The General Assembly organized on the same day. In his inaugural message to the Legislature Gov. Boreman recommended the immediate passage of laws to effectually extirpate slavery from the State, and that no man should be permitted to vote or hold office until he had taken the oath of allegiance. The Legislature elected W. T. Willey, of Morgantown, and P. G. Van Winkle, of Parkersburg, U. S. senators.

West Virginia was called upon for 10,000 militia during the war. She had already put 20,000 troops into the field.

W

WASIUM.—*Supposed New Metal.* Bahr claims to have discovered in a mineral from Ronsholm, an island near Stockholm, a new metal which, in honor of the royal family of Wasa, he proposes to name *Wasium.* The mineral itself has been termed Wasite; the supposed new metal was also found in Norwegian orthite, and in gadolinite from Ytterby. From the first named of these, about 1 per cent. of the supposed oxide of wasium was obtained, in form of a brownish sandy powder, of density 3.726. Bahr regards as especially characteristic of the new oxide that, upon being treated with strong nitric acid and evaporated, it assumes a gelatinous consistency.

Prof. J. Nicklès, however, declares (*Comptes Rendus*, lvii. 1740), that the supposed wasium of Bahr is nothing more than yttrium blended with a little of its congener didymium, or perhaps terbium. He cites the fact that Klaproth's nitrate of yttria furnishes, on evaporation of its watery solution, the same gelatinous precipitate which Bahr insists on as characteristic of the new metallic oxide.

WHATELY, Richard, D. D., Lord Archbishop of London, born in Cavendish Square, London, February 1st, 1787, died in Dublin, Ireland, October 8th, 1863. He was the fourth son of the Rev. Dr. Joseph Whately, prebendary of Bristol. He was educated at Oriel College, Oxford, then the great school of speculative philosophy, and ranked among the most eminent scholars in that celebrated college. He received the degree of B. A. in 1808, and of M. A. in 1812. In 1810, he obtained the prize for his English essay, "What are the Arts in the Cultivation of which the Ancients were less successful than the Moderns?" In 1811, he was elected Fellow of Oriel, then considered the highest honor in Oxford, except the provostship of the same college. The Fellows of Oriel were, at this period, and for many years later, men of the highest intellectual rank in Great Britain. J. H. Newman, E. B. Pusey, Bishops Miant, Copleston, Wilberforce, Hampden, and others, beside Whately, were among the number. In 1822, Mr. Whately was Bampton Lecturer, taking for his subject "The Use and Abuse of Party Feeling in Matters of Religion," and the same year he was presented to the rectory of Halesworth, Suffolk. In 1825, Lord Grenville, chancellor of Oxford, recalled him to the university as Principal of St. Alban's Hall, on which occasion he took the degree of B. D. and D. D. In 1830, he was elected Professor of Political Economy in the University. In 1831, on the death of Archbishop Magee, Earl Grey appointed Dr.

Whately to the Archiepiscopal See of Dublin, and in 1846, on the death of Dr. Charles Lindsay, he succeeded to the bishopric of Kildare also, that see having been united with Dublin, by the Church Temporalities Act. He was also Visitor of Trinity College, Dublin; Prebendary *ex officio* of Cullen in St. Patrick's Cathedral; Vice-President of the Royal Irish Academy, and Chancellor of the Order of St. Patrick. For more than twenty years he was one of the Commissioners of National Education in Ireland, and during that period he bent all his energies to its advancement and defence. He endowed the Professorship of Political Economy in the Dublin University; not from his abundant wealth, but by the exercise of a strict economy in his personal and family expenditure. The archbishop was a voluminous writer. The published productions of his pen, many of them pamphlets, and local or occasional in character, are more than a hundred in number; but he has also written many books which will live. The following list comprises the most important of his published works: "The Christian's Duty with respect to the Established Government and the Laws," London, 1821; "Historic Doubts relative to Napoleon Bonaparte," Oxford, 1821; "The Bampton Lectures for 1822, on the Use and Abuse of Party Feeling in Religion," 1822; "Essay on some of the Peculiarities of the Christian Religion," 1825; "Elements of Logic," 1826; "Elements of Rhetoric," 1828; "Essays on some of the Difficulties in the Writings of St. Paul," &c., 1828; "Errors of Romanism," 1830; "Introductory Lectures to Political Economy," 1831; "Essay on the Omission of Creeds, Liturgies, &c., in the New Testament," 1831; "Thoughts on Secondary Punishment," Dublin, 1832; "Sermons on Various Subjects," Oxford, 1835; "Essays on some of the Dangers of Christian Faith which may arise from the Teaching or Conduct of its Professors," 1839; "The Kingdom of Christ Delineated," 1841; "Thoughts on the proposed Evangelical Alliance," 1846; "Introductory Lectures on the Study of St. Paul's Epistles," 1849; "English Synonymes," 1851; manuals for the national schools on "Money Matters," on "Reasoning," on the "Evidences of Christianity," and on the "British Constitution," published between 1840 and 1852; "Thoughts on the New Dogma of the Church of Rome," 1855; "Scripture Revelations as to Good and Evil Angels," 1855; "Scripture Revelations as to a Future State," 1856; "Bacon's Essays, with Notes," 1856.

WISCONSIN. In June a correspondence took place between Governor Salomon, of Wisconsin, and Gen. Pope, commanding the Department of the Northwest, in reference to the exercise of military authority in enforcing the conscription. The governor, learning that requests had been made to supply State arms to the assistant provost-marshal, expressed the belief that the people were willing to obey the law, and the civil authorities to execute it. In his reply Gen. Pope says that he will employ military force only after every resource of the civil authority has been used without success. He uses the following language:

> I have been satisfied from the beginning that in nearly every case the conscription law can be executed by the civil authorities alone, through the people acting under their direction in the legal and usual forms. In the discretion intrusted to me by the Government, as to the employment of military force for the execution of this law within this military department, I have steadily declined to permit the use of any troops under my command, unless I could be convinced that all other legitimate means had been tried without success. Already, in one or two cases, I have found that application for military aid had been made without necessity, the enrolment under the law having been completed thoroughly by the willing aid of the civil authorities.
>
> The habit of resorting to military force in every trifling case of opposition or resistance to the laws, is becoming so common as to excite in the minds of judicious men very serious alarm. Such a practice entirely supplants the civil authorities, sets aside time-honored means for the enforcement of the laws in this country, destroys in the citizen that feeling of personal interest in their execution, through which alone we have maintained popular government, and prepares the public mind for complete abdication of civil rule. It is impossible to believe that citizens of this country, except under the immediate influence of excitement, can be willing to trust the enforcement of civil law to military force, and thus to surrender the very highest privilege and duty of American citizens.

The Legislature gave an earnest support to the war, and appropriated $350,000 to organize and bring into active service the militia, "to repel invasion, suppress insurrection and defend the State in time of war."

The vote for governor at the fall election stood as follows: Lewis (Republican), 79,959; Palmer (Democrat), 55,218; majority for Lewis, 24,711. The number of troops sent to the army by Wisconsin up to Nov. 1st, 1863, was 42,585.

Y

YANCEY, William Lowndes, an American politician, born in Columbia, S. C., in 1815, died near Montgomery, Ala., July 28th, 1863. Early in life he removed to Alabama, and represented that State in the 28th and 29th Congresses. He subsequently became known as a prominent leader of the extreme Southern States' Rights party. In 1858 he advocated the organization of "Committees of Safety" in the South, and in 1859 urged the calling of a convention by the State of Alabama, in the event of the election of the Republican candidate for President in 1860. In Jan., 1861, he reported the secession ordinance in the Alabama Convention, and in the succeeding March went to Europe to urge upon foreign powers the recognition of the Confederate States. Early in 1862 he took his seat in the rebel Congress as one of the senators from Alabama, and until near the close of his life was actively engaged with legislative duties.

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